[NL] Tariffs for Supervising On-demand Services Introduced into Dutch Media Regulation

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In a Regulation of 17 December 2012, the Dutch State Secretary of Education, Culture and Science amended the annex to Article 17 of the Mediaregeling 2008 (Media Regulation 2008). Consequently, as of 1 January 2013, on demand media services are subject to supervision costs.

The Media Regulation 2008 contains implementation provisions of the Mediawet 2008 (Media Act 2008). According to Article 17, commercial media organizations must contribute to the costs of supervising their media services by the Commissariaat voor de Media (the Dutch Media Authority). These costs are determined on the basis of the annex to Article 17. The annex was deemed outdated as it previously focused on traditional linear broadcasting services and allegedly did not correspond any longer to actual supervision costs.

Therefore, the current amendment aims to simplify and improve the cost arrangement in order to adjust it to current practice. To that end, the Regulation includes several changes. A new element is the replacement of the zero-tariff for both broadcasting services on the ‘open internet’ and commercial on demand services: the Regulation introduces a ‘flat fee’ of EUR 200 per year. The State Secretary justifies the low amount by explaining that the existing criteria (applicable to linear services) of ‘average broadcasting time’ and ‘potential reach’ do not apply to on-demand media services; furthermore, the regime with which on-demand services have to comply is less strict and accordingly requires less supervision. Other amendments regard: the same criteria will be used to determine the costs for different media services; foreign-oriented broadcasting services become a separate category with fixed rates; and the actual reach of television broadcasting services will be taken into account through market shares. As a result, major national stations and foreign-oriented services will contribute more to supervision costs.

Regeling van de Staatssecretaris van Onderwijs, Cultuur en Wetenschap van 17 december 2012, nr. MLB/461975, houdende wijziging van de bijlage behorende bij artikel 17 van de Mediaregeling 2008

https://zoek.officielebekendmakingen.nl/stcrt-2012-27183.html

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Regulation of the State Secretary of Education, Culture and Science of 17 December 2012, regarding amendment of the annex to Article 17 of the Media Regulation 2008

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