[NL] Broadcasting Regulator Imposes a EUR 160,000 Penalty on Disney for Exceeding the Maximum Advertising Time

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Emilie Kannekens
Institute for Information Law (IViR), University of Amsterdam

On 18 November 2014, the Commissariaat voor de Media (Dutch Media Authority - CvdM) imposed a EUR 160,000 penalty on TV10 B.V (Disney) for exceeding the maximum advertising time on the commercial broadcasting channel Disney XD.

The maximum time for broadcasting commercials or teleshopping programmes on television is 12 minutes per hour, according to Article 3.8 of the Dutch Media Law (Mediawet 2008). Disney repeatedly exceeded this time by up to 15 minutes and 59 seconds of advertising during the months of November and December 2013. Disney admitted exceeding the time, but claimed that the violations were not deliberate or motivated by commercial intentions. Disney claimed that the proposed penalty was disproportionately high, on the grounds that the violations were not structural and a by-product of unintentional mistakes.

The CvdM qualified the violations as very serious, due to the fact that the broadcasting of the advertisements took place during the broadcasting of television programmes for children. Exceeding the maximum advertising time can affect children. The protection of minors is one of the main priorities of the CvdM. The CvdM emphasised that minors are a vulnerable group of the population, which an independent supervisory authority like the CvdM should aim to protect. The CvdM imposed a penalty on Disney from the highest category.

The maximum size of an administrative penalty in the relevant category is set at EUR 225,000. The CvdM took Disney’s precautionary measures and appropriate steps after the violation into account when deciding on the size of the penalty. The fact that Disney did not receive a prior warning was not seen as a reason to lower the penalty.

Sanctiebeschikking van het Commissariaat voor de Media betreffende een overtreding van artikel 3.8 eerste lid, van de Mediawet 2008 door TV 10 op het programmakanaal Disney XD, 18 november 2014, 626148/635635

http://www.cvdm.nl/wp-content/uploads/2014/12/Sanctiebeschikking-Disney-XD.pdf

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Decision concerning a penalty by the Dutch Media Authority relating to a violation of the first paragraph of Article 3.8 of the Media Act 2008 by TV 10 programme channel Disney XD, 18 November 2014, 626148/635635

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