[NL] Dutch Media Authority Becomes Supervisor for Netflix in Europe

IRIS 2015-4:1/21

Dirk W. R. Henderickx
Institute for Information Law (IViR), University of Amsterdam

On 3 March 2015, the Commissariaat voor de Media (Dutch Media Authority - CvdM) published its decision of 3 February 2015 with regards to the application of Netflix as a commercial on-demand audiovisual media service. In this decision, the Dutch Media Authority accepted Netflix's application. The result is that Netflix is, from now on, supervised by the Dutch Media Authority in Europe and should adhere to the Dutch Media Act (Mediawet 2008).

On 1 January 2015, Netflix International B.V. changed its place of establishment, switching from Luxembourg to the Netherlands. On 9 January 1015, Netflix International B.V. applied to the Dutch Media Authority with a request to classify and register Netflix as a commercial on-demand audiovisual media service within the meaning of the Dutch Media Act.

In its decision of 3 February 2015, the Dutch Media Authority accepted Netflix's application. Thereby, Netflix's European branch is now under the auspices of the Dutch Media Authority instead of that of Luxembourg.

As a consequence, Netflix's European branch should now adhere to the provisions with regard to commercial on-demand audiovisual media services of the Dutch Media Act. These provisions regulate, inter alia, the use of advertisements, sponsoring and product placement. Furthermore, the Dutch provisions on commercial on-demand audiovisual media services state that the provider of such a service should promote the production of and access to European productions.

Moreover, Netflix voluntarily affiliated itself with the Netherlands' Institute for Classification of Audiovisual Media, NICAM, the organisation responsible for coordinating the "Kijkwijzer" scheme (see IRIS 2004-4/30). The Kijkwijzer scheme aims at protecting minors from (unexpected) content which might seriously impair their physical, mental or moral development. Kijkwijzer is mostly known for its icons, which reveal the nature of the content involved (depicting e.g. "violence", "fear" or "discrimination") and are generally shown before the user watches the audiovisual content involved. Netflix's users will primarily notice the company's newly-forged affiliation by means of the use of Kijkwijzer icons in its video services.

© European Audiovisual Observatory (Council of Europe) 2026

Commissariaat voor de Media, "Commissariaat voor de Media toezichthouder op Netflix in Europa", 3 maart 2015

http://www.cvdm.nl/nieuws/commissariaat-voor-de-media-toezichthouder-op-netflix-europa

Dutch Media Authority, 'Dutch Media Authority supervisor for Netflix in Europe', 3 March 2015

Commissariaat voor de Media, 'Besluit van het Commissariaat voor de Media inzake het verzoek van Netflix International B.V. tot classificatie en registratie van Netflix als commerciële mediadienst op aanvraag als bedoeld in artikel 3.29a van de Mediawet 2008', kenmerk 640202/641357, 3 februari 2015

http://www.cvdm.nl/wp-content/uploads/2015/03/641357-Besluit-Netflix-International.pdf

Dutch Media Authority, 'Decision from the Dutch Media Authority with regards to the application of Netflix International B.V. to classify and register Netflix as a commercial on-demand audiovisual media service within the meaning of article 3.29a of the Dutch Media Act', reference 640202/641357, 3 February 2015

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026