[NL] No compulsory licence for broadcasters in the public broadcasting system

IRIS 1997-4:1/18

Nico van Eijk
Institute for Information Law (IViR), University of Amsterdam

There will be no legal obligation for broadcasters broadcasting in the Dutch public broadcasting system to allow the distribution of their television programmes by satellite. During the recent debate on several changes of the Media Act, Members of Parliament supported the idea that it should be possible for Dutch citizens staying outside the Netherlands to watch the programmes of the public broadcasting channels (Nederland 1, 2 and 3).

The programmes of the private commercial broadcasters broadcasting in the Dutch language (RTL4, RTL5, Veronica and SBS6) are already available to them via satellite. They can be received as part of a package offered by Multichoice (part of Nethold (Benelux), which was recently taken over by Canal Plus; see IRIS 1997-2: 7). The official position of the broadcasters in the public broadcasting system was that they had to refuse the broadcast of their programmes by Multichoice for copyright reasons. But also political reasons were suspected to be hidden behind this motivation. Multichoice said that it had offered to pay for the copyrights involved.

The proposed amendment to introduce a compulsory licensing scheme was attacked by the government. The responsible Under Secretary of State, Mr Aad Nuis, argued in a letter to Parliament that a compulsory licensing scheme would be an infringement of both the Berne Convention for the protection of the literary and artistic works and Council Directive 93/83/EEC of 27 September 1993 on the co-ordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. But he also wrote that the public broadcasters had withdrawn their initial objections and were willing to work out a solution. In response to the letter, Parliament withdrew its amendment.

Amendment to the Media Act, TK 1996-1997, 24.808, No 16, Letter to Parliament, TK 1996-1997, 24.808, No 46.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026