[NL] Dutch Media Authority imposes EUR 275,500 fine on regional public service broadcaster

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In a decision on 22 September 2015, the Commissariaat voor de Media (the Dutch Media Authority - CvdM) imposed a EUR 275,500 fine on Stichting Omroep Limburg (SOL; more commonly known as L1), a regional Dutch public service broadcaster. According to the Dutch Media Authority, the broadcaster L1 was fined because of commercial interference, which violates the Dutch Media Act. Extensive investigation showed several serious violations in the areas of sponsorship and advertisement.

In 2014, website operator and competitor of L1, WijLimburg B.V. filed a request for enforcement with the Dutch Media Authority. WijLimburg B.V. argued that L1 had violated the Dutch Media Act. On account of its supervisory function, the Media Authority opened an investigation into L1's commercial activities.

According to the Media Authority, independence and non-commercialism are important principles in the Dutch public service broadcasting system. They are guaranteed by several articles in the Media Act, including articles on advertising, prohibited communications, sponsorship and the prohibition on subservience to profits of third parties (Article 2.88b(1), Article 2.89(1b), Article 2.94(1a) and 2.95(1a), Article 2.106, Article 2.108 and Article 2.141(1) of the Dutch Media Act respectively). In the opinion of the Media Authority, L1 violated all these articles. Most of the violations concerned sponsorships. In exchange for a financial contribution to a TV show or TV series, frequent references were made to goods or services of the relevant sponsor.

Due to the violations of these articles, the Media Authority decided to impose a EUR 275,500 fine on L1. The Authority considered the fine proportionate to the discovered violations. Because of the severity of the violations, its extent and the unfair competition which has affected commercial media institutions like WijLimburg B.V., the Media Authority saw no reason to waive enforcement or to lower the intended fines. It emphasised the importance of public service broadcasters consistently checking whether their activities and media content are in accordance with the Media Act.

Commissariaat voor de Media, Boetebeschikking van het Commissariaat voor de Media betreffende overtreding door Stichting Omroep Limburg

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van de artikelen 2.88b, eerste lid (herkenbaarheid reclameboodschappen), artikel 2.89, eerste lid onder b van de Mediawet (vermijdbare uitingen), artikel 2.94 eerste lid onder a en artikel 2.95 eerste lid onder a van de Mediawet (reclameboodschappen), artikel 2.106 en 2.108 (sponsoring) en artikel 2.141, eerste lid van de Mediawet 2008 (dienstbaarheidsverbod), 22 september 2015

http://www.cvdm.nl/wp-content/uploads/2015/10/Boetebeschikking-Stichting-Omroep-Limburg.pdf

Dutch Media Authority, Decision with regard to the imposition of a fine by the Dutch Media Authority concerning violation of the Media Act 2008 by Stichting Omroep Limburg, 22 September 2015

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