[NL] First Implementation of the Revised “Television without Frontiers” Directive by the Media Authority

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Mediaforum
Media Forum

On 24 November 1997, the Media Authority of The Netherlands (Commissariaat voor de Media) wrote a letter to the Holland Media Groep (HMG) that it will extend its monitoring activities for compliance with the Dutch Media Act, to the broadcasters of HMG (esp. RTL4 and RTL5). A similar letter was sent to radio broadcasters Sky Radio and Classic FM.

This decision is based on the revised 'Television without Frontiers' Directive which stipulates that a broadcaster is deemed to be established in a Member State when it has its Head Office in this Member State and takes its editorial decisions in this Member State. This provision of the revised Directive has already been transposed into Dutch national law by means of Article 4, par. 1 jo. Article 1 under hh. and p. of the amended Media Act, which entered into force on 1 September 1997.

SBS6 and Veronica are already considered as 'Dutch' broadcasters. RTL4 and 5 claim to be established in Luxembourg. According to the 'Commissariaat voor de Media' - pursuant to the revised Directive - they are established in Hilversum, the Netherlands, since the decisions on programming are being taken here. The Media Authority gave the HMG until 6 January 1998 to ask for a private commercial broadcasting licence under Dutch media law. Without such a licence, cable operators will no longer be allowed to distribute the programmes of HMG. The HMG has also been instructed to bring the contents of its programmes in line with the Dutch rules on advertising and sponsoring, before 1 March 1998.

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Letter of 20 November 1997, ref. MBe/6773/mvd, Staatscourant of 24 November 1997, 226

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