[NL] New rules on the designation of local broadcasters

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On 1 February 2023, the *Commissariaat voor de media* (Dutch Media Authority) published an important new Policy Rule for the designation procedure for local broadcasters. The Media Authority drew up the new Policy Rule to provide municipalities and (potential) local broadcasters with more clarity and guidance during the designation procedure. This is the procedure to be followed when determining whether an applicant (partly on the basis of advice from a municipal council) receives a designation as a local broadcaster from the Media Authority. The policy rule came into effect on 1 February 2023.

Under the Media Act 2008, the Media Authority designates local public media institutions. In practice, according to the Media Authority, “there has been a need for clarification and updating of the designation procedure for some time”. For example, in the areas of the method of assessing applications and the consequences of mergers of local public media institutions. As such, a number of policy changes have been made under the new Policy Rule. First, the Media Authority will announce in the Government Gazette when a designation procedure is to be opened and the deadline for the submission of applications. Second, there is a new deadline for submission for all applications, namely six months prior to the expiry of the current designation. Applications submitted to the Authority after this date will, in principle, be rejected. If the application is on time, but not complete, a recovery period of two weeks is offered. Third, in the event of several applications having been submitted for the same municipality and that municipality does not issue a preference recommendation, the Media Authority will designate one of the applicants as the local broadcaster by drawing lots by a civil-law notary. Fourth, in the case of a merger, in which one municipality merges into another municipality, the designation of the local broadcaster for the municipality that continues to exist remains in force. Finally, the Media Authority will ask municipalities to draw up assessment criteria for the situation in which multiple applications are submitted no later than 11 months before the expiry of a designation of a local broadcaster. These criteria can be used by applicants to tailor their applications, and will be applied by municipalities when comparing multiple applicants.

Finally, the Media Authority noted that during the preparation of the Policy Rule, the Ministry of Education, Culture and Science started implementing the government's new policy to strengthen local public broadcasting (see IRIS 2023-2/12). The intention is that the Media Act will be amended in 2025 on the basis of

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the outcome of this policy. Until then, the Media Authority will apply the rules that currently apply to the processing of applications for designation as a local broadcaster. The new Policy Rule seeks to provide clarity about the designation procedure until the Media Act is amended.

Commissariaat voor de media, Nieuwe beleidsregel aanwijzingsprocedure lokale omroepen, 1 february 2023

https://www.cvdm.nl/actueel/nieuwe-beleidsregel-aanwijzingsprocedure-lokale-omroepen

Dutch Media Authority, New policy rule for the designation procedure for local broadcasters, 1 February 2023

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