[NL] Sanction imposed on controversial broadcaster *Ongehoord Nederland* upheld

IRIS 2023-8:1/17

Ronan Ó Fathaigh
Institute for Information Law (IViR)

On 12 July 2023, the Board of Directors of the *Stichting Nederlandse Publieke Omroep* (Dutch Public Broadcasting Foundation – NPO) issued a high-profile decision, upholding a financial sanction imposed on the Dutch broadcaster *Ongehoord Nederland* (ON). This follows a formal request made by the NPO's Board of Directors in April 2023 asking the Secretary of State for Culture and Media to withdraw the provisional recognition of the broadcaster ON, having already imposed three separate fines on the broadcaster, including a EUR 131 000 fine in April 2023 for "systemic violation" of the NPO Journalistic Code in relation to the broadcaster's news programme; a EUR 84 000 fine in July 2022 for an earlier systematic violation of the NPO Journalistic Code; and a EUR 56 000 fine in December 2022 for a "lack of cooperation" (see IRIS 2023-6/16). The broadcaster ON includes in its mission statement the claim that is a "critical voice" on important social issues, including the "ill effects of mass immigration", and the "preservation of Dutch traditions and culture".

Under the Dutch Media Act, the NPO has the task of ensuring that public broadcasters meet high journalistic and professional quality standards, and may impose administrative sanctions. The EUR 56 000 sanction at issue had been imposed on the broadcaster in December 2022 for non-compliance with the legal obligation to cooperate in the performance of the public media assignment. ON had lodged an objection against this sanction with the independent Advisory Committee on Public Broadcasting Objections (*Adviescommissie Bezwaarschriften Publieke Omroep*), but the Advisory Committee advised the Board to reject ON's objection, and declare the decision unfounded.

First, the Advisory Committee stated in its advice that the NPO has rightly concluded that the broadcaster demonstrated insufficient willingness to cooperate in the performance of the public media assignment. The Advisory Committee noted that the broadcaster regularly showed "little constructive behaviour", and used language that did not contribute to "good relations within the public media system". The broadcaster had committed to comply with the media law and all internal codes of conduct, policies and binding rules of the NPO in the context of the admission to the public media system. However, the broadcaster repeatedly failed to comply with these agreements; the broadcaster "chooses its own interpretation" of the Media Act, and its "own interpretation of applicable rules within the broadcasting system", according to the Advisory Committee. The

© European Audiovisual Observatory (Council of Europe) 2026

Advisory Committee concluded that the broadcaster had demonstrated an insufficient willingness to cooperate and, according to the Advisory Committee, the NPO was authorised to impose the sanction. Finally, on proportionality, the Advisory Committee concluded that there was a need to impose this sanction, and the amount was proportionate. Following this decision, the NPO is awaiting the response of the Secretary of State for Culture and Media to withdraw the provisional recognition of the broadcaster ON.

NPO handhaaft tweede sanctie Ongehoord Nederland in bezwaar, 12 juli 2023

https://pers.npo.nl/persberichten/npo-handhaaft-tweede-sanctie-ongehoord-nederland-in-bezwaar

NPO upholds second sanction against Ongehoord Nederland in objection, 12 July 2023

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026