[NL] Senate passes bill requiring major streaming platforms to invest in Dutch productions

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Oussama Touzani
Institute for Information Law (IViR), University of Amsterdam

On 31 October 2023, the senate (*Eerste Kamer*) approved an important bill amending the Media Act (*Mediawet*) 2008. The bill was introduced in July 2022 by the Secretary of State for Culture and Media (*Staatssecretaris Cultuur en Media*) (see IRIS 2022-8/16) and will now require major streaming platforms – with an annual Dutch turnover of more than EUR 10 million – to invest 5% of that turnover in Dutch audiovisual productions such as series, films and documentaries (see IRIS 2023-7/10). The primary objective is to encourage Dutch cultural offerings – sports are explicitly excluded – to compete effectively with the large international offerings. This obligation, according to the secretary of state, is expected to generate more than EUR 40 millions in investment and is designed to increase the supply of Dutch productions on streaming services.

The bill entered into force on 1 January 2024. According to the secretary of state, this is appropriate for several reasons. The relevant turnover of these media institutions will also be calculated from that point in time. Given the organisation of the financial year, 1 January is a logical and workable date of entry into force for the streaming platforms involved, in the sense that it will be easier to determine the relevant annual turnover. In addition, the sector is familiar with the content of this bill. Only a limited number of parties will have to meet the investment obligation. These parties are, according to the secretary of state, sufficiently prepared for its entry into force. This also applies to the *Commissariat voor de Media* (Dutch Media Authority) as the supervisory authority.

Going forward, the Minister of Education, Culture and Science will report annually to the States General (Parliament and Senate) on the amounts invested by streaming platforms in Dutch cultural audiovisual productions during the preceding financial year , whether in documentary films, documentary series, drama series or feature films. Moreover, the minister will also send a report to the States General within three years after the entry into force of this bill on its effectiveness and the effects of this investment obligation in practice.

Invoeren investeringsverplichting ten behoeve van Nederlands cultureel audiovisueel product, 31 oktober 2023

https://www.eerstekamer.nl/wetsvoorstel/36176_invoeren

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Bill to amend the Media Act 2008 in connection with the introduction of an investment obligation for the benefit of Dutch cultural audiovisual productions, 31 October 2023

Saatssecretaris Cultuur en Media, "Streamingdiensten moeten per 1 januari 2024 meer investeren in Nederlandse producties", 31 oktober 2023

https://www.rijksoverheid.nl/ministeries/ministerie-van-onderwijs-cultuur-en-wetenschap/nieuws/2023/10/31/streamingdiensten-moeten-per-1-januari-2024-meer-investeren-in-nederlandse-producties

Secretary of State for Culture and Media, "Streaming services must invest more in Dutch productions as of 1 January 2024", 31 October 2023

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