



Editions back to 1995

## 320

### Law of 18 May 1995 amending certain provisions of the Media Act with a view to the implementation of Directive No 89/552/EEC of the Council of the European Communities of

We Beatrix, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc etc.

All who shall men Be it known:

Whereas we have considered that it is necessary to amend the Media Act to implement Directive No 89/552/EEC of the European

We, having heard the Council of State, and in joint consultation with the States General, have approved and decreed as we and with:

#### Article I

The mediawet1 is amended as follows:

Article 1 (1) is amended as follows:

- 1 To the section P is added: Or a programme as referred to in Article 167 (1).
- 2 Replacing the full stop at the end of Part yy by a semicolon and the following subparagraphs are added:

KK. European Directive: Directive No 89/552/EEC of 3 October 1989 on the COO " rdi-natie of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298);

## Unofficial Translation

2001 the programme sponsorship: Providing finance "le or other contributions by a public or private undertaking not normally involved in broadcasting activities or in the production of audio-visual productions, at  
Mm (sponsor: The government agency or private undertaking that sponsors a programme;  
Nn. sponsor's contribution: The contribution provided by a sponsor.

In Article 10 (3) (c), after "pay programme" inserted: Or a programme as referred to in Article 167 (1),.

In Article 43b paragraph 2, "a request is refused, the deadline by which decisions are taken and affiliation to foundation advertising code" shall be replaced by " Cases where the application is rejected, and the period allowed for any decision on an application.

To Article 43c (placing the figure "1" for the wording, a new paragraph 2 is added:

2. Local and regional broadcasting organisations that programme components referred to in Article 43a, shall ensure that they direct or by way of interest organisation connected BI Demonstrate this by means of a required to provide written statement by the Stichting Reclame Code

With Article 50 (8) a sentence is added: In the programme of the Foundation is etherreclame not use subliminal techniques.

In Article 51 (1), "Article 50 (2)," shall be replaced by " Articles 50 (2) 54 and 54a.

After Article 52 the following Articles shall be inserted:

### Article 52a

- 1 The programme components of institutions that have obtained broadcasting time, to be sponsored.
- 2 By way of derogation from paragraph 1, the following sections: sponsored not

## Unofficial Translation

- A. programme units, consisting of news, current affairs or political information;
- B. assistance which concerns them primarily intended for minors below the age of 12 years;
- C. programme components of consumers information on products or services.

### Article 52b

- 1 By way of derogation from the first sentence of Article 52 (2) shall be allocated at the beginning or at the end of a sponsored programme component of an institution which has obtained air time
- 2 On a sponsored programme component for television the indication of the sponsors of no more than five seconds. It shall be's name, trademark, logo or symbol. Where the entry is not carried out for the aanof aftitelrol, it consists exclusively of still images. The indication shall not be full screen mode, and has been further designed in a way that does not meet the definition of advertising message, referred to in Article 1 (1) (R).
- 3 In a sponsored line will be no products or services of the sponsor shown or if a sponsor's contribution in cash.

### Article 52c

If a sponsored programme component has been purchased from abroad and for the foreign public already been broadcast programme, Articles 52A and 52B only Va

After Article 53 the following Article 53a is inserted:

### Article 53a

- 1 An institution which has obtained air time, in its programme, gave no films, within a period of two years from the start of its operations in the cinemas of these The time-limit shall e ´ e some years in the case of co-productions of films on the relevant institution which has obtained air time has been instrumental.
- 2 Rightholders on the film and the relevant institution which has obtained air time, by agreement, derogate from paragraph 1.

Article 54 shall be replaced by the following:

## Unofficial Translation

### Article 54

1 Institutions that have been allocated broadcasting time, allocate at least 50% of their broadcasting time for television services, to programme components which can be classified as European productions within the meaning of Article 6

2 Institutions that have been allocated broadcasting time, allocate at least 10% of their transmission time for television services, to programme components as referred to in paragraph 1, which are not manufactured by

- A. the relevant institution which has obtained air time, or any other institution which provides a programme;
- B. A legal entity in which an institution which provides a programme, whether or not by means of one or more of its subsidiaries, more than twenty-five per cent
- C. a legal entity in which two or more establishments which provide a programme, whether or not by means of one or more of their respective subsidiaries, together an interest Va Or
- D. a company in which an institution which provides a programme, or one or more of its subsidiaries, as a partner fully to creditors is liable for the debt.

3. Represent at least one third of the programme components referred to in paragraph 2 shall be no more than five years.

4. For the purposes of this Article, the following components for television shall be disregarded:

- A. programme units, consisting of news
- B. assistance which concerns them relating to sport;

C. assistance which concerns them the character of a game, excluding programme components of cultural or educational nature, as contributing to the nature of games;

D. the teletext programme of the Foundation referred to in Article 17.

5. This Article shall not apply to the Foundation etherreclame, institutions that have obtained broadcasting time for local broadcasting, public institutions, religious congregations, Communities with a spiritual basis and political parties E

### Article 54a

1 Institutions that have been allocated broadcasting time, devote at least 40% of their broadcasting time for TV originally nederlands-of frisian-language programme components.

2 This Article shall not apply to the foundation, public institutions, religious congregations, etherreclame Communities with a spiritual basis and political parties and groups.

In Article 55 (1), "Articles 26, 43a and 52" shall be replaced by " Articles 26, 43a, 52 and 52b.

In Article 55a (1), "the Foundation" shall be replaced by " The Executive Board of the Foundation.

After Article 56 the following Article 56a is inserted:

**Article 56a**

1 Without prejudice to Article 52a (2), institutions that have obtained broadcasting time, sponsorbijdragen only directly from the sponsors and by means of a written agreement. clause or

2 Institutions that have been allocated broadcasting time for national broadcasting, do so within e ´ e some week following an agreement as referred to in paragraph 1 and in any event Regulation ´ O ´

3 If the Executive Board of the Foundation such an agreement is not compatible with the common interest of the institutions that have obtained broadcasting time for national broadcasting, and he

4 If the Agreement shall be amended, paragraphs 2 and 3 shall apply mutatis mutandis.

5 Institutions that have obtained broadcasting time, clause or not accept sponsorbijdragen of individuals, firms or institutions:

- A. those which are predominantly engaged in the production or sale of cigarettes and other tobacco products;
- B. those which are predominantly engaged in the production or sale of medicinal products or medical treatments approved in the Netherlands only on prescription may respectively Or
- C. using names, trademarks, logos or logos which are also used by individuals, firms or institutions as referred to in (a) or (b) or execution of a Z

6. If a sponsored programme component from abroad have been purchased and for the foreign public was already covered as a successor has been sent, the provisions of this Article only apply for

In Article 61, (placing the figure "1" VO ´ O ´ r the text, a new paragraph is added:

2. Without prejudice to Article 56a, the Foundation etherreclame on behalf of the institutions that have obtained broadcasting time for national broadcasting, carry out activities related to sponsoring of

After Article 61 is a new Article 61a is inserted:

## Unofficial Translation

### Article 61a

Etherreclame the Foundation shall ensure that it is insured under the Dutch advertising code or equivalent by the Foundation advertising code created scheme and to Etherreclame show this to the Foundation by means of a required to provide written statement by the Stichting Reclame Code

After Article 64a the following Articles are inserted:

### Article 64b

1 Without prejudice to Article 64, introductory sentence and point D, institutions that have obtained broadcasting time, a programmastatuut to ensure setting out, at least for the editorial independence of their  
2 This Article does not apply to public bodies, churches, Communities with a spiritual basis and political parties and groups.

### Article 64C

1 Institutions that have obtained broadcasting time, shall report annually in writing to the Commissariaat voor de Media on the income from sponsorbijdragen, the sponsored programme components and the description of the  
2 The Media Authority may lay down more detailed rules relating to the establishment of the report, the period within which a report will be produced, and the period to which the report took

Article 66 (e) shall be replaced by the following:

E. pay programme and programmes referred to in Article 167 (1); And

In Article 69, a new paragraph 3 is added:

3. Paragraph 1 shall not apply to the carer of a pay programme that falls within the competence of one of the Member States of the European Communities, not operational

Article 71 (3) shall be replaced by the following:

3. By general administrative order for carers of programmes referred to in Article 66, point D, in respect of these programmes to implement the rules  
4. The provisions laid down in accordance with paragraph 3 shall not apply to the provider of a programme referred to in Article 66, point D, which falls within the jurisdiction of one of the Member States of the European Communities, other than the Netherlands, or of one of the other States that are parties to the Agreement on the European Economic Area

## Unofficial Translation

In Article 71a is hereby replaced by the following: Section B  
B. they may fall into the remit of the Netherlands;

In Article 71st (1) (b), "Articles 71i 71k (b)" shall be replaced by "and 71l and 71m" and Articles 71i 71k, and 71l.

Article 71g (2) shall be replaced by the following:

2. By general administrative order for commercial pressure " le broadcasting organisations in respect of television programmes rules for the application of Articles 4 to 7 and 10 to " shall be replaced by " To this general administrative regulations may on these issues also corresponding rules be laid down as to, radio programmes.

Article 71i shall be replaced by the following:

### Article 71i

Additional general administrative regulations may rules relating to the payment of advances on a commercial pressure " le service broadcaster who has obtained authorization under this Act AA

Article 72 is amended as follows:

1. Paragraph 3 shall be replaced by:

3. By general administrative order for providers of a pay programme for television with regard to these programmes rules for the application of Articles 4 to get " shall be replaced by " As far as rules for the application of Articles 4 to 6 of the European Directive, due account will be taken of the special nature of pay programme.

2. In (5) (b), "other advertisements" shall be replaced by " Sponsorbijdragen.

After Article 73, a new Article 73a is inserted:

### Article 73a

The provisions of Articles 72 and 73, with the exception of Article 72 (1), shall not apply to the carer of a pay programme that falls within the competence of one of the Member States of the European Communities, other than the Netherlands, or of one of the other States that are party to the European Agreement on the

## Unofficial Translation

After Article 134 a new Article 134a is inserted:

### **Article 134a**

- 1 In carrying out their tasks, the members and staff of the Commissariaat voor de Media. a professional identity card
- 2 Without prejudice to Article 1 (1) and (2) of the general law of the entry, demonstrating their professional identity card, on request, immediately report.
- 3 The identity badge contains a photograph of the staff member or of the Authority and in any event shall indicate his name and capacity.

In Article 135 (1) after "Article 52 added after" ARTICLE 52A, 52B,» after "Article 56, paragraph 1" «Article 56a is inserted, and "Article 71i, introductory wording and onderdee

AA

Article 138 shall be replaced by the following:

### **Article 138**

Members of the media authority and their designated staff from the Authority shall have the power to require information of institutions operating in a programme for

### **Article 138a**

1. Members of the media authority and their designated staff from the Authority shall have the power to require access to business information and documentation Va
2. They continue to have sole responsibility of the particulars or documents kopiee " n.
3. If making kopiee " N off site of the data protection Directive, it can be taught the particulars and documents for that purpose for short time at a

### **Article 138b**

1. Members of the media authority and their designated staff from the Authority shall have the power to enter any of the points which are in use BI
- 2.They are responsible to be accompanied by persons for that purpose by the members of the Dutch media authority have been designated, in so far as the aim of entry reasonably required.



## Unofficial Translation

### **Article 138c**

Any body a programme for domestic broadcasting, a pay programme or a programme as referred to in Article 167 (1) shall be obliged to afford assistance to the Commissariat Voo

### **Article 138d**

Institutions having a programme for domestic broadcasting, a pay programme or a programme as referred to in Article 167 (1), for two weeks of the broadcast recordings HU Member States shall determine these recordings made available on request to the media authority.

### **Article 138e**

1 Articles 138 to 138d shall apply mutatis mutandis to the world service.

2 Articles 138 to 138d shall not apply to the carer of a pay programme or a programme as referred to in Article 167 (1), that is under

BB

Shall be replaced by the following: Article 139

### **Article 139**

Each institution which has obtained air time shall ensure that the members of the media authority and their designated staff of the Commissariat desgevraag

Article 167 (3) shall be replaced by the following:

3. The provisions of Articles 69 (2) and 72 (4) (5), and 73a, with the exception of the last sentence of Article 73, vijfde

## Unofficial Translation

See in the States-General: Kamerstukken II 1993/94, 1994/95, 23 752. Operations II 1994/95, page 2854 – 2879; 2896 – 2897. Kamerstukken I  
1994/95, 23 752 (199 199a, ..., 199c). Acts 1994/95 I, p. 1190 – 1192.

<sup>1</sup> *statsblad* 1994, 386, as last amended by the law of 23 December 1994 (*statsblad* 946

DD in Article 167a (1) (c), the comma after "Granted"

Replaced by a semi-colon and "without prejudice to Article 167 (3);". EE

After Article 168 a new Article 169 inserted:

### Article 169

The Minister shall establish rules for the implementation of Articles 12, 15 and 16 of the Directive as far as the Minister considers one or more of these

FF

After Article 170a a new Article 171 inserted:

### Article 171

Changes to European directives shall enter into force for the application of Article 54 in force on the day on which the amending directive in question. implementation of

GG

In Article 175, in the first sentence, after "64 (2)," shall be inserted: 71, third paragraph, 71 g (2) (3), 72 (3),.

### Article II

Articles of this Act shall enter into force on a date to be determined by Royal Decree for the various articles or components may be different.

We order and command that this be published in the Official Gazette and that all ministries, authorities, bodies and officials whom it may, to the accurate implementation the shall

Done at The Hague, 18 May 1995, Beatrix

State Secretary for Education, Culture and Science,  
Nuis A.

Issued the 27th June 1995 the Minister of Justice,  
W. Sorgdrager