

The Netherlands

Commissariaat voor de Media (CvdM)

Bern meeting

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New general director for the CvdM

Per 1 March 2015 a new general director has been appointed within the Dutch media authority, the CvdM: Remco Dolstra. During the last six years he was Director of Communications at the Ministry of Finance. Remco who holds a master in Public Administration will combine the function of general director with being head of external relations and policy affairs. As a consequence he will be in charge of the daily management of the CvdM, a task which was previously performed by the management team.

A fine of € 150.000 for public service broadcaster NTR for a violation of the Dutch Media Act

The NTR, one of the national Dutch public service broadcasters, created and broadcasted a children television programme about Sinterklaas (called: Het Sinterklaasjournaal). This Sinterklaas tradition is comparable with Santa Claus at Christmastime; Sinterklaas is celebrated annually with the giving of presents to children around the 5th of December of each year. Het Sinterklaasjournaal is a programme that is especially created for children up to twelve years. Preventing children from commercial influence at public television is one of the priorities of the CvdM. Public television must be a safe haven for children. Parents must be certain that their children are not unduly exposed to advertisements during television programmes and on websites of public service broadcasters.

In 2013, during the television broadcasts and on the website of Het Sinterklaasjournaal, the programme referred frequently to products that were available on the market. Herewith NTR has seriously violated the principle of non-commercialism. It led to commercial influence of the public by frequently and explicitly showing aforementioned products in all television broadcasts and on the website of Het Sinterklaasjournaal. In March 2015, the CvdM decided to impose a fine to NTR. Firstly due to the severeness of the offense, secondly because of the repetitious character of the violations, thirdly because the CvdM warned the broadcaster before but it was ignored and last but not least because the commercial expressions occurred in programmes aimed at a very vulnerable group: children younger than 12 years.

The CvdM imposes an order subject to a penalty to public service broadcaster NOS

In December 2014, the CvdM imposed an order subject to a penalty for a violation committed by the public service broadcaster NOS. The NOS was found being servant to the commercial interests of a third party, something which is explicitly forbidden by the Dutch Media Act. The NOS purchased the broadcasting rights from Eredivisie Media en Marketing (EMM). These rights entitle the NOS to broadcast summaries (short reports) of the football matches of the Dutch premier league. The live registrations of the top football matches are broadcasted by the Dutch pay channel of Fox Sports. Fox

has a majority stake of 51 percent in EMM, which commercially exploits the broadcasting rights of the top football league in the Netherlands on behalf of the first league football clubs. The public service broadcaster NOS and EMM agreed that NOS would promote the pay channel Fox Sports in its programmes. By doing so the NOS made itself completely servant to the interests of a commercial broadcaster. By imposing an order subject to a penalty, the CvdM forced the NOS to adjust the agreements with EMM and to comply with the Dutch Media Act.

Law on Fixed Book Prices to be continued in the Netherlands

In the previous country report we wrote about the evaluation of the Law on Fixed Book Prices in the Netherlands. Based on this evaluation the Dutch government has decided to keep the Act for at least four more years. After that period the Law on Fixed Book Prices will be re-evaluated again. In the meantime, the book industry needs to demonstrate that the law allows for stimulation of a diverse offer of book titles, including less popular titles.

By doing so the government is following the advices of the Council for Culture. In the current climate characterized by digitalization and declining revenues for the book industry the discussion how to protect vulnerable titles is very topical. The minister considers the law as one of the tools for encouraging a critical reading culture. Especially now the book market is shrinking, it is important to keep available for a reasonable price also vulnerable titles such as poetry, essays, and books of novice and lesser known writers.

This means that for at least four more years, the CvdM can continue with its legal task to supervise and enforce the fixed book prizes in the Netherlands. The Dutch system of fixed book prices only counts for books in the Dutch and Frisian language published in the Netherlands. According to the Law on Fixed Book Prices books should be sold to the consumer at the price set by the publisher or importer. As a principle the price is fixed for one year. After half a year the publisher is free to amend once the fixed price, after one year he can adapt once again the fixed price or abolish it. The system of fixed book prices has the aim to guarantee a broad and diverse offer of books in our country. The assumption is that a fixed price for books enables little bookshops to survive and to sell also less popular book titles. In a total free book market it is to be expected that there will be a shakeout and big general retailers offering popular books and bestsellers will dominate the market.

The current evaluation and the opinion of the Council for Culture has not fully revealed how the Act contributes now to a broad and diverse offer of books in our country. In addition, parties must innovate in the book industry and join forces. The Royal Association of Book Publishers will need to act as an innovation center. The minister is willing to financially support the innovation, provided the book publishers are also willing to invest. In two years there will be an interim report on innovation, digitization and cross-subsidization in the book sector.