

NETHERLANDS



Name of Regulatory Authority **Commissariaat voor de Media**
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Basis for operation

Legal framework Media Act 2008

General remit TV radio networks and infrastructures (cable operators with regard to cable access issues)
 Others (please specify) Also commercial on-demand media services.

Funding mechanisms ⁱ licence fee industry fee
 state budget mixed funding (please specify):
 other (please specify):

Composition

Number of members: 3 Term of office: 5 years Re-election possible: (once)
Proposal of members: <please describe the procedure>

Appointment of members: *By the Minister of Education, Culture and Science (Officially the Minister of Education, Culture and Science appoints a new member of the board, in practice the ministry will seek consent of existing board members and takes into account suggestions of board members about new member).*

Revocation of mandate possible: based on: Apart from resignation by the person concerned, dismissal shall be possible but

only on the grounds that the person in question is found unfit, having a financial interest in establishments in relation to which the Commissariaat voor de Media exercises statutory powers and having accepted a position or holding a membership which shall be incompatible with membership of the Commissariaat voor de Media.

This will be by the Minister of education, Culture and Science; so same procedure as regarding appointments applies.

Number of staff: ± 40 fte
Chairman: vacant

The Commissariaat is an independent administrative body situated in Hilversum. Its three commissioners govern a body of civil servants working for the following divisions and units:

- The division of Research and Access dealing with research (monitoring, analyses and investigation) and licenses, permissions and registrations.
- The division of Enforcement responsible for with development and application of enforcement (policies).
- The unit of External Affairs and Advice dealing with communication, external relations and international affairs.
- The unit of Facility Management responsible for human resources, financial administration and IT.

Between the board of Commissioners and the personnel there is a Management Team consisting of the heads of divisions and units.

Competences

		national	regional	local
Granting of licences	terrestrial analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	terrestrial digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	satellite analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	satellite digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	cable analogue broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	cable digital broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Others (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In the areas where your authority is not competent to grant licences, please specify the authority in charge: The Ministry of Education, Culture and Science is competent with respect to granting broadcasting time to the national public service broadcasting associations, and the national public service general broadcasters NOS and NPS
Please add any other relevant information:

Granting of registrations	terrestrial analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
satellite analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cable analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In the areas where your authority is not competent to grant registrations, please specify the authority in charge:

Please add any other relevant information:

Frequency allocation NO

Supervision of	private broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	public broadcasters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Others : commercial on-demand media services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Handling complaints

Sanctioning

<input checked="" type="checkbox"/> issue warning	<input checked="" type="checkbox"/> impose fine	<input type="checkbox"/> demand to broadcast announcement
<input checked="" type="checkbox"/> revoke licence (in practice rarely used)	<input checked="" type="checkbox"/> suspend licence (in practice rarely used)	<input checked="" type="checkbox"/> reduction in the licensing period (in practice rarely used)
<input type="checkbox"/> suspend a programme / broadcast		
<input type="checkbox"/> other (please specify):		

Rule making

<input type="checkbox"/> codes	<input checked="" type="checkbox"/> rules: Policy guidelines in which we explain how we interpret and apply in practice media legislation.
<input type="checkbox"/> other (please specify):	

Consultative powers Advising, like comments on budget and concession policy plans of national public service broadcasters

Power of nomination please specify:
(e.g. chairman of PSB)

Monitoring

- programming
- financial performance
- others (please specify): Secondary activities of broadcasters
- Monitoring media concentration developments

Others Please specify:

Please add any information you deem important:

The organization structure described above is foreseen to be entering into force in September 2013.

ⁱ By “licence fee” we refer to the public service licence fee usually paid by the entire population, whereas the term “industry fee” implies all those funding mechanisms based on a contribution from broadcasters themselves, including, for example, licensing fees (i.e. an amount of money that is paid by the broadcaster for it to be able to carry out its broadcasting operations) and frequency taxes.