

## NETHERLANDS

Name of Regulatory Authority      Commissariaat voor de Media

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### Basis for operation

Legal framework      Media Act , chapter 2

General remit       TV       radio       networks and infrastructures (cable operators with regard to cable access issues)  
 Others (please specify)

Funding mechanisms <sup>1</sup>       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 Royal Decree on recommendation of State Secretary of Media Affairs*

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 Royal Decree on recommendation of the State Secretary; so same procedure as with appointments.

Number of staff: 51

Chairman: Jan van Cuilenburg

Vice Chairman:

(if not applicable, name Director General)

Please describe your authority's structure if it does not have a board:

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

- The Division of Broadcasting Time and Cable Issues mainly deals with licensing, cable issues and programme councils.
- The Division of Programme Supervision is concerned with the supervision of programme regulations, surreptitious advertising and sponsoring. The workers of this division are engaged in monitoring the programmes on radio and television.
- The Division of Legal Affairs deals with the procedural aspects of detected offences and has a more general advisory function in legal matters.
- The Division of Financial Supervision primarily supervises public broadcasters' finances, including the new task of supervising their commercial activities.

Apart from these divisions there is a Policy and Projects Bureau and a Facility Management Bureau.

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

Consultative powers -  please specify the areas covered: 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:

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<sup>i</sup> 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.