

# **THE NETHERLANDS**

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## **1. TV VIEWERS' PARTICIPATION IN THE NETHERLANDS**

### **1.1 The television landscape**

Like most European countries the Netherlands have a dual system of public as well as commercial broadcasting. While public broadcasting started already in the 1920ies, commercial broadcasting has existed only since 1989. A special quality of public broadcasting is its structure, the so-called "pillarisation". In the historical process of "pillarisation" associations emerged from different social stratifications of Dutch society. "Pillarisation" is the name for a process that brought about parallel and self-contained groups of religions and weltanschauungs in the 19th Century. The successors of the so-called "pillars" began to use public radio and TV stations to reach their members. Today, public broadcasting is composed of three TV stations Nederland 1, Nederland 2, Nederland 3 and five radio stations Radio 1, Radio 2, Radio 3 (3FM), Radio 4 and Radio 5 (747 AM)<sup>1</sup>. But the development in recent years indicates a continuous opening of the already existing pillars for other organisations<sup>2</sup>.

### **1.2 Legal/Controlling Bodies**

Viewer participation in the Netherlands is primarily based on self-regulatory bodies, not on law. In contrast to German Media Law, Dutch Media Law neither provides for viewer rights nor for programme complaints nor for the right to a counterstatement. However, some provisions in these respects can be found in the Civil Code. They don't include a right to a counterstatement, but a right to rectification. Furthermore one finds traditional provisions on honour, tort, etc. These provisions only relate to persons who claim that their rights have been offended. Viewers in general have, in principle, no possibility to put forward claims based on these provisions<sup>3</sup>.

The protection of viewer rights in the Netherlands is more factual than legal. In relation to viewer participation the broadcasting associations are the contact point. This is a particularity of the Dutch broadcasting system. By becoming a member of one of the broadcasting associations, viewers are able to participate. The more members an association has, the more broadcasting time is allocated to it. Thus, the associations depend to some extent on their members. In this way viewers are able to exercise some influence on programming. The associations arrange meetings that offer viewers the opportunity to discuss programming matters. Another possibility to influence programming is the representation in the boards of NOS. The various broadcasting organisations as well as religious groups appoint members of the boards of NOS. The boards have management functions and are scheduling broadcasting time. In practice, decisions are ultimately taken by experts rather than by the members. In case of a complaint viewers can take the issue to the broadcasting association. De facto, only the association the viewer is a member of, will take them seriously. For contact most of the broadcasting organisations have a contact-button on their website.

In contrast to most other countries, the Media Authority in the Netherlands is not responsible for viewer complaints. It refers viewers to the broadcasting associations and to NICAM. NICAM deals especially with the interests of TV viewers and the protection of minors. The institute is on the one hand a self-regulatory body that has developed a classification system for the audiovisual sector. With this system parents can discern whether a programme contains elements of violence, sex, fear etc. On the other hand the institute is responsible for complaints. Any person, who believes that the broadcasting associations are breaking the rules, can complain to NICAM.

### **1.3 Self-Regulation**

There is also another organisation where viewers can file their complaints: the Independent Journalism Council. The Council is charged with the task of examining complaints concerning violations of journalistic ethics. But a complaint only is possible if the complainant is directly concerned by the case of bad journalistic practice. The disadvantage of proceedings before the Journalism Council is that it has no powers to issue legally binding orders.

In case of misleading advertisement viewers can complain to the Advertising Code Commission, who acts on the basis of the Dutch Advertising Code. The Commission decides on written complaints. If it considers the complaint to be justified, the advertiser has to stop using the advertisement concerned.

### **1.4 Other organisations**

The interests of all consumers are protected by the Consumer Advice Centre, called Consumentenbond. It is also responsible for viewer complaints. Apart from offering background information the Consumentenbond advises consumers with regard to complaints and on request of the consumer it takes the specific complaint to the courts.

There are also some organisations concerned with media education as Mira Media and NJV Migrants and Media. They have two aims: On the one hand they intend to further the media competence of viewers. On the other hand they try to ensure a careful and well-balanced reporting by journalists.

## **2. TV VIEWERS' RIGHTS: THE REGULATORY FRAMEWORK**

### **2.1 Sector specific regulation**

The legal framework regulating public and commercial broadcasting in the Netherlands consists of the Dutch Media Act, Mediawet<sup>4</sup>, and the Media Decree, Mediabesluit<sup>5</sup>. The basic broadcasting principles are laid down in the Media Act, and certain details and additions have been included in the Media Decree. In order to ensure that broadcasters obey broadcasting law, the Dutch Mediawet provides for a supervisory authority, the so-called Commissariaat voor de Media<sup>6</sup>.

All public broadcasting organisations are incorporated in the non-commercial Dutch Broadcasting Association, NOS (Nederlandse Omroep Stichting)<sup>7</sup>. This association is the concession-holder and the broadcasting organisations are participants in the concession. The NOS is responsible for the cooperation and coordination between the national broadcasting associations<sup>8</sup>. The coordination of and between the three public television channels and the five public radio stations is directed by NOS. Alongside the NOS, the NPS (Nederlandse Programma Stichting) is responsible for the content of the programmes<sup>9</sup>.

### **2.2 Regulatory practices for positive and negative content regulation**

The duties of the broadcasting organisations are described with positive and negative criteria. The Media Act provides for different requirements with regard to programme content for public and commercial broadcasting. The Media Act establishes that broadcasting associations must represent a religious, social or ideological school of thought<sup>10</sup>. To receive broadcasting time the associations must have at least 300.000 paying members<sup>11</sup>. The organisation must also add something new to the existing programme to enhance diversity of public service broadcasting. While public broadcasting must offer a programme of information, education, culture and entertainment<sup>12</sup>, the commercial organisations are not subject to these content restrictions<sup>13</sup>. They freely and independently determine the form and the contents of their programme and are responsible for it<sup>14</sup>. Nevertheless,

Section 52d I of the Media Act provides that all broadcasters, public as well as commercial broadcasting organisations are forbidden to broadcast a programme “which might seriously impair the physical, mental or moral development of persons under the age of sixteen”. They are only allowed to broadcast the above-mentioned programmes, if they are members of an accredited organisation and are subject to the rules and supervision of that accredited organisation<sup>15</sup>. This organisation shall provide regulations concerning the classification and broadcasting of programmes that fall under section 52d. This body, NICAM, will be dealt with in depth in chapter 3.1.

## **2.3 Factual and legal Viewer Rights**

### **2.3.1 Boards of public service broadcasting**

The public service broadcasting in the Netherlands is composed – as already mentioned under 2.1 – of different broadcasting organisations, which emerged from the social pillars. As a result there are close relations with the respective political parties. For example, there are tight connections between AVRO and the Conservatives, KRO and NCRV and the Christian Democrats just as well as between VARA and the Social Democrats. This fact is particularly obvious in the boards of directors<sup>16</sup> and the programme boards of the various broadcasting organisations. The members of parties, unions and churches echo in the organs. The chairmen of the broadcasting organisations are often former and (well-) known politicians. These connections cause considerable political influence of the broadcasting organisations<sup>17</sup>.

### **2.3.2 Representation of members and influence on programming**

The system of pillarised broadcasting in the Netherlands intends to guarantee open access to and effective influence on public broadcasting for citizens. In order to increase identification of the audience with the programme, the broadcasting time of the respective broadcasting organisation is commensurate to the number of its members. This means that the higher the number of members that the organisation has, the more broadcasting time will be assigned to it. The membership in one or several broadcasting organisations is open to every citizen. The citizens thus have the possibility to exert influence on the composition of the programme by becoming an active member of a broadcasting association.

*“Several times a year broadcasting associations have meetings throughout the country, where they give members the opportunity to discuss programming matters with programme makers and their managers. But there is no media ombudsman or something like that where viewers can direct their complaints”<sup>18</sup>.*

Another possibility to exercise influence is via direct representation in the organisations’ boards, for example the boards of NOS: The NOS consists of two boards<sup>19</sup>: the supervisory board and the board of directors. The main task of the supervisory board is “supervising the policies of the board of directors and the general course of things at the Foundation”<sup>20</sup>. The Board is also in charge of allocating broadcasting time to the associations<sup>21</sup>. The broadcasting associations as well as religious and other spiritual organisations that are allocated broadcasting time can each appoint one member of the supervisory board<sup>22</sup>. The board of directors is in charge of the daily management and represents the NOS both legally and in any other respect. The board of directors is formed by the chairman and two other members, who are appointed by the supervisory board<sup>23</sup>.

### **2.3.3 Complaint/Express support**

If viewers are annoyed by certain aspects of the programme, they can initially contact the broadcasting association. Especially the one that they are a member of will take them seriously<sup>24</sup>. Most broadcasting

organisations have a website. “Complaints” are not a specific option on the websites but there is a “Contact”-button where the E-mail-addresses or telephone numbers of editorial staff are listed, for example see the website of AVRO, TROS, KRO and VARA<sup>25</sup>. If the program is harmful to children, viewers can complain to NICAM.

### **2.3.4 Background Information**

Most of the broadcasting associations offer background information. Viewers can find it on the websites of the broadcasting associations. Because of the social pillars, the information about historical developments of the associations as well as the mission and structure of the associations is important. Furthermore, programme schedules are listed. The associations also report about their activities in regard to members<sup>26</sup>.

### **2.3.5 Discuss TV with other viewers**

Some of the broadcasting organisations have an online platform on their websites for viewers. The buttons are called “forum” or “chat” and give viewers the opportunity to discuss special issues with other interested people.

### **2.3.6 Orientation in selecting programmes for special interests**

Whether a broadcasting organisation gives “Orientation” for special interests depends on the social stratification of the organisation. For example, BOS and NMO are religious associations. BOS is the Buddhist Broadcasting Foundation, NMO is a Muslim organisation. These organisations provide special orientation in religious issues for its members. But generally all broadcasting organisations provide orientation for young people.

## **2.4 Instruments established by law**

### **2.4.1 Television Broadcasters**

There are no specific rules in the Media Act on issues like a right of counterstatement or programme complaints. Some provisions in these respects can be found in the Civil Code. These do not include a right of counterstatement but a right of rectification. In addition the Civil Code includes traditional provisions on honour, tort, etc. Persons who claim that their rights have been injured can invoke these provisions. Viewers as such have no possibility to put forward claims based on these regulations<sup>27</sup>.

### **2.4.2 Dutch Media Authority (Commissariaat voor de Media)<sup>28</sup>**

The Dutch Media Authority was established by the Broadcasting Law of 1988. It is the regulatory authority, which supervises the broadcasting organisations with regard to the compliance with Dutch media law laid down in the Media Act and the Media Decree. The powers of the Authority include a wide range of TV related competences and apply to public and commercial broadcasting. The Commissariaat is responsible for monitoring programme issues such as advertising and sponsorship, national and European quotas, independent productions and the protection of minorities. One of its tasks is also the supervision of NICAM (see Chapter 3.1). The Authority does not consider itself to be responsible for the audience, apart from duties given to it by the Mediawet<sup>29</sup>. This means that the Authority is not the entity that deals with viewer’s complaints<sup>30</sup>. It refers viewers to the broadcasting associations and to NICAM.

### 3. VIEWERS' ORGANISATIONS SOCIAL IMPACT

#### 3.1 Legal/Controlling Bodies: NICAM (Nederlands Instituut voor de Classificatie van Audiovisuele Media)

The Dutch Institute for the Classification of Audiovisual Media, NICAM, was founded in 1999 by the Dutch Ministry of Education, Culture and Science, the Ministry of Health, Welfare and Sport and the Ministry of Justice in cooperation with the audiovisual industry<sup>31</sup>. NICAM is a government-endorsed self-regulatory body for the entire audiovisual sector. In 2001, the institute elaborated a system called „Kijkwijzer“. This is a uniform classification system for the major industry trade organisations of the Netherlands: public and commercial broadcasters, video, DVD, film and games. This way consumers and viewers receive uniform product information about the content of television programmes, videos, etc. With this system parents and educators are able to discern whether a television programme or a video may be harmful to children.

In Section 53 the Media Act prescribes the foundation of an organisation that creates rules for the classification and the broadcasting mode of programmes. These rules have to comply with the standards set up in Section 52d Paragraph 2 of the Media Act and Section 53 Paragraph 1 of the Media Act (see Chapter 2.2). If a programme does not meet these criteria, it can only be broadcasted if the station is a member of NICAM<sup>32</sup>. According to Section 53 Media Act, the System is based on a classification scheme of six content categories (fear, sex, violence, discrimination, drugs and alcohol abuse and swearing) and by age (all ages, not for children younger than 6, 12 or 16 years). NICAM has to establish criteria for programmes (p. e. violence, discrimination, sex, drug abuse) and time restrictions for such contents. There are pictograms indicating that a product or programme is not apt for children younger than 12 years par example. By considering these classifications, parents can see whether a programme may be harmful to their children. The pictograms are published in advertisements, newspaper programme listings and on the packaging of videos. They are also displayed on screen at the beginning of a television programme or video<sup>33</sup>. Participants in NICAM include public and commercial broadcasters, film distributors, cinema operators, distributors of films on video and DVD and of computer games, video stores and retailers<sup>34</sup>. The organisations associated to NICAM classify productions themselves on the basis of the Kijkwijzer coding form (see Annex 2). The great advantage of the system is the uniformity in the audiovisual media<sup>35</sup>. But NICAM is not competent in relation to the Internet.

Any person who believes that a broadcasting association is breaking the rules may submit a complaint to NICAM within six weeks from the alleged violation. The complaints system is easily manageable and uncomplicated<sup>36</sup>. A complaint form is available on the Kijkwijzer website; forms are also available by mail from NICAM. NICAM has a Complaints Committee that is composed of four members. All complainants are notified of decision by the committee within 2 months. The Committee can impose sanctions. They range from warnings to fines. Fines may vary up to a maximum of € 11.350 for the film and video industry and up to € 22.700 for broadcasters<sup>37</sup>.

NICAM was set up in co-operation with the Government that provides 75% of its funding<sup>38</sup>. The annual budget comes to some 700.000 Euro; NICAM's staff consists of 5 full-time equivalents<sup>39</sup>. The Dutch Media Authority is also linked to NICAM: the Commissariaat supervises NICAM. In its annual report the Authority gives an opinion on the functioning of NICAM<sup>40</sup>. In 2002, the Authority published an evaluation of the system. NICAM is subject to two-year evaluation and review by the government. The report commissioned by the Ministry of Health, Welfare & Sport in 2002 found that Kijkwijzer had effectively established itself in the everyday life of the Netherlands. On the one side, parents and children are well informed about the system. About a third of all parents are actually taking Kijkwijzer into account in their decisions<sup>41</sup>. There is also a high level of awareness among children:

*“70% of children in the age category 8 to 11 years know what Kijkwijzer is, rising to 93% in the 12 to 15 years category. [...] More than a quarter of the children stated that they also use the pictograms as a source of information when choosing a TV program, cinema film or video”*<sup>42</sup>.

Since the introduction of Kijkwijzer the number of complaints has risen every month. In 2002, 500 complaints received NICAM. In 25 cases the complaint went to the Complaints Committee, who made a verdict. The office of NICAM dealt with the other 475 complaints, for example gave an explanation of the system in accordance to the complaint. In 2003, 450 complaints received, 40 complaints went to the Complaints Committee<sup>43</sup>. Most complaints are filed by private persons, mainly online on the Kijkwijzer Website. One in ten complaints is not serious. “A third of all complaints are dealt with inside a week and four out of five cases are closed within four weeks”<sup>44</sup>. The Media Authority has observed that broadcasting organisations have made changes to their programming so that certain programmes are no longer being broadcast in the early evening<sup>45</sup>.

## **3.2 Self-Regulation**

### **3.2.1 Independent Journalism Council (Raad voor de Journalistiek)<sup>46</sup>**

The Independent Journalism Council is a self-regulatory institution. It was founded after the Second World War in 1948 to safeguard good journalistic practice. The Council is competent for complaints against journalists of the press-, broadcasting- and new media-sector. A viewer can complain if he believes that the standards of journalistic ethics have been violated. A complaint must be sent in writing to the office of the Journalism Council. But not everybody may complain. Only those persons who are directly concerned in a case of bad journalistic practice for example about whom a report has been published in a false or grievous way can complain to the council. The council consists of representatives of media companies in the press and audiovisual sector. Members of the Council are the chairman, two vice-chairmen, ten journalists and ten non-journalists. The chairman and his deputies must be members of the judiciary. The secretary must be a lawyer<sup>47</sup>.

If the Council comes to the conclusion that journalistic ethics have been infringed, the judgment of the Council will be published in a magazine for journalists and will be sent to the media and the national news agency. Furthermore, the paper, magazine or broadcasting programme concerned is ordered to publish or to broadcast the judgement.<sup>48</sup> Rectifications or fines can only be ordered by an independent court. The disadvantage of the Journalism Council is that it has no legally binding instruments at its disposal<sup>49</sup>.

In 2002 the Journalism Council received 319 inquiries about information by phone. Furthermore, the Council obtained 78 complaints (2001: 66), whereof 66 (2001: 53) judgements were rendered: 12 complaints have been admitted by the Council, 13 complaints have been undecided and 40 complaints have been dismissed. In 2003, 70 judgements were rendered and in 2004, until now, in 29 cases the Council has adjudicated<sup>50</sup>.

### **3.2.2 The Advertising Code Commission (Reclame Code Commissie)<sup>51</sup>**

With complaints regarding advertising the viewers can address the Advertising Code Commission, a self-regulatory institution. The organisation was set up in 1963 and acts on the basis of the Dutch Advertising Code (Nederlandse Reclame Code). It contains a body of rules and regulations. According to Mediawet, commercial broadcasters in the Netherlands may broadcast advertising, but they have to ensure that advertising stays within the limits set by the Advertising Code (Nederlandse Reclame Code)<sup>52</sup>. In general public broadcasting organisations are not allowed to broadcast advertising messages<sup>53</sup>. If a viewer is of the opinion that an advertisement infringes the Dutch Advertising Code (Reclame Code), he can submit a written complaint. Viewers can even protest by e-mail using the electronic complaint-form<sup>54</sup>. After 14 days, in urgent cases after 7 days, a decision is taken by the Commission. The Commission consists of five members: the chairman is an independent lawyer, the other members are chosen by the consumer organisation “Consumentenbond” (see chapter 3.3.1), the advertisers’ organisation BVA, the advertising agencies’ organisation VEA and the media. In case the Advertising Code Committee decides that the complaint is justified, it recommends that the advertiser stop using the advertisement concerned. The committee can moreover resort to other measures (e. g. fines).



### 3.3.2 NJV Migranten & Media<sup>59</sup>

Migrants & Media is a working group founded in 1984 that is part of the Dutch Union of Journalists (Nederlandse Vereniging van Journalisten, NJV). The aim of this group is to promote the balanced reporting of the image of minorities in the news media, focusing on journalists and broadcasters. The group organises debates, meetings and discussions about discrimination of minorities. Meetings for journalists are arranged in collaboration with newspapers and other media organisations. Migrants and Media has also set up a Network for Research on Representation (Network Onderzoek Beeldvorming), featuring an electronic discussion forum.

### 3.3.3 Mira Media<sup>60</sup>

Mira Media is an independent co-operative body that was founded in 1986. The task of Mira Media is to achieve more diversity and pluralism in the audiovisual and interactive media. Mira Media closely co-operates with Dutch national and local (public and commercial) broadcasters. The organisation is financed by the Dutch government and from EU-funds. Mira Media initiated, developed, co-ordinated and implemented a range of very diverse projects<sup>61</sup>. On the one hand the objective of those activities is to ensure that viewers learn to take a critical approach to the output of the audiovisual and interactive media. With their projects they want viewers to achieve more intercultural media competence. On the other hand, Mira Media's aim is that the public acquires the technical and intrinsic knowledge needed to work in media<sup>62</sup>.

## 4. BEST AND INNOVATIVE PRACTICES

Above it was mentioned that the Dutch Media Law does not provide for the possibility of a programme complaint or for the right of counterstatement. Only the Civil Code includes a right to rectification and traditional provisions on honour, tort, etc. But these principles relate to individuals not especially to viewers as a group. Viewers have in principle no possibility to put forward claims based on these regulations<sup>63</sup>.

There neither is a media ombudsman or a similar institution where viewers can file their complaints. In comparison to German Law this is an apparently negative fact. The Media Authority also does not consider itself responsible for the rights of viewers. On its website the Authority refers viewers with complaints to the broadcasting associations and to NICAM. According to Ben van Reenen (NOS) only the broadcasting association the viewer is a member of is interested in the opinion of the specific viewer. Other associations will not take his complaint and opinion seriously. Most associations have a contact-button on their website in order to allow viewers to contact them easily.

A positive aspect of the Dutch system is the self-regulatory body NICAM. It provides a classification system for the entire audiovisual sector and is an organisation for complaints of viewers. By the classification viewers get product information about television programmes and parents can see which programme might impair the physical or mental development of their children. For a complaint there is an easily manageable complaint form available on the website. The evaluation by the government reads that:

*“NICAM has now effectively established itself in the everyday life of the Netherlands. Parents and children are reasonably well informed about the system”.*

*[...] “A growing proportion finds Kijkwijzer a useful additional source of information in determining suitability for their children, with about a third of all parents actually taking Kijkwijzer into account in their decisions”<sup>64</sup>.*

There were recommendations in the report of the government and the Media Authority. They request an improvement of the questionnaire as well as a further improvement of the complaints procedure. These recommendations are carried out by NICAM. At the moment Kijkwijzer is not available for the Internet. In the future NICAM will also monitor new media services.

Another possibility to complain about bad journalistic practice is to issue a complaint with the Journalism Press Council. But the Council can not impose sanctions which pose a problem to some extent. The Advertising Code Commission has more ample competences and powers. In case of misleading advertisement the Commission can stop the broadcaster from broadcasting the advertisement concerned. There are also some other organisations concerned with consumer interests or with furthering similar objectives. The Consumer Advice Centre is intended to deal with all consumer interests not especially to viewer interests. It sometimes takes the issue before the courts in order to protect consumer rights. Other institutions as Mira Media or NJV Migrants and Media have a more educational function. Their target is to achieve better media competence among viewers on the one hand and a more careful and balanced reporting by journalists on the other hand.

## ANNEXES

### ANNEX 1: MEDIA ACT (EXTRACT)

#### Section 52d

1. The television programme service of establishments which have obtained broadcasting time shall not include any programmes which might seriously impair the physical, mental or moral development of persons under the age of sixteen.
2. The television programme service of establishments which have obtained broadcasting time may only include programmes that may impair the physical, mental or moral development of persons under the age of sixteen if the establishments are members of an organisation accredited by Our Minister, as referred to in section 53, subsection 1, and are subject to the rules and supervision of that accredited organisation in relation to the broadcasting of the above-mentioned programmes. Establishments which have obtained broadcasting time and are members shall demonstrate this by submitting a written declaration from the accredited organisation to the Media Authority.

#### Section 53

1. Our Minister may accredit an organisation that provides regulations concerning the classification and broadcasting of programmes as referred to in section 52d, subsection 2, and the supervision thereof. The regulations shall in any event relate to:
  - (a) criteria for the classification of programmes, including in any event the extent to which:
    - 1° fear is aroused;
    - 2° violent behaviour is shown or justified;
    - 3° the use of drugs is made to look attractive or is condoned;
    - 4° pornography is involved;
    - 5° products are not suitable to be shown to certain categories of persons under the age of sixteen on other grounds, according to generally held opinions;
  - (b) the broadcasting times of the above-mentioned programmes;
  - (c) the manner in which the broadcasting of these programmes will be preceded by or accompanied by symbols or warnings.
2. Conditions may be attached to an accreditation. An accreditation decision shall be announced in the Government Gazette.
3. An organisation shall qualify for accreditation only if:
  - (a) independent supervision by the organisation of compliance with the regulations referred to in subsection 1 is guaranteed;
  - (b) provision has been made for adequate involvement of stakeholders, including in any event consumer representatives, establishments which have obtained broadcasting time, experts in the field of audiovisual media and producers of audiovisual media;
  - (c) the financial position of the organisation ensures proper implementation of the activities.
4. Further rules may be laid down by or pursuant to Order in Council relating to the requirements referred to in subsection 3 and other requirements may be laid down with regard to the accreditation.
5. Our Minister shall withdraw an accreditation if the organisation no longer complies with the requirements laid down by or pursuant to subsection 1 or 3. Our Minister may also withdraw an accreditation if the organisation fails to satisfy the conditions referred to in subsection 2 or the further and other requirements referred to in subsection 4. Decisions to revoke an accreditation shall be announced in the Government Gazette.
6. By Order in Council subsections 1 to 4 and section 52d, subsection 2 may be rendered inoperable and rules may be laid down concerning the broadcasting of programmes as referred to in section 52d,



## NOTES

- <sup>1</sup> Available at: <<http://omroep.nl>> [last visited: 14.5.2004].
- <sup>2</sup> *Bardoel/van Reenen*, in: Hans-Bredow-Institut (Hrsg.): Internationales Handbuch Medien 2002/2003, 450 f.
- <sup>3</sup> Nico van Eijk, Instituut voor Informatierecht, Universiteit Amsterdam.
- <sup>4</sup> Mediawet (Stb.1987, 249) as subsequently amended by the Act of October 30th, 2003 (Stb. 2003, 485). Available at: <<http://www.cvdm.nl/documents/mediawet%20per%2031%20december%202003.pdf>> [last visited: 14.5.2004]. English version available at: <<http://www.cvdm.nl/documents/mediaact.pdf>> [last visited: 14.5.2004].
- <sup>5</sup> Mediadecree (1987, 573) as subsequently amended by the decree of November 12th, 2003 (Stb. 486). Available at: <<http://www.cvdm.nl/documents/mediabesluit%20per%2031%20december%202003.pdf>> [last visited: 14.5.2004]. English version available at <<http://www.cvdm.nl/documents/mediadecree.pdf>> [last visited: 14.5.2004].
- <sup>6</sup> Section 9 Mediawet.
- <sup>7</sup> See *Mailänder*, Konzentrationskontrolle zur Sicherung von Meinungsvielfalt im privaten Rundfunk. Baden-Baden 2000, 82. The traditional broadcasting organisations are AVRO, EO, KRO, NCRV, TROS, VARA and VPRO.
- <sup>8</sup> Section 16 Media Act.
- <sup>9</sup> Section 15 Paragraph 1, Section 51b, Article 15 Media Decree.
- <sup>10</sup> Section 14 Paragraph 1c Media Act.
- <sup>11</sup> Section 31 Paragraph 3b Media Act.
- <sup>12</sup> Section 13 c Paragraph 1a Media Act.
- <sup>13</sup> Section 71f Media Act.
- <sup>14</sup> See Section 71f Media Act.
- <sup>15</sup> See Section 52d Paragraph 2 Media Act, Section 71g Paragraph 1 Media Act.
- <sup>16</sup> The issue of the Board of Directors will be addressed in depth in the next chapter.
- <sup>17</sup> *Brant/Slaa*, in: Mitchell/Blumer (Hrsg.), Television and the Viewer Interest, London, Libbey, 1994, 16 f.
- <sup>18</sup> Ben van Reenen (NOS), E-Mail from 18.2.2004.
- <sup>19</sup> See Section 18 Paragraph 1 Media Act.
- <sup>20</sup> Section 18b Paragraph 1 Media Act.
- <sup>21</sup> Section 18b Paragraph 2i Media Act.
- <sup>22</sup> Section 18a Paragraph 4a, c Media Act.
- <sup>23</sup> Section 19 Paragraph 1, 2, Section 19a Paragraph 1a Media Act.
- <sup>24</sup> Response from Ben van Reenen, NOS; see also <<http://www.cvdm.nl/pages/faq.asp?ID=4>> [last visited: 14.5.2004].
- <sup>25</sup> See <<http://www.avro.nl/index.asp>>; <<http://omroep.vara.nl/index.jsp>>; <<http://www.trosweb.nl>>; <<http://www.kro.nl/index.asp>> [last visited: 14.5.2004].
- <sup>26</sup> See <<http://www.vara.nl>>, <<http://www.trosweb.nl>>, <<http://www.ncrvnet.nl>>, <<http://www.kro.nl>> [last visited: 14.5.2004].
- <sup>27</sup> Nico van Eijk, Instituut voor Informatierecht, Universiteit Amsterdam.
- <sup>28</sup> See <<http://www.cvdm.nl>> [last visited: 14.5.2004].
- <sup>29</sup> *Brant/Slaa*, in: Television and the Viewer Interest, 21.
- <sup>30</sup> See <<http://www.cvdm.nl/pages/faq.asp?ID=4>> [last visited: 14.5.2004].
- <sup>31</sup> Electronic Game Industry Self-Regulation: Comparison of American ESRB, British VSC and Dutch NICAM Codes, S. 8. <<http://users.ox.ac.uk/~bras1486/games.pdf>> [last visited: 14.5.2004].
- <sup>32</sup> Section 52d Paragraph 2 Media Act.
- <sup>33</sup> See <<http://www.kijkwijzer.nl/engels/ekijkwijzer.html>> [last visited: 14.5.2004].
- <sup>34</sup> EPRA, Self-regulation of TV content with respect to protection of minors and violence, 3. <[http://www.epra.org/content/english/press/papers/EPRA2003\\_02.doc](http://www.epra.org/content/english/press/papers/EPRA2003_02.doc)> [last visited: 14.5.2004].
- <sup>35</sup> *McGonagle*, Co-Regulation on the Media in Europe: The Potential for Practice of an Intangible Idea, IRIS plus 10/2002, 6.
- <sup>36</sup> *McGonagle*, Co-Regulierung der Medien in Europa: Praktische Chancen einer diffusen Idee. In: IRIS plus

10/2002, 6.

<sup>37</sup> <<http://www.kijkwijzer.nl/engels/ekijkwijzer.html>> [last visited: 14.5.2004].

<sup>38</sup> Electronic Game Industry Self-Regulation: Comparison of American ESRB, British VSC and Dutch NICAM Codes, 8. <<http://users.ox.ac.uk/~bras1486/games.pdf>> [last visited: 14.5.2004].

<sup>39</sup> Wim Bekkers, Director of NICAM.

<sup>40</sup> Electronic Game Industry Self-Regulation: Comparison of American ESRB, British VSC and Dutch NICAM Codes. <<http://users.ox.ac.uk/~bras1486/games.pdf>> [last visited: 14.5.2004].

<sup>41</sup> Final Report commissioned by the Youth Policy Directorate of the Ministry of Health, Welfare & Sport: Self-regulation in audiovisual products,

<[http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek\\_nieuws&archive=false](http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek_nieuws&archive=false)> [last visited: 14.5.2004].

<sup>42</sup> NICAM Press release, available at: <<http://www.kijkwijzer.nl/engels/ekijkwijzer.html>>, [last visited: 14.5.2004].

<sup>43</sup> Caroline Abbing, Lawyer of NICAM.

<sup>44</sup> Final Report commissioned by the Youth Policy Directorate of the Ministry of Health, Welfare & Sport: Self-regulation in audiovisual products,

<[http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek\\_nieuws&archive=false](http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek_nieuws&archive=false)> [last visited: 14.5.2004].

<sup>45</sup> Final Report commissioned by the Youth Policy Directorate of the Ministry of Health, Welfare & Sport: Self-regulation in audiovisual products,

<[http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek\\_nieuws&archive=false](http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek_nieuws&archive=false)> [last visited: 14.5.2004].

<sup>46</sup> See <<http://www.rvdj.nl/reglement.html>> [last visited: 14.5.2004].

<sup>47</sup> See <<http://www.rvdj.nl/summ.html>> [last visited: 14.5.2004].

<sup>48</sup> See <<http://www.rvdj.nl/summ.html>> [last visited: 14.5.2004].

<sup>49</sup> European Journalism Center: The Dutch media landscape. Available at <<http://www.ejc.nl/jr/emland/netherlands.html>> [last visited: 14.5.2004].

<sup>50</sup> See <<http://www.rvdj.nl/zoekfr.html>> [last visited: 14.5.2004].

<sup>51</sup> See <<http://www.reclamecode.nl>> [last visited: 14.5.2004].

<sup>52</sup> See Article 52b Media Decree.

<sup>53</sup> Section 52 Paragraph 1 Media Act.

<sup>54</sup> Compare <<http://www.reclamecode.nl/index2.html>> [last visited: 14.5.2004].

<sup>55</sup> See Annual Report Reclame Code Commissie, available at:

<<http://www.reclamecode.nl/download/jaarverslagen/SRCjaarverslag2002.pdf>> [last visited: 14.5.2004].

<sup>56</sup> See <<http://www.consumentenbond.nl>> [last visited: 14.5.2004].

<sup>57</sup> See <<http://www.reclamecode.nl/faqmenu/faq.asp?engels=1&vraagID=20>> [last visited: 14.5.2004].

<sup>58</sup> A complaint can be made on

<[http://www.consumentenbond.nl/doemee/157316/165531/?ticket=nietlid&view=overzicht\\_items](http://www.consumentenbond.nl/doemee/157316/165531/?ticket=nietlid&view=overzicht_items)> [last visited: 14.5.2004].

<sup>59</sup> See <<http://www.beeldvorming.net>> [last visited: 14.5.2004].

<sup>60</sup> Compare <<http://www.miramedia.nl>> [last visited: 14.5.2004].

<sup>61</sup> See <<http://www.miramedia.nl/uk/index.htm>> [last visited: 14.5.2004].

<sup>62</sup> See <<http://www.miramedia.nl/uk/mission.htm>> [last visited: 14.5.2004].

<sup>63</sup> Nico van Eijk, IVIR, Universiteit Amsterdam

<sup>64</sup> Final Report commissioned by the Youth Policy Directorate of the Ministry of Health, Welfare & Sport: Self-regulation in audiovisual products,

<[http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek\\_nieuws&archive=false](http://www.kijkwijzer.nl/news/newsdetail.jsp?id=45&language=1&subject=publiek_nieuws&archive=false)> [last visited: 14.5.2004].

THE NETHERLANDS - Overview of institutions dealing with viewers' interests

	Institution (+ web address)	Type of Institution	National / Regional	Creation Year	Members (NB estimate)	Subscription Prices *	Other Funding	Annual Budget *	NB of Staff	Type of Services
1	Commissarisat voor de Media <a href="http://www.cvdm.nl">http://www.cvdm.nl</a>	Legal/Controlling Body	N	1988	N.ä.	N.ä.	N.ä.	N.ä.	N.ä.	Supervision brocode asking organisations and NIC 9M, no viewer complaints
2	NICAM: <a href="http://nijksa.jisc.nl">http://nijksa.jisc.nl</a>	Legal/Controlling Body	N	1999	brocode asking, distributors of film, DVD, cinema, vide o and e computer games	N.ä.	75% govt.	700.000	5	Complaints classification system
3	Raad voor de Journaalstiek <a href="http://www.rvd.nl">http://www.rvd.nl</a>	Self-regulation	N	1948, reference d 1960	10 organisations	N.ä.	N.ä.	N.ä.	23	complaints
4	Reclame Code Commissie <a href="http://www.reclamecode.nl">http://www.reclamecode.nl</a>	Self-regulation	N	1963	8 organisations	N.ä.	foundation	N.ä.	Commissie 5	complaints advertisement
5	Consument en bond <a href="http://consumentenbond.nl">http://consumentenbond.nl</a>	Consumer Organisation	N	1953	620.000	N.ä.	N.ä.	N.ä.	N.ä.	Information, complaints
6	Mira Media <a href="http://www.miramedia.nl">http://www.miramedia.nl</a>	Special Initiative	N	1986	N.ä.	N.ä.	Dutch govt/EU	N.ä.	29	debate s, pr objects
7	Migranten Media, MTV <a href="http://www.beeldvorming.net">http://www.beeldvorming.net</a>	Special Initiative	N	1984	N.ä.	N.ä.	N.ä.	N.ä.	N.ä.	debate s, discussions