

THE MEDIA ACT

(Bulletin of Acts and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) 1987, 249)

as last published in the Bulletin of Acts and Decrees 1994, 386, and as subsequently amended by:

- the **Act of 22 June 1994 (Bulletin of Acts and Decrees 573)** amending provisions governing the entering of premises;
- the **Act of 21 December 1994 (Bulletin of Acts and Decrees 945)** amending provisions of the Media Act in relation to a restructuring of the management tasks of the *Nederlands Omroepproductie Bedrijf N.V.*;
- the **Act of 23 December 1994 (Bulletin of Acts and Decrees 946)** amending provisions of the Media Act with a view to limiting the duration of the concessions granted to broadcasting associations, the broadcasting time allocated to religious and other spiritual organisations, as well as the permissions granted to commercial broadcasting organisations, to a maximum period of five years;
- the **Act of 18 May 1995 (Bulletin of Acts and Decrees 320)** amending the Media Act with a view to the implementation of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJEC L 298) and the adoption of corresponding rules concerning the pursuit of radio broadcasting activities;
- the **Act of 2 November 1995 (Bulletin of Acts and Decrees 538)** repealing the Act governing the Libraries and Information Provision Advisory Council;
- the **Act of 26 October 1995 (Bulletin of Acts and Decrees 539)** amending the Cultural Policy (Special-Purpose Funding) Act in relation to the creation of an advisory body for cultural policy (the Council for Culture);
- the **Act of 4 April 1996 (Bulletin of Acts and Decrees 219)** amending the provisions of the Media Act in relation to a revision of the advertising rules for local and regional public broadcasting, the promotion of collaboration between regional and national public broadcasters, and to provide for other than national commercial broadcasting (to be read in conjunction with the **Act of 4 April 1996, Bulletin of Acts and Decrees 220**);
- the **Act of 28 March 1996 (Bulletin of Acts and Decrees 320)** amending the Telecommunications Facilities Act, the Radio Broadcasting Transmitter Act 1935 and the Code of Criminal Procedure in relation to the liberalisation of fixed telecommunications facilities (Fixed Telecommunication);
- the **Act of 26 June 1996 (Bulletin of Acts and Decrees 343)** amending the Media Act with a view to extend the current level of supervision on access to cable broadcasting networks;
- the **Act of 3 April 1996 (Bulletin of Acts and Decrees 366)** harmonising the legislation for emergency situations with the Exceptional Circumstances (Coordination) Act and providing new rules to harmonise the terminology used for exceptional circumstances in which legislation for emergency situations may be applied, as well as the procedures to be followed in order to apply legislation for

- emergency situations in non-exceptional circumstances (Act implementing the Exceptional Circumstances (Coordination) Act);
- the **Act of 19 December 1996 (Bulletin of Acts and Decrees 648)** amending provisions of the Media Act in order to restructure the Service of *Koninklijke PTT Nederland N.V.* which is charged with the collection of the licence fee, into an autonomous administrative authority governed by public law;
 - the **Act of 10 April 1997 (Bulletin of Acts and Decrees 189)** harmonising the tax provisions in the Provinces Act with the provisions in the Municipalities Act and the Water Control Boards Act, and amending the formal tax provisions in the Municipalities Act and the Water Control Boards Act;
 - the **Act of 5 July 1997 (Bulletin of Acts and Decrees 336)** amending the provisions of the Media Act, the Telecommunications Facilities Act and the Radio Broadcasting Transmitter Act 1935 with a view to liberalising media legislation;
 - the **Act of 13 November 1997 (Bulletin of Acts and Decrees 544)** amending provisions of the Media Act in order to revise the organisational structure of national public broadcasting;
 - the **Act of 4 December 1997 (Bulletin of Acts and Decrees 580)** harmonising special Acts with the third phase of the General Administrative Law Act (General Administrative Law Act II [Third Phase] Harmonisation Act);
 - the **Act of 17 December 1997 (Bulletin of Acts and Decrees 660)** harmonising legislation with the introduction of a registered partnership into Book 1 of the Civil Code (Registered Partnership [Harmonisation] Act);
 - the **Act of 19 October 1998 (Bulletin of Acts and Decrees 610)** containing rules on telecommunications (Telecommunications Act);
 - the **Act of 28 January 1999 (Bulletin of Acts and Decrees 30)** remedying legislative inconsistencies and loopholes in various acts and to revoke a number of acts which are now redundant (Legislation Amending Act I);
 - the **Act of 4 March 1999 (Bulletin of Acts and Decrees 146)** amending provisions of the Media Act with a view to privatising the *Nederlands Omroepproductie Bedrijf N.V.*;
 - the **Act of 17 May 1999 (Bulletin of Acts and Decrees 257)** containing regulations for the subsidisation of political parties (Political Parties [Subsidisation] Act);
 - the **Act of 22 December 1999 (Bulletin of Acts and Decrees 573)** amending the Media Act in connection with new rules concerning the funding of public broadcasting (abolition of licence fees);
 - the **Act of 23 March 2000 (Bulletin of Acts and Decrees 138)** amending the Media Act in connection with the introduction of a new concession system for national public broadcasting;
 - the **Act of 8 June 2000 (Bulletin of Acts and Decrees 252)** amending the Media Act and the Tobacco Act (implementation of amendment to the directive on television without frontiers);
 - the **Act of 14 December 2000 (Bulletin of Acts and Decrees 586)** amending the Media Act and the Criminal Code, and repealing the Film Censorship Act);
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CHAPTER I. DEFINITIONS

Section 1

In this Act and the provisions based upon it, the terms set out below shall have the following meanings:

- (a) Our Minister: Our Minister of Education, Culture and Science;
- (b) media: all printed and electronic forms of mass communication;
- (c) broadcaster: an electronic media service engaged in the provision and broadcasting of programmes;
- (d) television broadcaster: an electronic media service engaged in the provision and broadcasting of television programmes;
- (e) radio broadcaster: an electronic media service engaged in the provision and broadcasting of radio programmes;
- (f) programme service: an electronic product with visual or audio content intended to be broadcast to and to be received by the general public or a part thereof, with the exception of data services, services available only on individual demand, and other interactive services;
- (g) programme: a clearly distinct and as such recognisable part of a programme service;
- (h) television programme service: a programme service with visual content, with or without audio content;
- (i) teletext programme service: a television programme service composed exclusively of a static images, which the viewer may consult in any order and at any time and which is broadcast on the frequency space or the channel which is also used to broadcast another television programme service or a test pattern;
- (j) radio programme service: a programme service with exclusively audio content;
- (k) programme service for general purposes: a programme service intended for reception by the general public;
- (l) programme service for special broadcasting purposes: a programme service broadcast in encrypted format and intended for reception by members of the general public who have concluded an agreement to receive the programme service in question with the broadcaster which provides the programme service;

- (m) provision of a programme service: a broadcasting service, consisting of the preparation, compilation and carrying out of a programme service;
- (n) programme service transmission: a broadcasting service, consisting of the encrypted or unencrypted distribution of a programme service to the general public or a part thereof by means of a broadcasting transmitter or broadcasting network;
- (o) broadcasting transmitter: a wireless transmission device, as referred to in section 1, subsection 1 (ij) of the Telecommunications Act, used or also used to transmit programme services;
- (p) broadcasting transmitter provider: a natural or legal person which provides transmission capacity by means of a broadcasting transmitter;
- (q) broadcasting network: a broadcasting system as referred to in section 1, subsection 1 (o) of the Telecommunications Act;
- (r) broadcasting network provider: a natural or legal person which provides transmission capacity by means of a broadcasting network;
- (s) domestic broadcasting: public broadcasting and commercial broadcasting;
- (t) public broadcasting: broadcasting by establishments which have obtained broadcasting time and Radio Netherlands;
- (u) national broadcasting: public broadcasting aimed at the general public throughout the country;
- (v) regional broadcasting: public broadcasting aimed at the general public in a province;
- (w) local broadcasting: public broadcasting aimed at the general public in a municipality;
- (x) commercial broadcasting: broadcasting by commercial broadcasting establishments;
- (y) Programme Service Foundation: the NPS (*Nederlandse Programma Stichting* - Programme Service Foundation of the Netherlands) referred to in section 15;
- (z) Foundation: NOS (*Nederlandse Omroep Stichting* - the Broadcasting Foundation of the Netherlands) referred to in section 16;
- (aa) board of directors: the board of directors of the Foundation;
- (bb) network management: the network management of a television programme service network, as defined in section 40a, subsection 1;

- (cc) network coordinator: the network coordinator of a television or radio programme service network, as defined in section 40b, subsection 1;
- (dd) commercial broadcasting establishment: a natural or legal person providing a programme service which falls, for the purposes of this Act, within the jurisdiction of the Netherlands with the exception of establishments which have obtained broadcasting time;
- (ee) Radio Netherlands (*Stichting Radio Nederland Wereldomroep*): the foundation referred to in section 76;
- (ff) Company: the public limited liability company NOB (*Nederlands Omroepproductie Bedrijf N.V.* - Broadcast Production Company of the Netherlands) referred to in section 83;
- (gg) test pattern: a static image for the purpose of testing the reception of television programme services and transmitted at times when no television programme service is being broadcast;
- (hh) broadcasting time: the time during which an establishment by application of the provisions of sections 39 to 39i or section 42 is given the opportunity to have transmitted, programme services for national, regional or local broadcasting by means of a broadcasting transmitter;
- (ii) channel: a unit of transmission capacity on a broadcasting network;
- (jj) advertising expression: advertising messages or other expressions which clearly result in the public being encouraged to buy a specific product or to use a specific service, or in public opinion being influenced in a positive manner as regards a specific business, branch of industry or institution in a way which promotes the sale of products or the use of services;
- (kk) advertising messages: messages which are unmistakably intended to encourage the public to buy a specific product or to use specific services, or to influence public opinion in a positive manner as regards a specific undertaking, branch of industry or establishment in order to promote the sale of products or the use of services;
- (ll) sponsorship of a programme: the provision of financial or other contributions by a government institution or private company not normally involved in broadcasting activities or in the making of audio-visual productions, towards the production or purchase of a programme for the purpose of facilitating or enabling its broadcast;
- (mm) sponsor: the public or private undertaking which sponsors a programme;
- (nn) sponsor's contribution: the contribution provided by a sponsor;

- (oo) facilities: all the human and physical resources required for the production of programme services;
- (pp) (repealed)
- (qq) (repealed)
- (rr) (repealed)
- (ss) publisher of a press product: a legal person which publishes a press product;
- (tt) market for daily newspapers: the average number of paid copies sold in a calendar year of press products which are aimed at the public in the Netherlands and published at least six times per week, as established by the Press Fund (*Bedrijfsfonds voor de pers*);
- (uu) market for non-daily newspapers: the average number of paid copies sold in a calendar year of non-daily press products aimed at the public in the Netherlands and published at least once and at most five times per week, as established by the Press Fund;
- (vv) group: a group as defined in article 24b of Book 2 of the Civil Code;
- (ww) European Directive: Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJEC L 298);
- (xx) teleshop message: advertising expression in a television programme consisting of a direct offer to the public with a view to the supply of products or services for payment;
- (yy) open network: a television programme service network on which commercial broadcasting establishments transmit television programmes for general national broadcasting or general broadcasting purposes, reaching at least 75% of all households in the Netherlands, and for which no costs are payable other than:
- the fee charged by a provider of a broadcasting network to broadcasting network subscribers for the reception of a number of programmes to be determined by the provider subject to section 82i; or
 - the costs of purchasing or using technical facilities allowing the reception of television programmes.

Section 2 (repealed)

Section 3

The term advertising expression as defined in section 1 (jj) shall not be understood to include calls to support, or the positive influencing of opinions towards, establishments of a scientific, cultural, religious, spiritual, political or charitable nature, provided that any such calls do not relate to buying a specific product or using a specific service which is commercially available.

Section 4

1. The jurisdiction of the Netherlands shall extend to broadcasting establishments which provide a television programme service and which fall within the jurisdiction of the Netherlands pursuant to article 2 of the European Directive.
2. Subsection 1 shall apply *mutatis mutandis* to a broadcasting establishment which provides a radio programme service on the understanding that the jurisdiction of the Netherlands shall in any event extend to broadcasting establishments which provide radio programmes broadcast in the Netherlands by means of a broadcasting transmitter, excluding satellites.

Section 5 (Repealed)

Section 6 (Repealed)

Section 7 (Repealed)

Section 8 (Repealed)

CHAPTER II. THE MEDIA AUTHORITY

Section 9

There shall be a Media Authority. The Media Authority shall have legal personality and shall have its registered office in the municipality of Hilversum.

Section 10

1. The Media Authority shall consist of a chairperson and two or four other members. They shall be appointed and dismissed by Royal Decree upon the recommendation of Our Minister.
2. Appointments to the Media Authority shall be made for a period of five years. Re-appointment for a consecutive period shall be possible once.
3. Incompatible with membership of the Media Authority are:

- (a) a position within a ministry, institution, service or company operating under ministerial responsibility;
 - (b) membership of either House of the States General or of a provincial or municipal executive;
 - (c) board membership of - or a position with - an establishment which qualifies for domestic broadcasting time, a commercial broadcasting establishment, the Company or a publisher of a press product.
4. 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 Media Authority exercises statutory powers and having accepted a position or holding a membership which shall be incompatible with membership of the Media Authority.
5. By or pursuant to Order in Council, rules shall be adopted governing the remuneration and legal status of the members of the Media Authority and its staff.

Section 11

1. Decisions of the Media Authority shall be taken by a majority of votes. Our Minister shall be notified of decisions as soon as possible after they have been proclaimed.
2. The Media Authority shall require the consent of all its members in order to grant a mandate to and authorise one or more of its members to perform aspects of its work.
3. The Media Authority shall regulate its own decision-making processes and the way in which it shall operate. These regulations shall require the consent of Our Minister.

Section 12

1. The costs of the Media Authority shall be defrayed by Our Minister. By 1 November each year, the Media Authority shall adopt a budget for the next calendar year. The budget shall require the consent of Our Minister.
2. By 1 June each year, the Media Authority shall provide Our Minister with a financial report accompanied a report prepared by an accountant as referred to in article 393 of Book 2 of the Civil Code, covering the fairness and regularity of the financial report. The financial report shall require the consent of Our Minister.
3. The Media Authority shall make the documents referred to in subsection 2 publicly available.
4. Our Minister may lay down rules on the structure of the budget, the financial report and matters to be covered by the audit.

Section 13

1. Decisions by the Media Authority may be overturned by Royal Decree either in the six weeks following their notification to Our Minister or in the period during which the relevant decision is stayed.
2. The staying of resolutions of the Media Authority may take place only during the four weeks following their notification to Our Minister.
3. A Royal Decree to stay a resolution, to revoke or extend such a stay or to overturn a decision shall be published in the Bulletin of Acts and Decrees (*Staatsblad*).

Section 13a

1. The Media Authority shall, upon request, provide Our Minister with the information required for the performance of his tasks. Our Minister may ask to see commercial information and documents, in so far as this is reasonably necessary for the performance of his duties.
2. If, in Our Minister's opinion, the Media Authority fails to perform its tasks, or fails to perform them properly, Our Minister may, after consulting the Media Authority, take the necessary measures.
3. Our Minister shall inform the House of Representatives of the States General without delay of the action he has taken.

Section 13b

1. By 1 June of each year, the Media Authority shall draw up a report of its activities, its policy in general and the efficiency and effectiveness of its activities in particular in the previous calendar year. The report shall be forwarded to Our Minister and made publicly available. Our Minister shall forward the report to both Houses of the States General.
2. Our Minister shall submit a report on the effectiveness and efficiency of the way the Media Authority operates to the States General every four years.

CHAPTER III. PUBLIC BROADCASTING

Title 1. The tasks of public broadcasting

Section 13c

1. The tasks of public broadcasting shall be:

- (a) to provide a varied and high-quality range of programme services for general broadcasting purposes at national, regional and local level in the fields of information, culture, education and entertainment and to transmit them, or cause them to be transmitted, on open networks;
 - (b) to perform all the activities relating to programme service provision and transmission required for that purpose;
 - (c) to provide and transmit programme services intended for countries and regions outside the Netherlands and for Dutch people residing outside the territory of the Netherlands.
2. Public broadcasting programme services shall provide a balanced picture of society and of people's current interests and views pertaining to society, culture, religion and belief, and:
- (a) shall be accessible to the entire population in the area for which the programmes are intended;
 - (b) shall contribute to the development and dissemination of the socio-cultural diversity of the Netherlands;
 - (c) shall be independent of commercial influences and, subject to the provisions laid down by or pursuant to the law, of government influence; and
 - (d) shall be aimed at a broad audience and at population and age groups of varying size and composition.
3. Public broadcasting may perform the tasks referred to in subsection 1, *inter alia*, by providing and disseminating programme material in ways other than those referred to in subsection 1 (a).

Title 2. Broadcasting establishments

PART 1. BROADCASTING ASSOCIATIONS

Section 14

1. A broadcasting association is an association which fulfils the following requirements:
- (a) the association has full legal capacity;
 - (b) to perform the public broadcasting tasks referred to in section 13c, the exclusive or, at least, principal objective of the association, as laid down in its constitution, must be to provide a programme service for general broadcasting purposes at national level, and to carry out all the activities relating to programme service provision and transmission required for that purpose;
 - (c) the aim of the association, as laid down in its constitution, is to reflect in its programme service a particular social, cultural, religious or spiritual movement within society, as indicated in its constitution, and, through its programme, to address the task of satisfying social, cultural, religious or spiritual needs existing amongst the public.

2. For the purposes of this Act, the members of a broadcasting association shall be understood to be those members who are at least 16 years of age, are residing in the Netherlands and who have paid their contribution with due observance of the provisions of section 64.

PART 2. THE PROGRAMME SERVICE FOUNDATION OF THE NETHERLANDS - (*NEDERLANDSE PROGRAMMA STICHTING*)

Section 15

1. The Programme Service Foundation of the Netherlands shall provide a programme service which consists of programmes which satisfy social, cultural, religious or spiritual needs amongst the public in such a way as to ensure that this programme service, together with the programme services of the other establishments which have obtained national broadcasting time, provides a balanced reflection of the social, cultural, religious and spiritual diversity in the Netherlands.
2. The board of the Programme Service Foundation shall consist of a chairperson and six other members.
3. Our Minister shall appoint the chairperson and the other board members. Persons with expertise in the field of the programme service which the Programme Service Foundation provides shall be eligible for appointment to the board.
4. The members of the board shall each time be appointed for periods of five years. Any members appointed within the said five-year period shall resign at the same time as the other members. Members shall be eligible for immediate re-appointment.
5. Apart from resignation by the board member concerned, dismissal shall be possible but only on the ground of unfitness for board membership.

Section 15a

1. The Programme Service Foundation shall have a programme service council to advise the board about the programme service provided by the Programme Service Foundation.
2. The programme service council shall consist of a chairperson and nineteen other members.
3. Our Minister shall appoint the chairperson of the programme service council. The other members of the programme service council shall be appointed by social and cultural organisations designated by Our Minister.
4. The members of the programme service council shall each time be appointed for periods of five years. Any members appointed during the five-year period shall resign

at the same time as the other members. Members shall be eligible for immediate re-appointment.

5. The programme service council shall regulate its own activities. These regulations require the consent of the board of the Programme Service Foundation.

Section 15b

1. Amendments to the constitution of the Programme Service Foundation shall require the consent of Our Minister.
2. The board of the Programme Service Foundation shall not have the power to decide to dissolve the Programme Service Foundation.

PART 3. THE BROADCASTING FOUNDATION OF THE NETHERLANDS (*NEDERLANDSE OMROEP STICHTING, NOS*)

§1. Tasks

Section 16

1. The Broadcasting Foundation of the Netherlands shall be the body responsible for coordination and cooperation for national broadcasting purposes.
2. In addition to the other tasks assigned to it under this Act, the Foundation shall be charged with:
 - (a) promoting cooperation and coordination within national broadcasting with a view to performing the public broadcasting tasks referred to in section 13c;
 - (b) coordinating on and between the different programme service networks, the programme services of the establishments which have obtained national broadcasting time;
 - (c) providing a programme service;
 - (d) preparing six-monthly reports which list the programmes broadcast by the Foundation, the Programme Service Foundation and the broadcasting associations, per individual broadcasting establishment, per television or radio programme service network, and for the said broadcasting establishments jointly, categorised according to the definitions referred to in section 40, subsections 2 and 4, section 50, subsections 1 to 3, section 51, subsection 1, section 51b, subsections 2 and 3, section 51d, subsection 2, section 54, subsections 1 to 4, and section 54a, subsections 1 and 3;
 - (e) representing, subject to consultation with Our Minister, the establishments which have obtained national broadcasting time and Radio Netherlands within organisations in the field of radio and television programme services and the broadcasting thereof, as well as collaborating in the establishment of such international organisations;

- (f) contributing, subject to the prior permission of Our Minister, to a European television programme service aimed, *inter alia*, at the public in the Netherlands, in collaboration with foreign broadcasting establishments;
 - (g) offering programme services to other countries;
 - (h) dealing with issues of common concern to the establishments which have obtained national broadcasting time;
 - (i) scheduling the broadcasting time of the establishments which have obtained national broadcasting time;
 - (j) drawing up a budget as referred to in section 99;
 - (k) concluding collective labour agreements within the limits of the budget consented to by Our Minister, in collaboration with Radio Netherlands, partly on behalf of the establishments which have obtained national broadcasting time, with the exception of political parties;
 - (l) setting standards for the remuneration of freelance workers in collaboration with Radio Netherlands and partly on behalf of the establishments which have obtained national broadcasting time, with the exception of political parties;
 - (m) defraying the costs of the establishments which have obtained national broadcasting time, including the promotion of the efficient use of the funds allocated by Our Minister, as referred to in section 101, subsection 1;
 - (n) establishing, maintaining, managing and regulating the use of the bodies, services and facilities required for the proper performance of the tasks listed under (a) to (l) above, in so far as this is not part of the tasks of the Company referred to in section 83.
3. The reports referred to in subsection 2 (d) shall be sent to the Media Authority.
 4. In the context of its task as referred to in section 16, subsection 2 (h), the Foundation shall have the authority to enter into contracts with third parties in the name of the establishments which have obtained national broadcasting time, provided that this is done by or with the consent of the supervisory board.

Section 17

The Foundation shall provide the teletext programme service for national broadcasting.

§2. Organisation

Section 18

1. The Foundation shall have two boards: a supervisory board and a board of directors.
2. Membership of the supervisory board shall be incompatible with membership of the board of directors and the network management.

Section 18a

1. The supervisory board shall consist of a chairperson and a number of other members.
2. The chairperson of the supervisory board shall be appointed by Royal Decree.
3. Our Minister shall appoint a number of members which shall equal the number of broadcasting associations which have obtained an accreditation, minus three. As regards one of these members, the works councils of the Foundation, the Programme Service Foundation and the broadcasting associations which have obtained an accreditation may jointly recommend persons for appointment to the supervisory board.
4. The other members of the supervisory board shall be appointed in the following manner:
 - (a) the broadcasting associations which have obtained an accreditation and the Programme Service Foundation shall each appoint one member;
 - (b) the educational broadcasting establishment which has obtained an accreditation shall appoint one member;
 - (c) the religious and other spiritual organisations which have obtained broadcasting time shall jointly appoint one member.
5. The members of the supervisory board shall be appointed for periods of five years. Members who are appointed during the course of a five-year period shall resign at the same time as the other members. Members may be reappointed twice for a consecutive period.
6. Broadcasting associations which have obtained a provisional accreditation may each appoint an observer to the supervisory board.
7. The chairperson may invite representatives of the Media Authority to attend meetings of the supervisory board.

Section 18b

1. The supervisory board shall be charged with supervising the policies of the board of directors and the general course of things at the Foundation. In performing their tasks, the members of the supervisory board shall focus on the common interest of national public broadcasting.
2. The supervisory board shall be charged with:
 - (a) establishing, upon proposal by the board of directors, the general principles for national television and radio broadcasting by establishments which have obtained broadcasting time;
 - (b) adopting the annual accounts of the Foundation;

- (c) amending, upon proposal by the board of directors, the constitution of the Foundation;
 - (d) establishing the general principles for the Foundation's programme service.
3. The following resolutions and decisions by the board of directors shall require the consent of the supervisory board:
- (a) the adoption of the concession policy plan referred to in section 30b, subsection 1;
 - (b) the adoption of the interim concession policy plan referred to in section 30b, subsection 3;
 - (c) the adoption of the network profiles for national television or radio programme service networks referred to in section 19a, subsection 1 (e);
 - (d) the adoption of the coordination regulation referred to in section 19a, subsection 1 (f);
 - (e) the adoption of the budget referred to in section 99;
 - (f) the adoption of the annual report referred to in section 23a;
 - (g) investments in excess of the maximum amount stated in the constitution;
 - (h) the conclusion or termination of a permanent collaboration between the Foundation and another legal person or partnership, if such collaboration or termination thereof is of considerable importance to the Foundation or for other establishments which have obtained national broadcasting time;
 - (i) the collective dismissal of a considerable number of employees;
 - (j) radical changes affecting the employment conditions of a considerable number of employees.

Section 19

1. The board of directors shall consist of a chairperson and two other members. The chairperson and the other members shall be employed by the Foundation.
2. The members of the board of directors shall be appointed by the supervisory board. Appointment decisions by the supervisory board shall require the consent of Our Minister.
3. The members of the board of directors shall be appointed for a period of five years. They may be reappointed once for a consecutive period.
4. The supervisory board shall determine the conditions of employment of the members of the board of directors.
5. Membership of the board of directors shall be incompatible with membership of a body of, or employment with, an establishment which has obtained broadcasting time, with the exception of the Radio and Television Advertising Foundation (*Stichting Etherreclame*).
6. The board of directors shall regulate its own activities.

7. Article 668a, paragraphs 1 to 4, of Book 7 of the Civil Code shall not apply.

Section 19a

1. In addition to the other tasks and competences assigned to it under this Act, the board of directors shall be charged with:
 - (a) the daily management of the activities of the Foundation, including the provision of its programme service;
 - (b) submitting proposals, after consultation with the network managements, regarding the adoption of the general principles referred to in section 18b, subsection 2 (a);
 - (c) adopting the concession policy plan referred to in section 30b, subsection 1;
 - (d) adopting the interim concession policy plan referred to in section 30b, subsection 3;
 - (e) adopting the network profiles of the national television or radio programme service networks, containing the principles of recognisable programming on the various television and radio programme service networks as referred to in section 40, subsections 2 and 4, taking into account the general principles referred to in section 18b, subsection 2 (a), and subject to the provisions laid down by or pursuant to section 13c and the provisions laid down by or pursuant to this Act regarding the programmes and programming on the television and radio programme service networks;
 - (f) adopting a regulation for coordinating the television or radio programmes on and between the different programme service networks;
 - (g) coordinating, on and between the different programme service networks, the programmes of the establishments which have obtained national broadcasting time;
 - (h) adopting further regulations to implement the Foundation's statutory tasks, with the exception of the tasks referred to in section 16, subsection 2 (c and f).
2. The board of directors shall represent the Foundation both at law and otherwise. The constitution of the Foundation may confer power to represent the Foundation, as referred to in the previous sentence, upon one or more members of the board of directors or upon other persons.
3. Furthermore, the board of directors shall be charged with everything which does not fall within the explicit remit of the supervisory board.
4. The board of directors shall appoint a programme service director for the provision of the Foundation's programme service. The programme service director shall be employed by the Foundation. The function of programme service director shall not be compatible with membership of the supervisory board and board of directors.

Section 20

The coordination regulation referred to in section 19a, subsection 1 (f) shall in any event include:

- (a) rules regarding preparations for the board of directors' scheduling of broadcasting time;
- (b) further rules regarding the coordination of programmes on and between the different programme service networks, aimed at a balanced range of programme services for sections of the public of varying size and composition, spread over the different programme service networks;
- (c) rules aimed at preventing similar types of programmes being broadcast on different programme service networks at the same time;
- (d) rules aimed at promoting the start of new programmes on different programme service networks at the same time;
- (e) rules regarding the provision of information about programmes on other programme service networks;
- (f) further rules regarding the exercise of the board of directors' power in the context of the coordination referred to at (b) to change the planned day or time of a programme's broadcast.
- (g) the adoption of the portion of the broadcasting time between 16.00 and 24.00 referred to in section 40d, subsection 1 (b).

§3. Other provisions

Section 21

1. Without prejudice to section 48, resolutions passed by the board of directors on the following subjects shall be binding on the establishments which have obtained national broadcasting time in so far as these resolutions affect them :
 - (a) resolutions regarding the scheduling of broadcasting time of the establishments which have obtained national broadcasting time;
 - (b) resolutions regarding defraying the costs of the establishments which have obtained national broadcasting time;
 - (c) resolutions regarding the adoption of the coordination regulation referred to in section 19a, subsection 1 (f);
 - (d) resolutions regarding the coordination, on and between the different programme service networks, of the programmes of the establishments which have obtained national broadcasting time;
 - (e) resolutions regarding the adoption of the detailed regulations referred to in section 19a, subsection 1 (h).
 - (f) resolutions regarding the application of section 22;
 - (g) resolutions regarding the tasks referred to in section 40, subsection 5, section 50, subsection 9, section 51, subsection 2, section 54, subsection 7, and section 54a, subsection 4, in so far as they do not already fall under the resolutions referred to at (a) to (e).

2. The board of directors shall be responsible for ensuring compliance with the resolutions referred to in subsection 1.

Section 22

The board of directors and any employees of the Foundation so designated by the board of directors shall have the power to require such information from the establishments which have obtained national broadcasting time as may be reasonably necessary for the performance of the board of directors' responsibilities, including those of the network coordinators.

Section 23

1. The Foundation shall furnish Our Minister with complete information regarding its activities.
2. Our Minister may require access to the Foundation's business information and records in so far as this is reasonably necessary for the performance of his tasks.

Section 23a

1. Before 1 June of each year, the board of directors shall adopt an annual report regarding the preceding calendar year. This annual report shall devote attention to the Foundation's activities, its policies in general and the efficiency and effectiveness of its operations in particular.
2. The board of directors shall send the report to Our Minister and make the report generally available.

Section 24

1. Amendments to the Foundation's constitution shall require the consent of Our Minister.
2. The board of directors may not decide to dissolve the Foundation.

PART 4. EDUCATIONAL BROADCASTING ESTABLISHMENTS

Section 25

1. An educational broadcasting establishment shall satisfy the following requirements:
 - (a) it must be a legal person with full legal competence;
 - (b) its exclusive objective must be the provision of a broad and cohesive educational programme in the field of education, training and personal development;

- (c) it must have, as evidenced by its constitution, a board whose members are experts from the circle of representative national organisations in the field of education, training and personal development; and
 - (d) it must have included in its constitution a regulation providing for the establishment of a programme council which determines programme service policy. The membership of the programme council must be representative of social, religious and other spiritual organisations in the field of education, personal development and training.
2. The constitution and any amendments thereof shall require the consent of Our Minister.

PART 5. THE RADIO AND TELEVISION ADVERTISING FOUNDATION (*STICHTING ETHERRECLAME*)

Section 26

1. The Radio and Television Advertising Foundation shall provide a programme service for general broadcasting purposes consisting of advertising messages supplied by third parties, as well as filler items before, after and between the advertising messages.
2. The board of the Radio and Television Advertising Foundation shall consist of a chairperson and four other members.
3. The members of the board shall be appointed and dismissed by Our Minister. Three of the members shall be appointed upon the recommendation of the Foundation. The chairperson shall be appointed by Our Minister from among the members.
4. Our Minister may designate two observers, who shall have an advisory vote on the board.

Section 27

1. The board of the Radio and Television Advertising Foundation shall set the rates for the inclusion of advertising messages in its programme service.
2. All board resolutions setting rates shall be notified immediately to Our Minister.
3. Our Minister shall have the power to overturn all or part of such a resolution within one month of receipt. When doing so, Our Minister may either set these rates himself or determine that the board of the Radio and Television Advertising Foundation must come forward with a new resolution which pays due heed to Our Minister's decision.
4. The provisions of subsections 2 and 3 shall apply *mutatis mutandis* to any new resolution passed by the board of the Radio and Television Advertising Foundation.

Section 28

The revenue earned by the Radio and Television Advertising Foundation shall, after deduction of its expenses as approved by Our Minister, be at the disposal of Our Minister.

The revenue thus remitted shall be used to cover the costs incurred in connection with:

- (a) defraying the costs of establishments which have obtained national broadcasting time, with the exception of political parties;
- (b) defraying the costs of regional broadcasting;
- (c) Radio Netherlands;
- (d) the European programme service referred to in section 16, subsection 2 (f);
- (e) the payment made from the Radio and Television Advertising Foundation revenue to the Press Fund referred to in section 128;
- (f) the Council for Culture in so far as these costs relate to the advisory role of this body in respect of radio, television, the press and other forms of mass communication, and subject to a maximum amount set by Our Minister;
- (g) the Media Authority;
- (h) research financed by Our Minister in the interest of mass communication;
- (i) contributions by Our Minister to the fund referred to in section 170;
- (j) payments to the Company for the implementation of its tasks referred to in section 83;
- (k) payments to the institution designated by Our Minister for the purpose of maintaining and operating a broadcasting archive;
- (l) payments to the institution designated by Our Minister for the purpose of maintaining and running broadcasting service orchestras and choirs, and a music library;
- (m) a consultative body of local broadcasting establishments to be designated by Our Minister and contributions to regional and local broadcasters for programmes aimed at minorities.

Section 28a

1. Before 1 August of each year, the Radio and Television Advertising Foundation shall furnish Our Minister with a statement of its forecast revenue for the next calendar year. Moreover, each year, before 1 September, the Radio and Television Advertising Foundation shall furnish Our Minister with a statement of its forecast revenue for the current calendar year.
2. Our Minister shall send copies of these statements for examination to the Media Authority, the Foundation and Radio Netherlands as soon as possible.

Section 29

1. Amendments to the constitution of the Radio and Television Advertising Foundation shall require the consent of Our Minister.

2. The board of the Radio and Television Advertising Foundation may not resolve to dissolve the Foundation.

PART 6. LOCAL AND REGIONAL BROADCASTING ESTABLISHMENTS

Section 30

A local or regional broadcasting establishment shall satisfy the following requirements:

- (a) it must be a legal person with full legal capacity;
- (b) to perform the public broadcasting tasks referred to in section 13c, its exclusive or, at least, principal objective, as laid down in its constitution, must be to provide a programme service for general broadcasting purposes at local or regional level, and to carry out all the activities relating to programme service provision and transmission required for that purpose. The programme service shall be aimed at satisfying the social, cultural, religious or spiritual needs of the general public in a municipality or province or the area of the province served by the establishment to such an extent that it may be deemed to be serving the public interest; and
- (c) pursuant to its constitution, it must have a body which determines its programme service policy. This body shall be composed in such a way as to be representative of the main social, cultural, religious and other spiritual movements within the municipality or province. The members of this body shall be appointed by the provincial executive or the municipal executive respectively, upon the recommendation of the broadcaster.

Title 3. National Broadcasting

§1. Granting concessions for national broadcasting

Section 30a

1. To accomplish the public broadcasting tasks at national level referred to in section 13c, subsection 1 (a and b) and subsections 2 and 3, the Foundation shall be granted a national broadcasting concession.
2. At the recommendation of Our Minister, the concession shall be granted by Royal Decree for a period of 10 years and shall enter into force on a date to be determined in the Royal Decree.
3. Conditions and general instructions may be attached to the concession. These conditions and instructions shall relate to:
 - (a) the manner in which the public may be involved in programme service policy and programming;

- (b) the manner in which account is to be rendered to the public for programme service policy implementing the public broadcasting tasks;
 - (c) cooperation with Radio Netherlands;
 - (d) cooperation with regional and local broadcasting establishments.
4. The conditions and instructions referred to in subsection 3 shall not relate to the content of programme services or programmes.
 5. Measures may be taken by Order in Council if the Foundation fails to comply with its obligations arising from the law or the concession.

Section 30b

1. For the purpose of granting the concession, the Foundation shall submit a concession policy plan for national broadcasting purposes to the Media Authority. The Media Authority shall submit the concession policy plan with its comments to Our Minister within four weeks.
2. The concession policy plan shall in any event include:
 - (a) the manner in which, during the concession period, the accredited establishments which have obtained national broadcasting time, the Foundation and the Programme Service Foundation implement, individually and jointly, the tasks assigned to national broadcasting, and in particular the manner in which, on television and radio programme service networks, the proposed programming and cooperation are to be implemented, subject to the provisions laid down by or pursuant to this Act;
 - (b) an overview of the organisational, human, material and financial resources likely to be needed for that purpose; and
 - (c) the manner in which cooperation will take place with Radio Netherlands.
3. During the concession period, and before the expiry of a period of five years, the Foundation shall submit an interim concession policy plan for the coming five years to the Media Authority. The Media Authority shall submit the interim concession policy plan with its comments to Our Minister within four weeks.
4. The concession policy plan and the interim concession policy plan shall be drawn up by the board of directors following consultations with the establishments which have obtained national broadcasting time and, where cooperation with Radio Netherlands is concerned, with Radio Netherlands.
5. Our Minister shall request the Council for Culture for advice on the concession policy plan and interim concession policy plan.
6. Further rules shall be laid down by or pursuant to Order in Council concerning the date on which the concession policy plan and the interim concession policy plan must be submitted.

Section 30c

1. During the concession period, the Foundation shall ensure that the manner in which the Foundation and the other establishments which have obtained national broadcasting time implement the tasks assigned to national broadcasting is subject to regular evaluation. An evaluation as referred to in the previous sentence shall in any event be carried out prior to the expiry of a five-year period.
2. To implement subsection 1, the Foundation shall appoint a committee consisting of at least five independent experts. The Foundation shall ensure that the membership of the committee is as representative as possible of radio and television audiences.
3. At the recommendation of the board of directors and having heard Our Minister, the members of the committee shall be appointed by the supervisory board. A committee shall be established and the members appointed for the duration of the committee's activities.
4. A committee as referred to in subsection 2 shall have the task of evaluating the way in which the tasks assigned to national broadcasting are implemented. To that end, the committee shall in any event report on:
 - (a) the manner in which the Foundation and the other establishments which have obtained national broadcasting time have jointly implemented the tasks assigned to national broadcasting through the programme services offered;
 - (b) the manner in which the individual establishments which have obtained national broadcasting time have contributed to accomplishing the tasks assigned to national broadcasting;
 - (c) the extent to which the programme services offered correspond to the interests and views of the general public and of specific population and age groups;
 - (d) other subjects included in the decision appointing the committee or indicated by Our Minister;
5. The committee may make recommendations concerning the tasks and objectives of national broadcasting for the five-year period and how they may be implemented.
6. The committee shall issue a report on its activities and findings by 1 September of the year preceding the year in which the period for which the concession referred to in section 30a and the accreditations referred to in section 31 were granted ends, and shall submit it to the supervisory board.
7. The supervisory board shall publish the report.

§2. Accreditation of broadcasting establishments for the provision of programme services for national broadcasting purposes

Section 31

1. Our Minister may accredit broadcasting associations and one educational broadcasting establishment for the provision of programme services for national broadcasting purposes.
2. Accreditations shall be granted once every five years for a period of five years, which shall commence simultaneously for all the accredited broadcasting establishments concerned, on the understanding that the date on which the accreditations enter into force shall coincide with the date on which the concession referred to in section 30a enters into force, or the date on which the five-yearly periods referred to in section 30b, subsection 3 commence.
3. A broadcasting association shall qualify for an accreditation only if:
 - (a) the broadcasting association had broadcasting time as a broadcasting association in the year prior to the accreditation period; and
 - (b) the Media Authority has ascertained that the broadcasting association has at least 300,000 members.
4. An accreditation shall give an accredited broadcasting establishment the right, throughout the accreditation period, to broadcasting time and a financial contribution for the provision of the programme service.
5. An accredited broadcasting establishment shall be under an obligation to provide a television and radio programme service for national broadcasting purposes for the period for which the accreditation is granted.

Section 32

1. An accreditation shall be granted upon request and shall relate to the provision of both television and radio programme services. Applications shall be submitted to the Media Authority, which shall forward them with its comments to Our Minister within four weeks.
2. Applications for an accreditation shall be accompanied by a policy plan. Applications by a broadcasting association shall also include a statement of the total number of members of the broadcasting association as ascertained by the Media Authority.
3. The policy plan referred to in subsection 2 shall in any event include the broadcasting establishment's proposed programme service policy subject to the obligations laid down by or pursuant to this Act regarding national broadcasting programme services and plans and agreements regarding cooperation with other applicants for an accreditation or provisional accreditation, the Foundation or the Programme Service

Foundation, partly in the light of the implementation of the public broadcasting tasks referred to in section 13c, the concession referred to in section 30a, subsection 1, and the conditions and instructions attached thereto. The section of the policy plan relating to cooperation with other applicants, the Foundation or the Programme Service Foundation may be submitted jointly by the applicants concerned or by the applicants concerned acting in agreement with the Foundation or Programme Service Foundation.

4. The Media Authority's determination of the total number of members shall take place on a reference date set by Our Minister.
5. The Media Authority may lay down further rules regarding the information which the broadcasting associations are to supply for the purpose of determining the total number of members, the way in which this information is to be supplied and the way in which the determination is to take place.

Section 33

Further rules may be laid down by or pursuant to Order in Council regarding the content of the policy plan referred to in section 32, subsection 2, the date on which and the manner in which applications for an accreditation are to be submitted, their availability for inspection and the period within which decisions on applications are to be given.

Section 34

Before giving a decision on an accreditation or provisional accreditation, Our Minister shall ask the Council for Culture for advice.

Section 34a (Repealed)

Section 34b (Repealed)

Section 35 (Repealed)

Section 36

1. Applications for an accreditation shall be rejected if the provisions of section 14, subsection 1, section 25 or section 31, subsection 3 are not met.
2. Applications for an accreditation may otherwise be rejected only if:
 - (a) any requirement laid down by or pursuant to section 32, subsections 2 to 5, and section 33 is not met;
 - (b) there is good reason to believe that the applicant, given his method of operation in a previous period during which he had broadcasting time, will not comply with the rules and regulations imposed by or pursuant to Act of Parliament; or

- (c) in the opinion of Our Minister, the applicant's policy plan does not sufficiently demonstrate that:
- 1° where a broadcasting association is concerned, the applicant's identity is expressed in the programme service policy;
 - 2° the programme service satisfies the relevant requirements laid down by or pursuant to this Act;
 - 3° willingness to cooperate as referred to in section 32, subsection 3 exists.
3. Applications for an accreditation by a broadcasting association which has obtained a provisional accreditation and wishes to be considered for an accreditation may be rejected if, during the period for which a provisional accreditation was obtained, it has not been sufficiently demonstrated that the programme service satisfies the requirements referred to in section 37a, subsection 1.

Section 36a

1. If a broadcasting association or the educational broadcasting establishment which has obtained an accreditation wishes to change its policy plan during the period for which the accreditation was granted, it shall notify Our Minister of the intended changes.
2. The changes may be implemented if Our Minister does not raise any objections to them within eight weeks of their having been notified to Our Minister.
3. Our Minister shall raise objections to planned changes only in those cases where he would have rejected the application for an accreditation, accompanied with the policy plan as it would have been phrased after the planned amendments, on one or more of the grounds referred to in section 36, subsection 2 (c).

Section 36b

1. Our Minister shall withdraw an accreditation if the broadcasting association or the educational broadcasting establishment no longer satisfies section 14, subsection 1 or section 25.
2. Our Minister may withdraw an accreditation if, within a period of one year, the Media Authority has imposed sanctions on the broadcasting association or educational broadcasting establishment on at least two occasions in connection with a violation of the provisions laid down by or pursuant to this Act, including at least once the sanction referred to in section 46, subsection 1.
3. If a sanction as referred to in section 103a has been imposed on a broadcasting association or the educational broadcasting establishment for two consecutive years, or if, in the opinion of the board of directors, a broadcasting association or the educational broadcasting establishment has not sufficiently displayed the willingness

to cooperate referred to in section 32, subsection 3, the board of directors may request Our Minister to withdraw the accreditation.

Section 36c (Repealed)

§3. Provisional accreditation of broadcasting associations for the provision of programme services for national broadcasting purposes

\Section 37

1. Our Minister may grant provisional accreditations for the provision of programme services for national broadcasting purposes.
2. Provisional accreditations shall be granted once every five years for a period of five years, which shall commence simultaneously for all broadcasting associations with provisional accreditations and which shall coincide with the accreditation period referred to in section 31, subsection 2.
3. A broadcasting association shall qualify for a provisional accreditation only if:
 - (a) it has not obtained an accreditation as referred to in section 31; and
 - (b) the Media Authority has ascertained that it has at least 50,000 members.
4. Section 31, subsections 4 and 5 shall apply *mutatis mutandis*.

Section 37a

1. Section 32 shall apply *mutatis mutandis* to applications for a provisional accreditation, on the understanding that the policy plan must also show that the programme service which the broadcasting association intends to provide differs, in terms of both content and scope, from programme services provided by the broadcasting associations which have obtained an accreditation to such an extent that it increases the diversity of national broadcasting and thereby imparts fresh momentum to the accomplishment of the tasks assigned to national broadcasting.
2. Rules may be laid down by or pursuant to Order in Council concerning the content of the policy plan, the date on which and the manner in which applications for a provisional accreditation are to be submitted, their availability for inspection and the period within which decisions on applications are to be given.

Section 37b

1. Applications for a provisional accreditation shall be rejected if the requirements laid down in section 14, subsection 1 and section 37, subsection 3 are not met.
2. Applications for a provisional accreditation may otherwise be rejected only if:
 - (a) any requirement laid down by or pursuant to section 37a is not met;

- (b) there is good reason to believe that the applicant will not comply with regulations imposed by or pursuant to Act of Parliament; or
- (c) in the opinion of Our Minister, the applicant's policy plan does not sufficiently demonstrate that the identity of the applicant is expressed in the programme service policy, the programme service satisfies the relevant requirements laid down by or pursuant to this Act or that the willingness to cooperate referred to in section 32, subsection 3 exists.

Section 37c (Repealed)

Section 37d (Repealed)

Section 37e (Repealed)

Section 38

Sections 36a and 36b shall apply *mutatis mutandis* to broadcasting associations which have obtained a provisional accreditation, on the understanding that objections as referred to in section 36a, subsection 3 against proposed changes to the policy plan of a broadcasting association which has obtained a provisional accreditation may be raised only if an application for a provisional accreditation would have been rejected on one or more of the grounds referred to in section 37b, subsection 2 (a and c).

Title 4. Broadcasting time and the programme service networks

PART 1. NATIONAL BROADCASTING

§1. Provision and allocation of broadcasting time

Section 39

1. The broadcasting associations which have obtained an accreditation shall have at their disposal 650 hours of television broadcasting time per year and 3,000 hours of radio broadcasting time per year.
2. Broadcasting associations which have obtained a provisional accreditation shall have at their disposal 100 hours of television broadcasting time per year and 450 hours of radio broadcasting time per year.
3. The educational broadcasting establishment which has obtained an accreditation shall have at its disposal 500 hours of television broadcasting time per year and 475 hours of radio broadcasting time per year.
4. The broadcasting associations and the educational broadcasting establishment shall be entitled to use more broadcasting time than that referred to in subsections 1 to 3.

5. The number of hours of television or radio broadcasting time as referred to in subsections 1 to 3 may be revised by Order in Council if the number of broadcasting associations which have obtained an accreditation or a provisional accreditation gives cause to do so.

Section 39a

1. The Programme Service Foundation shall have at its disposal 650 hours of television broadcasting time per year and of 3,000 hours of radio broadcasting time per year.
2. The Programme Service Foundation shall be entitled to use more broadcasting time than that referred to in section 39a, subsection 1.

Section 39a1

1. The Foundation shall have at its disposal 1,300 hours of television broadcasting time per year and 1,500 hours of radio broadcasting time per year.
2. The Foundation shall be entitled to use more broadcasting time than that referred to in section 39a1, subsection 1.
3. In addition, the Foundation shall, to the exclusion of the other establishments which have obtained broadcasting time, have at its disposal broadcasting time for a teletext programme service for national broadcasting purposes. This broadcasting time shall equal the time during which the relevant broadcasting transmitters transmit the programme services of the establishments which have obtained national broadcasting time or a test pattern.
4. Notwithstanding section 39a1, subsection 3, and subject to section 39b, the Radio and Television Advertising Foundation shall be permitted to use part of the national broadcasting time for the teletext programme service.

Section 39b

Each year, the Radio and Television Advertising Foundation shall have at its disposal such a percentage of the total amount of time used for national broadcasting purposes as shall be laid down by Order in Council. This percentage shall be no higher than ten per cent and may vary for television and radio.

Section 39c

1. Each year, Our Minister shall establish how much national television broadcasting time and national radio broadcasting time is available for the establishments which qualify for the allocation of national broadcasting time by the Media Authority in accordance with section 39f to 39h.

2. The Media Authority shall allocate the broadcasting time referred to in subsection 1 on an annual basis.
3. By Order in Council, rules shall be laid down regarding the period and the manner in which applications for the allocation of broadcasting time are to be submitted, the time limit within which decisions on applications are to be taken and the point when the allocation of broadcasting time is to take effect.

Section 39d (Repealed)

Section 39e (Repealed)

Section 39f

1. Once every five years, the Media Authority may allocate national broadcasting time to religious and other spiritual organisations or to legal persons in which two or more such organisations collaborate. This allocation of broadcasting time shall remain effective for a period of five years, after which the right to broadcasting time shall have lapsed.
2. The religious and other spiritual organisations which have obtained broadcasting time shall be entitled to place the provision of their programme services in the hands of the Foundation, a broadcasting association which has obtained broadcasting time or a body established by the aforesaid establishments themselves.

Section 39g

1. The Media Authority shall allocate national broadcasting time to those political parties which gained one or more seats in the House of Representatives or the Senate of the States General at the last election.
2. The Media Authority shall allocate national broadcasting time to political parties which are standing in all constituencies in an election for the Senate of the States General, as well as to political parties in the Netherlands participating in an election for the European Parliament. Notwithstanding section 39c, subsection 3, this broadcasting time shall be allocated not on an annual basis, but only for such a period - to be determined by the Media Authority - as immediately precedes the day fixed for the relevant election in the Netherlands.
3. Notwithstanding subsections 1 and 2, if a political party has been ordered to pay an unconditional financial penalty under articles 137c, d, e, f or g, or article 429 quater of the Criminal Code, the Media Authority shall not allocate any broadcasting time to that political party for a period commencing on the day on which the order becomes irrevocable. This period shall last:
 - (a) one year, in the case of a penalty of less than NLG 2,500;
 - (b) two years, in the case of a penalty of between NLG 2,500 and NLG 5,000;

- (c) three years, in the case of a penalty of between NLG 5,000 and NLG 7,500; and
 - (d) four years, in the case of a penalty of NLG 7,500 or more.
4. If, on the day on which the order referred to in subsection 3 becomes irrevocable, the political party in question has had no parliamentary seats allocated to it under the Elections Act (*Kieswet*), but is allocated one or more parliamentary seats on the basis of an election held within two years of the said day, the period during which that political party shall not be allocated any broadcasting time as referred to in subsection 1 shall commence on the day on which the said election is held.
 5. After an order as referred to in subsection 3, the political party in question shall in any event and, where necessary, notwithstanding subsection 3 (a), not be allocated any broadcasting time as referred to in subsection 2 for a period of two years as from the day on which the order becomes irrevocable.

Section 39h

1. On the recommendation of the Prime Minister after consultation with Our Minister, rules shall be laid down by or pursuant to Order in Council regarding the allocation by the Media Authority of national broadcasting time for the purpose of disseminating government information. This Order in Council may also serve to stipulate that, notwithstanding section 39a1, subsection 3, part of the broadcasting time of the teletext programme service for national broadcasting purposes may be allocated for this purpose.
2. The broadcasting time shall be allocated to the ministers for use by government agencies or persons designated for this purpose by them.

Section 39i

1. In addition to the broadcasting time referred to in section 39c, subsection 1, the Media Authority may allocate extra broadcasting time in special cases or for special purposes.
2. There shall be no right to compensation, as referred to in section 104, subsection 3, for broadcasting time allotted subject to subsection 1.

§2. Television and radio programme service networks

Section 40

1. During the concession period referred to in section 30a, subsection 2, three television programme service networks shall be available for national broadcasting by establishments which have obtained broadcasting time: TV1, TV2 and TV3.

2. Programming on the different television programme service networks shall include cultural, educational, informative and entertainment programmes and shall in any event include news and current affairs programmes. Programming shall also focus on programmes or population and age groups in so far as they have been indicated by or pursuant to the provisions of section 13c, section 18b, subsection 2 (a), section 19a, subsection 1 (e), section 30a and section 30b in relation to television programme service networks. Programming shall also be such that recognisable programming is achieved on the different television programme service networks.
3. During the concession period referred to in section 30a, subsection 2, five radio programme service networks shall be available for national broadcasting by establishments which have obtained broadcasting time: Radio 1, Radio 2, Radio 3, Radio 4 and Radio 5.
4. Programming on the different radio programme service networks shall include cultural, informative, educational and entertainment programmes and shall in any event include news and current affairs programmes and a variety of music. Programming shall also focus on programmes or population and age groups in so far as they have been indicated by or pursuant to the provisions of section 13c, section 18b, subsection 2 (a), section 19a, subsection 1 (e), section 30a and section 30b in relation to radio programme service networks. Programming shall also be such that recognisable programming is achieved on the different radio programme service networks.
5. Subject to the coordination regulation referred to in section 19a, subsection 1 (f), the board of directors shall ensure that programmes to be broadcast on the television and radio programme service networks are consistent with the provisions laid down by or pursuant to section 13c, section 18b, subsection 2 (a), section 19a, subsection 1 (e), section 30a, section 30b and this section for the relevant programme service network.

Section 40a

1. Each of the television programme service networks shall have a network management composed as follows:
 - (a) the broadcasting associations and Programme Service Foundation whose television broadcasting time has been scheduled on the relevant programme service network pursuant to section 41b, subsection 1 (a and b) between 16.00 and 24.00, or pursuant to section 41b, subsection 2, for a significant portion of the broadcasting time between 16.00 and 24.00, to be determined in the coordination regulation referred to in subsection 19a, subsection 1 (f), shall each appoint one member;
 - (b) the educational broadcasting establishment whose broadcasting time has been scheduled on the relevant network shall appoint one member;

- (c) the religious and other spiritual organisations whose television broadcasting time has been scheduled on the relevant programme service network shall jointly appoint one member.
- 2. The board of directors shall appoint an observer who shall have the right to attend network management meetings if the programme service of the Foundation is at issue.
- 3. The network management shall appoint a chairperson from its midst and shall be free to organise its own activities as it sees fit.
- 4. The network management shall be charged with:
 - (a) advising the network coordinator for the purpose of preparing the network profile of the television programme service network referred to in section 19a, subsection 1 (e), taking into account the general principles referred to in section 18b, subsection 2 (a) and subject to the provisions laid down by or pursuant to section 13c and further provisions laid down by or pursuant to this Act with regard to the programme services and programming on the television programme service network;
 - (b) advising the network coordinator for the purpose of preparing the draft budget for the television programme service network referred to in section 98a.

Section 40b

- 1. For purposes of coordinating the television and radio programme service networks, the board of directors shall appoint a network coordinator for each of the television or radio programme service networks. The network coordinator shall be employed by the Foundation.
- 2. The appointment and dismissal of the network coordinator for a television programme service network shall take place at the recommendation of the network management.
- 3. The network coordinator shall be charged with:
 - (a) coordination of the programme services and programmes on the television or radio programme service network;
 - (b) drawing up the network profile of the television or radio programme service network referred to in section 19a, subsection 1 (e);
 - (c) drawing up the draft budget for the television or radio programme service network referred to in section 98a;
 - (d) implementing the tasks of the board of directors referred to in section 40, subsection 5, section 51, subsection 2, and section 54, subsection 7 with regard to the relevant television or radio programme service network;
 - (e) submitting proposals to the board of directors regarding the scheduling of broadcasting time on the television or radio programme service network;
 - (f) developing joint projects.

4. The network coordinator shall draw up the network profile for the television or radio programme service network and make proposals for the scheduling of broadcasting time on the said network together with the network editorial board referred to in section 40d and after consultations with the network coordinators of the other television or radio programme service networks.

Section 40c

1. The network coordinator shall take decisions required for the implementation of his tasks as referred to in section 40b, subsection 3 (a and d) on behalf of the board of directors.
2. For the purposes of Part 10.1.1 of the General Administrative Law Act (*Algemene wet bestuursrecht*), the board of directors shall be regarded as having given a mandate to the network coordinator. Notwithstanding section 10:8 of the General Administrative Law Act, the board of directors may not withdraw its mandate.

Section 40d

1. The network coordinator of a television programme service network shall be assisted by a network editorial board composed as follows:
 - (a) the establishments whose television broadcasting time has been scheduled on the relevant programme service network pursuant to section 41b, subsection 1 (a and b) shall each appoint one member;
 - (b) the establishments, with the exception of the Radio and Television Advertising Foundation, the religious and other spiritual organisations, the political parties and the government, of which a significant portion, to be determined in the coordination regulation referred to in section 19a, subsection 1 (f), of the broadcasting time between 16.00 and 24.00 has been scheduled on the relevant programme service network, shall each appoint one member;
 - (c) the religious and other spiritual organisations whose broadcasting time has been scheduled on the relevant programme service network shall jointly appoint one member.
2. The network coordinator of a radio programme service network shall be assisted by a network editorial board consisting of a number of members equal to the number of establishments whose broadcasting time is scheduled on the relevant programme service network, with the exception of the Radio and Television Advertising Foundation, the political parties and the government. Each establishment shall appoint one member, with the exception of the establishments referred to in the previous sentence.
3. Incompatible with membership of a network editorial board shall be:
 - (a) membership of the network management;

- (b) membership of the board of a broadcasting association, the educational broadcasting establishment or the Programme Service Foundation;
 - (c) membership of the board of directors or the supervisory board.
4. The network editorial board together with the network coordinator shall draw up a network constitution. The network constitution shall require the consent of the network management. Subject to the provisions laid down by or pursuant to this Act, the network constitution shall in any event include further details of:
- (a) the manner in which the network editorial board and the network coordinator work together on the programme service network;
 - (b) the manner in which the network coordinator uses his powers in performing his tasks;
 - (c) other procedures of the network editorial board.

Section 40e (Repealed)

Section 40f (Repealed)

Section 40g (Repealed)

Section 40h (Repealed)

Section 40i (Repealed)

§3. Scheduling of broadcasting time

Section 41

1. Each year, having first heard the network coordinators, the board of directors shall draw up a broadcasting time schedule for national broadcasting.
2. The board of directors may, in so far as necessary, review the broadcasting time schedule if:
 - (a) pursuant to section 36b or section 38, an accreditation or a provisional accreditation is withdrawn;
 - (b) pursuant to any of the sections 45 to 47, the national broadcasting time allocated to an establishment is reduced or withdrawn; or
 - (c) the Media Authority allocates national broadcasting time to an establishment in the period between the drawing up of the annual schedules.
3. The board of directors may also review the broadcasting time schedule, in so far as the board of directors deems this necessary:
 - (a) in the context of coordinating on and between the different programme service networks the programmes of the establishments which have obtained national broadcasting time; or

- (b) on the basis of circumstances which were not foreseen at the time when the broadcasting time schedule was drawn up.

Section 41a

1. Subject to section 39b, the broadcasting time of the Radio and Television Advertising Foundation shall be scheduled in such a way that:
 - (a) on a daily basis, the Radio and Television Advertising Foundation's broadcasting time on any programme service network never amounts to more than fifteen per cent of the total broadcasting time used on that programme service network;
 - (b) in any given clock hour, the Radio and Television Advertising Foundation's broadcasting time never amounts to more than twelve minutes;
 - (c) on Sundays, the programmes of the Radio and Television Advertising Foundation do not immediately precede or follow programmes of a religious or spiritual nature, unless the establishment which has obtained broadcasting time and which is responsible for that programme has lodged no objections against such practice; and
 - (d) any programme of another establishment which has obtained national broadcasting time will only be interrupted by Radio and Television Advertising Foundation programmes if:
 - 1° the programme is a report on or coverage of a sporting event, a stage performance or some other similarly structured performance or event;
 - 2° the programme contains a full report on the entire performance or event;
 - 3° the interruption takes place during natural breaks occurring in the performance or event or between separate parts of the performance or event; and
 - 4° the establishment which has obtained broadcasting time and which is responsible for the programme has no objections to the interruption on the grounds of it having an adverse affect on the integrity, the character or the coherence of the programme in question.
2. Further rules governing the interruption of programmes referred to in subsection 1 (d) may be laid down by Order in Council.
3. It may be determined, by Order in Council, that the Radio and Television Advertising Foundation's television broadcasting time may only be scheduled subject to such a minimum length per advertising block as that same Order in Council may prescribe.
4. Rules may be laid down by Order in Council concerning the scheduling of the broadcasting time of the Radio and Television Advertising Foundation immediately prior to or immediately following programmes that are specifically aimed at minors under the age of 12.

Section 41b

1. Subject to section 41a, national television broadcasting time shall be scheduled in such a way that:
 - (a) the television programme service of the Programme Service Foundation shall always be broadcast on the same television programme service network between 16.00 and 24.00;
 - (b) the television programme service of a broadcasting association which has obtained broadcasting time shall always be broadcast on the same television programme service network between 16.00 and 24.00;
 - (c) programmes of establishments which have obtained national broadcasting time shall in any event be broadcast on each television programme service network each day between 16.00 and 24.00; and
 - (d) each day, on two of the television programme service networks, no programmes of establishments which have obtained broadcasting time shall be broadcast between 02.00 and 07.00.
2. The board of directors may, in the context of the coordination on and between the different programme service networks, deviate by a maximum of 325 hours per year per establishment from the provisions of subsection 1 (a and b). The board of directors may only take such a decision after having consulted with the network management of the programme service network on which the broadcasting time is to be scheduled contrary to the provisions of subsection 1 (a or b).
3. Subsections 1 and 2 shall not apply to the teletext programme service.

Section 41c

1. Subject to section 40, subsection 4 and section 41a, the national radio broadcasting time shall be scheduled in such a way that:
 - (a) the programmes of the broadcasting associations which have not expressed a desire to have their programmes broadcast on all the radio programme service networks shall at least be broadcast on such a number of radio programme service networks as shall be laid down by Order in Council;
 - (b) programmes of establishments which have obtained national broadcasting time are broadcast for 24 hours a day on at least two of the radio programme service networks; and
 - (c) programmes of establishments which have obtained national broadcasting time are in any event broadcast daily between 07.00 and 24.00 on the remaining radio programme service networks.
2. The minimum number of hours of radio broadcasting time to be scheduled per year for a broadcasting association on the radio programme service networks referred to in subsection 1 (a) may be determined by Order in Council.

PART 2. LOCAL AND REGIONAL BROADCASTING

Section 42

1. The Media Authority may allocate local and regional broadcasting time to local and regional broadcasting establishments respectively, at the request of the relevant establishment.
2. Only one local broadcasting establishment in each municipality may be allocated broadcasting time. If more than one broadcasting establishment meets the requirements set by this Act for a local broadcasting establishment, the municipality shall encourage the establishments concerned to merge. If this proves impossible, the Media Authority shall allocate the broadcasting time to one of the candidate establishments. When doing so, it shall pay due heed to all the factors which may be of importance for the functioning of the establishment. In addition, the Media Authority may stipulate, on the basis of an agreement as referred to in section 51f, subsection 2, the days and hours when the programmes of the local broadcasting establishment and the regional broadcasting establishment are to be broadcast on the transmitter allocated to the local broadcasting establishment.
3. A broadcasting establishment whose programme service is aimed at more than one municipality or province shall only be allocated broadcasting time for that area if the executives of the relevant municipalities or provinces have jointly issued an advisory opinion as referred to in section 43, subsection 1.
4. Local and regional broadcasting time shall each time be allocated for periods of at least five years. The Media Authority may allocate the total amount of broadcasting time for local or regional broadcasting on an annual basis. The Media Authority may designate the days and hours when and the programme service networks on which the programmes of the establishments which have obtained local or regional broadcasting time are to be broadcast.
5. Rules governing the way in which applications for the allocation of broadcasting time are to be submitted, the time limit within which decisions on those applications are to be taken, the time limit within which advisory opinions are to be issued and the time when decisions regarding the allocation or withdrawal of local and regional broadcasting time are to take effect shall be laid down by Order in Council.
6. In cases where a province is not served by a regional broadcasting establishment, the provincial executive may apply to have regional broadcasting time allocated to the Foundation. In that case, the Foundation shall take the place of a regional broadcasting establishment for the purposes of the relevant provisions.
7. If the broadcasting time has been allocated to the Foundation, the Foundation shall establish a regional programme service council. The provisions of section 30 (c) shall apply *mutatis mutandis*.

8. If broadcasting time has been allocated to a local or regional broadcasting establishment, the Media Authority may also allocate local or regional broadcasting time to a municipal or provincial executive for the purpose of disseminating governmental information. This broadcasting time may not exceed five per cent of the broadcasting time allocated to the broadcasting establishment. Further rules may be laid down by or pursuant to Order in Council.
9. If broadcasting time for a television programme service has been allocated to a local or regional broadcasting establishment, the establishment in question shall also be permitted to transmit a test pattern and shall also have broadcasting time for a teletext programme service to be transmitted on the same frequency space as the one on which the television programme service or test pattern are broadcast.

Section 43

1. Broadcasting time may not be allocated to a local or regional broadcasting establishment until the municipality or province has issued an advisory opinion on the question of whether the establishment in question satisfies the requirements of this Act.
2. Once every five years, the municipality or the province shall issue an advisory opinion to the Media Authority on the question of whether, in its opinion, the local or regional broadcasting establishment still satisfies the requirements laid down in section 30. If, in the intervening period, serious doubts arise as to whether the local or regional establishment still satisfies the requirements laid down in section 30, the Media Authority may request an interim advisory opinion.
3. Regional broadcasting time shall be allocated only if the provincial executive has agreed to defray the costs.

Section 43a

Local and regional broadcasting establishments which have been allocated broadcasting time shall be permitted to provide programmes consisting of advertising messages supplied by third parties as well as filler items before, after and between these advertising messages.

Section 43b

1. The provisions laid down by or pursuant to sections 39b, 41a and 50, subsection 8 with regard to the broadcasting time of the Radio and Television Advertising Foundation shall apply *mutatis mutandis* to the provision by local and regional broadcasting establishments of the programmes referred to in section 43a.
2. Local and regional broadcasting establishments which provide programmes as referred to in section 43a shall be required to ensure that, either through direct membership or through an interest group, they are covered by the Dutch Advertising

Code (*Nederlandse Reclame Code*) or some other comparable scheme established by the Advertising Code Foundation (*Stichting Reclame Code*) and, in that context, are subject to the supervision of the Advertising Code Foundation. They shall be required to prove that this is the case by submitting a written statement from the Advertising Code Foundation to the Media Authority.

Section 43c

1. The revenue generated by broadcasting the programmes referred to in section 43a shall, after deduction of the costs connected with providing those programmes and subject to the amount laid down in section 128 of this Act, be utilised to provide the other programmes.
2. Each year, the local and regional broadcasting establishments which provide programmes as referred to in section 43a shall be required to pay the amount laid down in section 128 to the Media Authority. The Media Authority shall place this amount at the disposal of Our Minister.
3. By Order in Council, rules may be laid down governing the way in which insight must be provided into the finances relating to the commercial exploitation of providing and broadcasting the programmes referred to in section 43a.
4. Section 64, subsection 1 (d) shall apply *mutatis mutandis* to local and regional broadcasting establishments which provide programmes as referred to in section 43a, and to their staff.

Section 43d (Repealed)

PART 3. EXPIRY, WITHDRAWAL AND REVIEW OF BROADCASTING TIME

Section 44

The broadcasting time of a broadcasting association and the educational broadcasting establishment which has obtained an accreditation or a provisional accreditation shall lapse at the same time as the accreditation or provisional accreditation lapses or is withdrawn.

Section 45

1. The Media Authority shall withdraw broadcasting time allocated subject to section 39f, 39g or 42 if the establishment in question no longer satisfies the requirements set to qualify for allocation.
2. If an establishment has its allocated broadcasting time withdrawn under the provisions of subsection 1, it shall not be permitted to submit an application for the allocation of broadcasting time for a period of one year after the withdrawal.

3. Notwithstanding the provisions of subsection 1, the Media Authority shall not withdraw allocated broadcasting time from a local or regional broadcasting establishment which no longer satisfies the requirements laid down in section 30 (b or c) until the broadcasting establishment in question has been given one year, calculated as from the date on which this fact is put on record, in which to comply once again with this requirement, and has failed to do so.
4. In the event that broadcasting time is allocated to a regional broadcasting establishment which, within a period of two years, replaces another establishment that had previously obtained broadcasting time, the former establishment shall be regarded as the latter establishment's legal successor by operation of law.

Section 45a

If no more broadcasting time is allocated to a political party under section 39g, subsection 3, the broadcasting time which has already been allocated to that party shall also terminate automatically as from the day on which the order referred to in section 39g, subsection 3 becomes irrevocable.

Section 46

1. If the Programme Service Foundation, a broadcasting association or the educational broadcasting establishment which has obtained an accreditation or a provisional accreditation fails to comply with its obligations by or pursuant to this Act or section 5:20 of the General Administrative Law Act, the Media Authority may withdraw the broadcasting time of the establishment in question for a maximum period of twelve weeks.
2. If broadcasting time is withdrawn in the manner referred to in subsection 1, the broadcasting time which, pursuant to section 39, subsections 1 to 3 or section 39a, subsection 1, has been made available to the establishment in question in the year in which the withdrawal is effected shall automatically be reduced in proportion.
3. Section 39, subsection 4 and section 39a, subsection 2 shall not apply in the period during which the broadcasting time has been withdrawn on the grounds of subsection 1.
4. The right to the contribution referred to in section 104, subsection 1 shall not apply in the period during which the broadcasting time has been withdrawn on the grounds of subsection 1.

Section 46a

1. If an establishment which has obtained broadcasting time, other than those referred to in section 46, subsection 1, does not comply with its obligations under or pursuant

to this Act or section 5:20 of the General Administrative Law Act, the Media Authority may withdraw or reduce the broadcasting time allocated to that establishment.

2. The right to the contribution referred to in section 104, subsection 2 and section 104, subsection 3 shall not apply in the period during which the broadcasting time has been withdrawn on the grounds of subsection 1. The contribution referred to in section 104, subsection 2 and section 104, subsection 3 shall be reduced proportionately in the period during which the broadcasting time has been reduced on the grounds of subsection 1.

Section 47

1. If an establishment which has obtained national broadcasting time for two consecutive years receives a sanction as referred to in section 103a or if, in the board of directors' opinion, a broadcasting association or the educational broadcasting establishment has not sufficiently displayed the willingness to cooperate referred to in section 32, subsection 3, the board of directors may request the Media Authority to withdraw or reduce the broadcasting time allocated to the establishment in question, subject to the application, *mutatis mutandis*, of sections 46 and 46a.
2. In the event that national broadcasting time is withdrawn or reduced on the grounds of section 46a, as well as in the event of an interim allocation of broadcasting time on the grounds of one of the sections 39f to 39h, the Media Authority may, in so far as necessary, review the allocation of broadcasting time to the other establishments referred to in sections 39f to 39h.

Title 5. Rights and obligations of the establishments which have obtained broadcasting time

PART 1. RIGHTS AND OBLIGATIONS WITH REGARD TO PROGRAMMES

Section 48

Without prejudice to the provisions laid down by or pursuant to the law, each establishment which has obtained broadcasting time shall determine the form and content of its programme service and be responsible for everything broadcast during its broadcasting time.

Section 49

1. The broadcasting associations and the educational broadcasting establishment which have obtained broadcasting time shall use all the broadcasting time which has been allocated to them pursuant to section 39, subsections 1 to 3.

2. The Programme Service Foundation shall use all the broadcasting time allocated to it pursuant to section 39a, subsection 1.
3. The Foundation shall use all the broadcasting time allocated to it pursuant to section 39a1, subsection 1.
4. Each of the other establishments which have obtained national broadcasting time, with the exception of the Radio and Television Advertising Foundation, shall use all the broadcasting time allocated to it subject to sections 39f to 39i.

Section 50

1. The total television broadcasting time of all the broadcasting associations together shall be used to provide a complete programme service, which must at least include programmes of a cultural, informative, educational and entertaining nature.
2. Without prejudice to subsection 1, at least twenty-five per cent of the broadcasting time referred to in subsection 1 shall be used each year cultural programmes and at least thirty-five per cent for programmes of an informative or educational nature. Some of the programmes of a cultural nature, equivalent to at least twelve and a half per cent of the total television broadcasting time used by all the broadcasting associations together, shall consist of or relate to the arts.
3. If more than half the content of a programme of an informative, educational or entertaining nature is also of a cultural nature, this programme may be included when calculating the percentage of programming of a cultural nature referred to in the preceding subsection.
4. The educational broadcasting establishment shall use all its broadcasting time to provide an educational programme service.
5. Religious organisations shall use all their broadcasting time to provide a religious programme service.
6. Spiritual organisations shall use all their broadcasting time to provide a programme service dealing with spiritual matters.
7. Political parties shall use all their broadcasting time to provide a programme service dealing with political matters.
8. The Radio and Television Advertising Foundation shall use its broadcasting time to provide a programme service consisting of advertising messages supplied by third parties. A maximum of one third of the Radio and Television Advertising Foundation's broadcasting time may be used for filler items before, after and between the advertising messages. The Radio and Television Advertising Foundation's programme service shall be recognisable as such and must be clearly

distinguishable from the programmes of the other establishments which have obtained broadcasting time. Subliminal techniques shall not be used in the Radio and Television Advertising Foundation 's programme.

9. Subject to the coordination regulation referred to in section 19a, subsection 1 (f), the board of directors shall ensure that the broadcasting time on television programme service networks is used in accordance with subsections 1 and 2.

Section 51

1. On each television programme service network, no more than twenty-five per cent of the total broadcasting time on that network of broadcasting establishments which have obtained national broadcasting time shall be devoted to entertainment programmes.
2. Subject to the coordination regulation referred to in section 19a, subsection 1 (f), the board of directors shall ensure that the broadcasting time on the television programme service networks is used in accordance with subsection 1.

Section 51a (Repealed)

Section 51b

1. The Programme Service Foundation shall use all its broadcasting time to provide a programme service consisting of programmes which meet the social, cultural, religious or spiritual needs of the public in such a way that this programme service, together with the programme services of the other establishments which have obtained national broadcasting time, provide a balanced reflection of the social, cultural, religious and spiritual diversity in the Netherlands.
2. The programmes referred to in the preceding subsection to be included in the programme service of the Programme Service Foundation shall be determined by Order in Council. This Order in Council may also serve to determine what percentages of the programme service of the Programme Service Foundation shall be required to consist of the distinct types of programmes referred to in the preceding sentence.
3. In addition to the programme referred to in subsection 2, at least forty per cent of the programme service of the Programme Service Foundation shall consist of programmes of a cultural nature, of which a part at least equal to twenty per cent of the broadcasting time allocated to the Programme Service Foundation shall consist of or relate to the arts.

Section 51c

The obligations referred to in section 50, subsections 1 and 2, and section 51b, subsections 2 and 3 shall apply as regards television both to the entire broadcasting time used and to the broadcasting time used between 16.00 and 24.00.

Section 51d

1. The Foundation shall use all its broadcasting time referred to in section 39a1, subsections 1 and 2 to provide a programme service which consists of programmes that are ideally suited to joint provision. These include programmes which require frequent and regular broadcasting, which provide a general service or which can be produced more easily on a joint basis, thus allowing a more effective use of broadcasting resources.
2. The programmes referred to in subsection 1 which must in any event be included in the programme service of the Foundation shall be determined by Order in Council.

Section 51e

A regional broadcasting establishment shall use its broadcasting time to provide a programme service:

- (a) of which at least fifty per cent consists of programmes of an informative, cultural and educational nature which have a particular relevance to the province for which the programme service is intended; and
- (b) of which a minimum percentage, to be determined by Order in Council, consists of programmes which are produced by or exclusively for that establishment.

Section 51f

1. A local broadcasting establishment shall use its broadcasting time to provide a programme service:
 - (a) of which at least fifty per cent consists of programmes of an informative, cultural or educational nature which have a particular relevance to the municipality for which the programme service is intended; and
 - (b) of which a minimum percentage, to be determined by Order in Council, consists of programmes which are produced by or exclusively for that establishment.
2. A local broadcasting establishment shall be permitted to enter into an agreement with the regional broadcasting establishment in whose area it operates with a view to collaborating in the provision of its radio programme service or television programme service. In this context, it may be agreed that the regional broadcasting establishment shall produce programmes for the benefit of the local broadcasting establishment. It may also be agreed that the local broadcasting establishment shall produce programmes for the benefit of the regional broadcasting establishment.

3. An agreement of the kind referred to in subsection 2 shall be submitted to the Media Authority.
4. Notwithstanding subsection 1, a local broadcasting establishment which has concluded an agreement of the kind referred to in subsection 2 and has submitted that agreement to the Media Authority shall be permitted to use its broadcasting time for a radio or a television programme service:
 - (a) of which at least fifty per cent consists of programmes of an informative, cultural and educational nature which have a particular relevance to the municipality for which the programme service is intended or to the province in which the municipality is situated, on the understanding that a minimum percentage of these programmes, to be laid down by Order in Council, shall have particular relevance to the municipality for which the programme service is intended; and
 - (b) of which at least the percentage referred to in subsection 1 (b) consists of programmes which are produced by or exclusively for that establishment or the regional broadcasting establishment with which it has concluded the agreement, on the understanding that a minimum percentage thereof, to be laid down by Order in Council, shall be produced by or exclusively for the local broadcasting establishment itself.

Section 52

1. The programmes of establishments which have obtained broadcasting time shall not include any advertising messages unless this is expressly permitted by this Act.
2. Furthermore, the programmes referred to in subsection 1 shall not include any other advertising expressions except where this is unavoidable. Provisions regarding the cases in which an advertising expression in a programme service is to be regarded as unavoidable as well as provisions as to when the presence of advertising expressions in a programme service is permitted may be laid down by Order in Council.
3. In special cases, Our Minister may waive application of the provisions of the first sentence in subsection 2. He may decide to delegate this power to the Media Authority.
4. Without the consent of the Media Authority, programmes of establishments which have obtained broadcasting time shall not include any messages in connection with attracting new members, association activities or any sideline activities.

Section 52a

1. Programmes of establishments which have obtained broadcasting time shall not be sponsored.

2. Subsection 1 shall not apply to:
 - a. programmes of a cultural nature;
 - b. programmes consisting of a report on or coverage of one or more sporting events or sporting competitions;
 - c. programmes consisting of a report on or coverage of events for charity purposes.

3. Programmes as referred to in subsection 2 shall not be sponsored if:
 - a. they consist wholly or in part of news, current affairs or political information; or
 - b. are specifically aimed at minors under the age of twelve.

Section 52b

1. Notwithstanding the first sentence of section 52, subsection 2, the names of all the sponsors of a programme of an establishment which has obtained broadcasting time shall be mentioned either at the beginning or end of the programme in question for the information of the public.

2. In the case of sponsored television programmes, the names of the sponsors shall appear for a maximum of five seconds. The appearance may be in the shape of a name, trade-mark, logo or image brand. In so far as this does not take place in the introductory or final credits, only a static image may be used. The appearance shall not fill the whole screen and shall be shaped in such a way that it does not fulfil the criteria of the definition of advertising messages as referred to in section 1 (kk).

3. None of the sponsor's products or services may be mentioned or shown in a sponsored programme if the sponsor's sponsorship consists of a financial contribution.

4. Subsections 1 to 3 shall apply *mutatis mutandis* to a programme for which a government agency or an organisation other than those referred to in section 1 (ll) has made a financial or other contribution for the making or purchase of that programme, in order to promote or make possible its transmission as a programme.

Section 52c

If a sponsored programme has been purchased abroad and has already been broadcast as a programme to a foreign audience, sections 52a and 52b shall apply only in so far as the sponsorship contributions have been furnished to facilitate the purchase of that programme by the establishment which has obtained broadcasting time.

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, subsection 2, in so far as this is necessary for the proper and timely implementation of article 22 of the European Directive.
7. After an Order in Council issued pursuant to subsection 6 has been published in the Bulletin of Acts and Decrees, a Bill regulating the issue in question shall be submitted to the States General as soon as possible. If the Bill is passed, the Order in Council shall be withdrawn on the date on which the said Act enters into force.
8. The recommendation for an Order in Council to be issued pursuant to subsection 6 shall be made no less than four weeks after the draft has been submitted to both Houses of the States General.

Section 53a

An establishment which has obtained broadcasting time shall not include any films in its programme service outside the periods agreed with the parties entitled.

Section 54

1. At least fifty per cent of the total broadcasting time on each television programme service network of broadcasting establishments which have obtained national broadcasting time shall be devoted to programmes which may be qualified as European works within the meaning of article 6 of the European Directive.
2. At least twenty-five per cent of the total broadcasting time of broadcasting establishments which have obtained national broadcasting time shall be devoted to programmes of the kind referred to in subsection 1 which may be considered independent works. At least seventeen and a half per cent of the total broadcasting time on each television programme service network shall be devoted to programmes as referred to in the previous sentence. Programmes shall be considered independent works if they have not been produced by:
 - (a) an establishment which has obtained national broadcasting time, or another establishment which provides a programme service;
 - (b) a legal person in which an establishment which provides a programme service holds either directly or through one or more of its subsidiaries an interest of at least twenty-five per cent;

- (c) a legal person in which two or more establishments which provide a programme service hold either directly or through one or more of their respective subsidiaries a joint interest of more than fifty per cent; or
 - (d) a company in which an establishment which provides a programme service, or one or more of its subsidiaries, is as a partner fully liable towards the company's creditors for its debts.
- 3. Further rules may be laid down by Order in Council concerning the application of subsection 2 and rules may be laid down on the basis of which, in cases other than those referred to in subsection 2 (a to d), programmes shall be considered independent works.
- 4. For the purposes of this section, the following television programmes shall be disregarded:
 - (a) programmes consisting of news;
 - (b) programmes relating to sport;
 - (c) programmes which have the character of a game, with the exception of programmes of a cultural or educational nature which also have the character of a game;
 - (e) the nationally broadcast teletext programme service.
- 5. This section shall not apply to the broadcasting time of the Radio and Television Advertising Foundation, government agencies, religious and other spiritual organisations and political parties.
- 6. Establishments which have obtained regional broadcasting time shall devote at least fifty per cent of their broadcasting time to programmes which may be considered European works within the meaning of article 6 of the European Directive. Establishments which have obtained regional broadcasting time shall devote at least ten per cent of their broadcasting time to programmes as referred to in the previous sentence which may be considered independent works. Subsection 2, third sentence and (a) to (d), and subsections 3 to 5 shall apply *mutatis mutandis*.
- 7. Subject to the coordination regulation referred to in section 19a, subsection 1 (f), the board of directors shall ensure that the use of the broadcasting time satisfies the provisions laid down by or pursuant to subsections 1 to 5.

Section 54a

- 1. Establishments which have obtained broadcasting time shall devote at least fifty per cent of their television broadcasting time to programmes originally produced in the Dutch or Frisian language.
- 2. Subsection 1 shall not apply to the Radio and Television Advertising Foundation, government agencies, religious or other spiritual organisations and political parties.

3. It may be laid down by Order in Council what percentage of the total broadcasting time of broadcasting establishments which have obtained national broadcasting time, with the exception of the Radio and Television Advertising Foundation, should consist of programmes as referred to in subsection 1, which are provided with subtitles for people who are hard of hearing.
4. Subject to the coordination regulation referred to in section 19a, subsection 1 (f), the board of directors shall ensure that the broadcasting time is used in accordance with the provisions laid down by or pursuant to subsection 3.

PART 2. OTHER RIGHTS AND OBLIGATIONS

Section 55

1. Without prejudice to the provisions of sections 26, 43a, 52 and 52b, establishments which have obtained broadcasting time shall not use any of their activities in the service of realising profits for third parties. If so requested, they shall prove this is the case to the satisfaction of the Media Authority.
2. If an establishment intends to enter into an agreement with an employee, a member of the board of the establishment or someone who shares a home with such a person, or with a legal person in which one or more of said persons have a (joint) financial interest of at least ten per cent or have rights to bonus distribution or a share in the profit, and the said agreement does not relate to the relationship between that establishment and the person in question in his or her capacity as an employee or a member of the board, the establishment shall report this in writing to the Media Authority and submit the draft agreement. Agreements of this kind shall be concluded in writing.
3. In the case of the educational broadcasting establishment, government agencies, religious or other spiritual organisations and political parties, the provisions of the preceding subsections shall apply exclusively to those of their activities which are related to the provision of their radio and television programmes.

Section 55a

1. Without prejudice to section 48, an establishment which has obtained national broadcasting time shall only be permitted to enter into agreements with broadcasting establishments, or with legal persons or companies belonging to the same group as the said establishments, if the establishment in question has made its intention to enter into such an agreement known in writing and has submitted the draft of the relevant agreement to the board of directors of the Foundation, and the board of directors of the Foundation has not stated within a period of two months that the relevant agreement conflicts with the common interests of national broadcasting. Agreements of this kind shall be concluded in writing.

2. Subsection 1 shall not apply to agreements concluded with establishments which have obtained domestic broadcasting time.
3. In the case of the educational broadcasting establishment, government agencies, religious or other spiritual organisations and political parties, subsection 1 shall apply exclusively to agreements concerning those of their activities which are related to the provision of their radio and television programmes.

Section 55b

1. An establishment which has obtained national broadcasting time shall be permitted to perform activities as referred to in section 13c, subsection 3 only if it has notified the board of directors in writing of its intention to do so, and the board of directors has not informed it within two months that the performance of the activities in question is in conflict with the common interests of national broadcasting.
2. Section 57a, subsection 1 shall apply *mutatis mutandis* to the performance of activities as referred to in section 13c, subsection 3. Further rules shall be laid down by Order in Council concerning the performance of activities as referred to in section 13c, subsection 3.
3. This section shall not apply to government agencies, religious and other spiritual organisations and political parties.

Section 56

1. An establishment which has obtained broadcasting time shall ensure that none of its board members, none of its employees - except with the consent of the board - and no other persons or legal persons with which the establishment has concluded an agreement with a view to the provision of its programme service shall stipulate or accept for themselves, for other persons or for legal persons any benefits measurable in cash which are directly or indirectly connected with the relevant party's activities for that establishment.
2. The establishment shall grant the consent referred to in subsection 1 only if the person in question can establish satisfactorily that the benefit in question is not intended as remuneration for that person offering or creating opportunities for third parties to realise a profit or making the radio or television programme service available for advertising purposes in the context of his or her performance of work for the establishment.
3. In the case of persons employed by a person or legal person that has entered into an agreement as referred to in subsection 1 with an establishment which has obtained broadcasting time, the person or legal person shall not be regarded as a third party as regards those employed persons.

Section 56a

1. Without prejudice to section 52a, subsections 1 and 3, establishments which have obtained broadcasting time may only stipulate or accept sponsorship contributions directly from the sponsor and by means of a written agreement.
2. Establishments which have obtained national broadcasting time shall send a copy of any agreement as referred to in subsection 1 to the board of directors within one week of its conclusion and, in any event, before the planned transmission date of the programme to which the agreement relates.
3. If the board of directors considers that such an agreement conflicts with the common interests of national broadcasting, and the establishment which has submitted the agreement is informed in writing of this finding by the board of directors within two weeks of it having received a copy of the agreement and, in any event, before the planned transmission date of the programme to which the agreement relates, the establishment in question shall not include the relevant programme in its programme service unless the agreement is dissolved or amended.
4. If such an agreement is amended, the provisions of subsections 2 and 3 shall apply *mutatis mutandis*.
5. Establishments which have obtained broadcasting time shall not stipulate or accept any sponsorship contributions from persons, companies or organisations:
 - (a) whose main activities include the manufacture or sale of cigarettes or other tobacco products; or
 - (b) that use names, trademarks, logos or brand images which are also used by persons, companies or organisations as referred to at (a) or which bear such a strong resemblance to the said names, trademarks, logos or brand images as to make it reasonable to expect that the public will get the impression that the name, trade mark, logo or brand image in question is also that of a person, company or organisation as referred to at (a).
6. If a sponsored programme has been purchased abroad and has already been broadcast as a programme service to a foreign audience, this section shall apply only in so far as the sponsorship money has been furnished to facilitate the purchase of that programme by the establishment which has obtained broadcasting time.

Section 57

1. All the activities and work of an establishment which has obtained broadcasting time that are not directly connected or related to the establishment's performance of the tasks referred to in section 13c, subsection 1 shall be qualified as sideline activities, with the exception of the broadcasting association's activities as an association.

2. The holding of a direct or indirect interest in a legal person which performs any such sideline activities shall also be treated as the performance of sideline activities.

Section 57a

1. Establishments which have obtained broadcasting time shall only be permitted to perform sideline activities if:
 - (a) the performance of the sideline activity does not or cannot have a detrimental effect on its performance of the tasks referred to in section 13c, with the exception of the activities referred to in section 13c, subsection 3;
 - (b) the sideline activity is connected with or supports the tasks referred to in section 13c, with the exception of the activities referred to in section 13c, subsection 3; and
 - (c) performance of the sideline activity does not or cannot lead to unfair competition in relation to other parties offering the same or comparable goods or services.
2. Additional requirements may be attached by Order in Council to the performance of sideline activities referred to in subsection 1.

Section 57b (Repealed)

Section 57c

1. All the income of an establishment which has obtained broadcasting time, including its income from sideline activities and from its capital, shall be used for the provision of the programme service for which it has obtained broadcasting time.
2. Notwithstanding the provisions of subsection 1, income generated by the listings magazines published by broadcasting associations may be used, up to a maximum percentage which shall be laid down by Order in Council, for their activities as associations.

Section 57d

Sections 57, 57a and 57c shall not apply to government agencies, religious or other spiritual organisations and political parties.

Section 58

1. The establishments which have obtained national broadcasting time shall furnish the Foundation with the requisite information about their forthcoming programmes for inclusion in the listings magazines.
2. The establishments referred to in subsection 1 shall allow the Foundation to furnish the information referred to in subsection 1 for reproduction and publication by the

broadcasting associations as well as by other parties which have concluded an agreement to this effect with the Foundation.

Section 59

For civil liability purposes, unless the relevant establishment which has obtained broadcasting time has given its consent, the reproduction or publication of programme service listings or other statements about forthcoming programmes other than in accordance with the provisions of section 58 shall constitute an infringement of copyright in any written document containing details of forthcoming programmes produced by or for broadcasting associations, the Foundation or any other establishment which has obtained national broadcasting time, unless it can be proved that the information in those listings or other statements has not been taken directly or indirectly from a written document as referred to in this section.

Section 60 (Repealed)

Section 61 (Repealed)

Section 61a

The Radio and Television Advertising Foundation shall ensure that it is covered by the Advertising Code or some other comparable scheme established by the Advertising Code Foundation and, in that context, that it is subject to the supervision of the Advertising Code Foundation. The Radio and Television Advertising Foundation shall be required to prove that this is the case by submitting a written statement from the Advertising Code Foundation to the Media Authority.

Section 62 (Repealed)

Section 63

Rules may be laid down by Order in Council governing the way in which establishments which have obtained national broadcasting time are to offer their programme service to the Company for transmission purposes.

Section 64

1. Broadcasting associations which have obtained national broadcasting time:
 - (a) shall charge their members a minimum annual fee of NLG 10;
 - (b) shall not furnish their members with any benefits which can be measured in cash, without the consent of the Media Authority;
 - (c) shall prove to the satisfaction of the Media Authority that their members can exert influence on the policy of the said associations in a democratically acceptable way;
 - (d) shall, after consultation with those of their employees charged with the

editorial aspect of programme services, draw up a programme service constitution in which the journalistic rights and obligations of said employees are regulated.

2. The fee referred to in subsection 1 (a) may be adjusted by Order in Council in line with developments in the domestic consumer price index as established by Statistics Netherlands (*Centraal Bureau voor de Statistiek*).
3. The provision of a listings magazine shall not be included in the fee referred to in subsection 1 (a).
4. The opening of subsection 1 and the wording under (d) shall apply *mutatis mutandis* to the Programme Service Foundation, the Foundation and the educational broadcasting establishments which have obtained broadcasting time.

Section 64a

1. Establishments which have obtained local or regional broadcasting time shall not be permitted to broadcast their programme service or have it broadcast outside the municipality or the province for which it is intended, unless the task of guaranteeing reception of the programme service by the general public in the municipality or province for which it is intended renders this unavoidable.
2. In special cases, as well as in the case of programme services of a cultural nature, programme services aimed at ethnic or cultural minorities and educational programme services, in so far as these programme services may be of interest to the public in other municipalities or provinces, the Media Authority may grant an establishment which has obtained local or regional broadcasting time an exemption from the prohibition laid down in subsection 1.
3. The prohibition laid down in subsection 1 shall not apply if a programme service is transmitted by means of a number of linked broadcasting networks which in fact operate as one single broadcasting network.

Section 64b

1. Without prejudice to section 64, subsection 1 (d), establishments which have obtained broadcasting time shall draw up a programme service statute which must in any event safeguard the editorial independence of those of their employees charged with the editorial aspects of the programmes against interference by sponsors.
2. This section shall not apply to government agencies, religious or other spiritual organisations and political parties.

Section 64c

1. Establishments which have obtained broadcasting time shall furnish the Media Authority with an annual report in writing detailing their income from sponsorship contributions, the sponsored programmes and the capacity of the sponsors, specified according to the programmes.
2. The Media Authority may lay down further rules regarding the contents of the report, the period in which it must be submitted, and the period to be covered by the report.

Title 6. Transmission by means of broadcasting networks

Section 65

The Media Authority may, in special circumstances and for special purposes, grant an establishment which has obtained broadcasting time temporary permission to have its programme service for general broadcasting purposes transmitted by means of a broadcasting network. The Media Authority may attach conditions to such permission. The Media Authority may issue binding instructions in the event that the broadcasting network provider and the establishment in question fail to reach agreement about the days and hours when the programme service is to be transmitted.

Section 66

1. In the case of establishments which qualify for the allocation of local broadcasting time, the Media Authority may, at the request of any such establishment, and instead of or in addition to allocating broadcasting time, grant permission to provide a local programme service to be transmitted by means of a local broadcasting network.
2. The provisions regarding the allocation of local broadcasting time shall apply *mutatis mutandis*, on the understanding that the Media Authority shall not designate the days and hours when the programme service is to be transmitted. The Media Authority may issue binding instructions in the event that the broadcasting network provider and the establishment in question fail to reach agreement about the days and hours when the programme service is to be transmitted.

Section 67

1. In the case of establishments which qualify for the allocation of regional broadcasting time, the Media Authority may, at the request of any such establishment, and instead of or in addition to allocating broadcasting time, grant permission to provide a regional programme service to be transmitted by means of the broadcasting networks in the province in question.
2. The provisions regarding the allocation of regional broadcasting time shall apply *mutatis mutandis*, on the understanding that the Media Authority shall not designate the days and hours when the programme service is to be transmitted. The Media Authority may issue binding instructions in the event that the broadcasting network

provider and the establishment in question fail to reach agreement about the days and hours when the programme service is to be transmitted.

3. Further rules regarding the days and hours when a programme service as referred to in subsection 1 may be transmitted shall be laid down by Order in Council. These rules shall relate exclusively to television programme services.

Section 68

1. The Media Authority may, if so requested by the establishment in question, grant a local broadcasting establishment which has obtained broadcasting time permission to provide another programme service, in addition to the programme service referred to in section 51f, to be transmitted by means of a local broadcasting network.
2. The permission referred to in the preceding subsection may only be granted if:
 - (a) the programme service is transmitted on a channel other than the one used to transmit the programme service referred to in section 51f;
 - (b) the programme service is produced by a local broadcasting establishment which has obtained broadcasting time or by some other non-profit establishment;
 - (c) in addition to the other programmes referred to in section 43a, at least seventy-five per cent of the programme service consists of programmes of a cultural nature and for the rest - at least ten per cent - of programmes of a cultural nature that have particular relevance to the municipality in question; and
 - (d) the application is accompanied by an advisory opinion from the Council for Culture which shows that, in the opinion of the Council for Culture, the programme service will add significantly to the diversity of the available range of high-quality programmes of a cultural nature in the Netherlands.
3. The permission referred to in subsection 1 shall be granted for a period of five years and shall lapse if and when the local broadcasting establishment no longer has broadcasting time.

Section 69 (Repealed)

Section 70 (Repealed)

Section 70a (Repealed)

Section 71 (Repealed)

CHAPTER IV. COMMERCIAL BROADCASTING

§1. Permissions required for commercial broadcasting

Section 71a

1. Without prejudice to the provisions laid down by or pursuant to the Telecommunications Act, a commercial broadcasting establishment may only broadcast or commission the broadcasting of a programme service provided by it, if it has obtained permission to do so from the Media Authority. This permission shall be required for each such programme service. It shall be specified in the permission itself whether a programme service for general broadcasting purposes or for special broadcasting purposes is concerned.
2. Rules governing the way in which applications for the granting of such permission are to be submitted and the period in which decisions on such applications are to be taken shall be laid down by Order in Council.
3. If permission to broadcast or commission the broadcasting of a television programme service has been granted, the commercial broadcasting establishment in question shall also be entitled to:
 - (a) transmit or have a test pattern transmitted;
 - (b) transmit or have a teletext programme service transmitted on the same frequency space or the same channel and at the same time as the aforesaid television programme service or test pattern.
4. The permission shall be granted for a period of five years.
5. The permission shall be nontransferable.

Section 71b

Permission may only be refused if:

- (a) the data supplied by the commercial broadcasting establishment are inaccurate or incomplete;
- (b) there is a reasonable expectation that the commercial broadcasting establishment will not comply with the obligations laid down by or pursuant to this Act;
- (c) the commercial broadcasting establishment, or one or more of the legal persons or companies with which it forms a group, jointly or individually have a share of twenty-five per cent or more of the market for daily newspapers;
- (d) a legal person, or one or more of the legal persons or companies with which it forms a group, pursuant to an agreement with other holders of voting rights or otherwise, are jointly or individually in a position either:
 - 1° to exercise more than one third of the voting rights in the general meeting of shareholders of the applicant; or
 - 2° to appoint or dismiss more than one third of the applicant's directors or members of the supervisory board; or
- (e) the commercial broadcasting establishment, or one or more legal persons or companies with which it forms a group, jointly or individually have a share of more

than fifty per cent of the market for daily newspapers or non-daily newspapers in the area to be served by the programme service of the commercial broadcasting establishment in question, unless that same area is also served by a regional or local broadcasting establishment and this guarantees a plural and diverse news provision in that area.

Section 71c

1. The Media Authority shall withdraw its permission if:
 - (a) so requested by the commercial broadcasting establishment in question;
 - (b) the commercial broadcasting establishment defaults on its payment obligations under section 71k;
 - (c) the commercial broadcasting establishment, or one or more of the legal persons or companies with which it forms a group, have had a joint or individual share of twenty-five per cent or more of the market for daily newspapers for a period of two consecutive years; or
 - (d) a legal person, or one or more legal persons or companies with which it forms a group, has a joint or individual share of twenty-five per cent or more of the market for daily newspapers and, pursuant to an agreement with other holders of voting rights or otherwise, jointly or individually:
 - 1° can either exercise more than one third of the voting rights in the general meeting of shareholders of the relevant commercial broadcasting establishment; or
 - 2° have it in their power to appoint or dismiss more than one third of the directors or the members of the supervisory board of the relevant commercial broadcasting establishment.
2. The Media Authority may withdraw its permission if:
 - (a) the data supplied by the commercial broadcasting establishment proves to be inaccurate; or
 - (b) the commercial broadcasting establishment otherwise fails to comply with the obligations laid down by or pursuant to this Act or section 5:20 of the General Administrative Law Act.

Section 71d

1. The grounds for refusing permission referred to in section 71b (c, d and e) and the grounds for withdrawing permission defined in section 71c, subsection 1 (c and d) shall not apply if the application or permission relates to a programme service for special broadcasting purposes or a television programme service which, as regards visual content, is composed exclusively or almost exclusively of static images.
2. The Media Authority shall draw up rules defining the situations in which a television programme service shall be deemed to satisfy the requirement regarding it being composed exclusively or almost exclusively of static images.

Section 71e (Repealed)

§2. Other rights and obligations of commercial broadcasting establishments

Section 71f

Without prejudice to the provisions laid down in or pursuant to this Act, each commercial broadcasting establishment shall determine, and be responsible for, the form and contents of its programme service.

Section 71g

1. Sections 52d, 53, 59 and 64, subsection 1 (d) shall apply *mutatis mutandis* to commercial broadcasting establishments and to the programme services they provide.
2. In the case of commercial broadcasting establishments, rules may be laid down by Order in Council in implementation of the European Directive. In this context, deviating rules may be issued as regards still to be defined categories of commercial broadcasting establishments, in so far as permitted under articles 9 and 20 of the European Directive. An Order in Council may also serve to lay down parallel rules for radio programme services.
3. The minimum percentage of programmes originally produced in the Dutch or Frisian languages to be included in the television programme service of a commercial broadcasting establishment shall be laid down by Order in Council, and the minimum percentage of the said programmes to be subtitled for people who are hard of hearing may also be laid down. If requested, the Media Authority may, in special cases and subject to certain conditions, set the percentages referred to in the previous sentence at a lower level for a specific commercial broadcasting establishment.

Section 71h

Each commercial broadcasting establishment shall be required to furnish the Media Authority with an annual statement of the total number of households in the Netherlands capable of receiving the programme service of that establishment on the reference date which shall be set by the Media Authority.

Section 71i (Repealed)

Section 71j

A commercial broadcasting establishment shall not be permitted to broadcast or commission the broadcasting of a programme as referred to in section 51d, subsection 2, where the relevant rights to the programme in question must be acquired before it can be distributed in the Netherlands, if:

- (a) the commercial broadcasting establishment has not informed the Foundation in a timely manner that it wishes to acquire the rights referred to in the opening sentence of this section to the exclusion of the establishments which have obtained national broadcasting time; or
- (b) within a reasonable time of having received the information referred to in (a), the Foundation has informed the commercial broadcasting establishment that the Foundation or another establishment which has obtained national broadcasting time wishes to include the said programme in its programme service.

Section 71k

1. Commercial broadcasting establishments shall pay the Media Authority an annual fee to compensate the Media Authority for the costs incurred in connection with the Media Authority's supervisory responsibilities.
2. Arrangements regarding the level of this fee shall be laid down by Ministerial Order, in which a distinction shall be drawn between radio and television programmes and which shall in any event take into account the average length of the broadcasts and the number of households in the Netherlands which can receive the programme.
3. The commercial broadcasting establishments shall pay to the Media Authority on an annual basis the amount determined pursuant to the provisions of section 128. The Media Authority shall remit the relevant amount to Our Minister.
4. Rules regarding the advance payment of amounts which commercial broadcasting establishments are obliged to pay under the provisions of this Act may be laid down by Order in Council.

Section 71l (Repealed)

Section 71m

1. If a broadcasting association which has obtained an accreditation or provisional accreditation intends, after expiry of the period for which the accreditation or provisional accreditation was granted, to provide a programme service as a commercial broadcasting establishment or to acquire an interest in a commercial broadcasting establishment, it shall notify the Media Authority accordingly.
2. After the notification, the broadcasting association in question shall be allowed in the final year of the period for which the accreditation or provisional accreditation was granted to perform the activities required to ensure that it or the legal person in which it acquires an interest is able to provide a programme service as a commercial broadcasting establishment upon expiry of the period for which the accreditation or provisional accreditation was granted. If, as a result, the association no longer satisfies any of the requirements referred to in section 14, subsection 1, it shall still be regarded as a broadcasting association for the purposes of this Act.

CHAPTER IVA. EVENTS OF MAJOR IMPORTANCE FOR SOCIETY

Section 72

1. A list of events as referred to in article 3 bis of the European Directive shall be drawn up by Order in Council, which, if they are broadcast as part of a television programme, shall in any event be broadcast on an open network.
2. An event may be placed on the list referred to in subsection 1 if at least two of the following conditions are met:
 - (a) the event is of general interest to Dutch society;
 - (b) the event is of particular cultural importance;
 - (c) the event has traditionally been broadcast on an open network and achieved high ratings;
 - (d) a major international sporting event is involved in which the national team participates.
3. Further rules shall be laid down by Order in Council implementing the obligation referred to in subsection 1. They shall in any event include rules which determine whether the events referred to on the list, if they are broadcast as part of a television programme service, should in any event be broadcast on an open network via whole or partial live coverage or via whole or partial deferred coverage.

Section 73

1. An establishment which has obtained broadcasting time or a commercial broadcasting establishment shall exercise broadcasting rights relating to events mentioned in the list referred to in section 72, subsection 1, in accordance with the rules laid down pursuant to section 72.
2. An establishment which has obtained broadcasting time or a commercial broadcasting establishment shall exercise broadcasting rights acquired after 30 July 1997 in accordance with the rules laid down by other member states of the European Union subject to article 3 bis, paragraph 1 of the European Directive.

Section 73a (Repealed)

Section 74 (Repealed)

Section 75 (Repealed)

Section 75a (Repealed)

Section 75b (Repealed)

CHAPTER V. RADIO NETHERLANDS (*Radio Nederland Wereldomroep*)

Section 76

1. The tasks of Radio Netherlands shall include:
 - (a) the implementation of the public broadcasting tasks referred to in section 13c, subsection 1 (c); and
 - (b) the recording or having recorded of programmes on image and sound carriers and making these recordings available to foreign broadcasting establishments for inclusion in their own programme services.
2. The provision of television programme services by Radio Netherlands shall take place in collaboration with the Foundation. For the purpose of the provision of radio programme services, collaboration shall take place between Radio Netherlands and the Foundation.
3. The provisions laid down by or pursuant to sections 52 to 53a, section 56a, subsections 1, 5 and 6, section 64, subsection 1, and section 64b, subsection 1, chapeau and (d), section 64b, subsection 1, and section 64c shall apply *mutatis mutandis* to Radio Netherlands and the programme services that it provides.
4. At least fifty per cent of the television programme service of Radio Netherlands shall consist of programmes that may be considered European works within the meaning of article 6 of the European Directive. At least ten per cent of the television programme service of Radio Netherlands shall consist of programmes as referred to in the previous sentence that may be considered independent works. Section 54, subsection 2, third sentence and (a) to (d), and subsections 3 and 4 shall apply *mutatis mutandis*.

Section 76a

1. The programme services of Radio Netherlands shall be allowed to include programmes of the Radio and Television Advertising Foundation consisting of advertising messages supplied by third parties as well as filler items before, after and between them.
2. The provisions laid down by or pursuant to section 39b, 41a and 50, subsection 8 regarding the Radio and Television Advertising Foundation's broadcasting time, shall apply *mutatis mutandis* to the inclusion of the programmes referred to in the preceding subsection in the programme services of Radio Netherlands.

Section 77

1. Amendments to the constitution of Radio Netherlands shall require the consent of Our Minister.
2. The board of Radio Netherlands may not decide to dissolve Radio Netherlands.

Section 78

The members of the board of Radio Netherlands shall be appointed, and may be suspended or dismissed by Our Minister. Our Minister shall choose the chairperson from amongst the members.

Section 79

The board of Radio Netherlands shall report directly to Our Minister. The board shall publish an annual report on the activities of Radio Netherlands.

Section 80 (Repealed)

Section 81

1. There shall be a programme service council to advise Radio Netherlands about its programme service content.
2. Our Minister shall appoint, and may suspend or dismiss the members of the programme service council. Members shall be appointed for a period of five years. Immediate re-appointment for a consecutive period shall be possible once.
3. The rules of procedure of the programme service council shall require the consent of the board of Radio Netherlands.

Section 82

1. The Foundation and Radio Netherlands shall establish a consultative committee to deal with issues of common interest.
2. The following issues shall be addressed by the committee:
 - (a) supplying one another in exchange for the payment of a fee with broadcasting facilities, bodies, services and the relevant staff, as well as ancillary equipment;
 - (b) foreign issues which are of common interest to Radio Netherlands and the establishments which have obtained broadcasting time; and
 - (c) the manner in which the Foundation and Radio Netherlands work together with a view to implementing their tasks, and the preparation of the concession policy plan referred to in section 30b, subsection 1, the interim concession policy plans referred to in section 30b, subsection 3, the budget referred to in section 98b and the budgets referred to in sections 99 and 108.

CHAPTER VI. THE TRANSMISSION OF PROGRAMMES

§1. *The use of broadcasting transmitters*

Section 82a

1. A broadcasting transmitter provider shall be permitted to:
 - (a) transmit the programmes of third parties, provided that the person or establishment which is responsible for the form and content of the programme service is entitled under the terms of the present Act or such foreign legislation as may be applicable to that person or establishment to provide a programme service intended for broadcast;
 - (b) transmit programmes provided by the provider itself, provided that the latter is an establishment which has obtained broadcasting time or which has obtained permission to transmit or arrange for the transmission of a programme service pursuant to section 71a, subsection 1;
 - (c) transmit programmes which consist of an unedited and direct relay of a public session of the House of Representatives or Senate of the States General or of the provincial council or a municipal council;
 - (d) transmit test patterns and information pertaining to the programme services and other services offered by means of the broadcasting transmitter.
2. The transmission of a programme service via a broadcasting transmitter shall in all cases be regarded as an original broadcast.

Section 82b (Repealed)

Section 82c

1. The Netherlands Broadcasting Transmitter Company NOZEMA N.V. (*Nederlandsche Omroep Zender Maatschappij N.V.*), the public limited liability company referred to in section 1 of the Radio Broadcasting Transmitter Act 1935, shall be permitted to transmit for third parties programme services for special purposes which have a limited reach or duration.
2. The Media Authority may also grant other natural or legal persons permission to transmit by means of a broadcasting transmitter a programme service for a special purpose which has a limited reach or duration.
3. The terms "programme for a special purpose", "limited reach" and "limited duration" referred to in subsections 1 and 2 may be defined in further detail by Order in Council.

4. The Media Authority may attach conditions to its granting of the permission referred to in subsection 2.

§2. The use of frequency space

Section 82d (Repealed)

Section 82e

1. Our Minister, acting in accordance with the opinion of the cabinet, shall designate the FM frequency space to be used to transmit a radio programme service consisting mainly of music in the Dutch language. The requirements to be met in order for a radio programme service to qualify as such shall be laid down by Ministerial Order.
2. Our Minister, acting in accordance with the opinion of the cabinet, shall designate another FM frequency space to be used exclusively to transmit defined categories of radio programme services which, given their nature, content or target group, involve disproportionately low advertising revenue or disproportionately high costs.
3. If required in connection with the nature and scope of the FM frequency space available for the transmission of radio programme services, Our Minister, acting in accordance with the opinion of the cabinet, may decide not to designate the FM frequency space as provided for in subsections 1 and 2.

Section 82f

1. No more frequency space than one FM frequency or combination of FM frequencies shall be used to transmit the radio programme services of one and the same establishment.
2. The cases in which associated establishments are to be regarded as one establishment for the purposes of subsection 1 shall be determined by or pursuant to Order in Council.
3. Departures from the provisions of subsection 1 shall be possible by or pursuant to Order in Council if this is deemed desirable in connection with an efficient use of frequency space. In this context, a distinction may be made between different categories of frequency space, consisting of FM frequencies or combinations of FM frequencies.

Section 82g

Sections 82e and 82f shall not apply to:

- (a) the frequency space used to transmit the programmes of the establishments which have obtained broadcasting time or the programmes of Radio Netherlands;
- (b) frequency space used for satellite broadcasting.

§3. *The use of broadcasting networks*

Section 82h

Broadcasting network providers shall be permitted to:

- (a) transmit the programme services of third parties, provided that the person or establishment which is responsible for the form and content of the programme service is entitled under the terms of the present Act or such foreign legislation as may be applicable to that person or establishment to provide a programme service intended for broadcast;
- (b) transmit programme services provided by the broadcasting network provider itself, provided that the latter has obtained permission to broadcast or commission the broadcasting of a programme service pursuant to section 71a, subsection 1;
- (c) transmit programme services which consist of an unedited and direct relay of a public session of the House of Representatives or Senate of the States General or of a provincial council or a municipal council;
- (d) transmit test patterns and information pertaining to the programme services and other services offered via the broadcasting network.

Section 82i

Broadcasting network providers shall be required to transmit - in full, unaltered and at the same time as the original transmission - to all those connected to the broadcasting network, at least 15 television programme services for general broadcasting purposes and at least 25 radio programme services for general broadcasting purposes, including in any event:

- (a) the programme services of the establishments which have obtained national broadcasting time;
 - (b) the programme services of the establishment which has obtained regional broadcasting time, aimed at the province in which the broadcasting network is located;
 - (c) the programme services of the establishment which has obtained local broadcasting time, aimed at the municipality in which the network broadcasting is located;
 - (d) the Dutch-language television programme services of the national Belgian public broadcasting service;
 - (e) two Dutch-language radio programme services of the national Belgian public broadcasting service.
2. If different programme services for general broadcasting purposes are transmitted on the same broadcasting network channel at different times, these programme services shall be regarded as one programme service for the purposes of subsection 1.
 3. Broadcasting network providers shall be permitted to transmit to those connected to the broadcasting network, at their request, fewer than fifteen television programme services for general broadcasting purposes and fewer than twenty-five radio programme services for general broadcasting purposes, provided that this includes

the transmission of the programme services specified in subsection 1 (a) to (e) and provided that those connected are charged a rate which is proportionally lower than the fee normally charged for receiving the number of programme services transmitted under subsection 1. Subsection 2 shall apply *mutatis mutandis*.

4. If requested, the Media Authority may grant the broadcasting network provider a full or partial exemption from the obligation referred to in subsection 1 with regard to the programmes specified in subsection 1 (d and e) if the performance of this obligation would involve disproportionately high costs for that provider.

Section 82j

1. An Order in Council may be adopted pursuant to which broadcasting network providers shall charge those connected to the broadcasting network a fee, up to a maximum laid down in that Order in Council, for the reception of a number of programme services determined by the broadcasting network provider with due observance of section 82i. This fee may be set at different levels for different categories of broadcasting networks.
2. If an Order in Council as referred to in subsection 1 has been adopted, and without prejudice to section 82i of this Act, broadcasting network providers shall be permitted to charge a higher fee to those connected to the network who have expressly requested or agreed to the reception of programmes other than those covered by the fee referred to in subsection 1.
3. Each year, Our Minister shall adjust the fee set pursuant to subsection 1 in line with developments in the domestic consumer price index as established by Statistics Netherlands. Adjustments of this kind shall come into effect on 1 January of a calendar year.

Section 82k

1. In municipalities where a broadcasting network is located, the municipal council shall establish a programme service council to advise the broadcasting network provider, with due observance of section 82i, as to which programmes for general broadcasting purposes the said provider shall be required in any event transmit to all those connected to the broadcasting network.
2. The broadcasting network provider may only deviate from the advice referred to in subsection 1 if there are weighty reasons for it to do so.
3. The broadcasting network provider may also seek the programme service council's advice about the other programmes for general purposes which it is to transmit to all those connected to the broadcasting network.

4. Without prejudice to the provisions of section 82i, the programme service council shall work on the basis of a diverse package of programmes for general broadcasting purposes, paying due heed to the social, cultural, religious and spiritual needs existing within the municipality.
5. The members of the programme service council shall be appointed by the municipal council of the municipality in which the broadcasting network is located. Persons eligible for appointment shall be those who are experts in the field in which the programme service council is required to advise. The programme service council shall be composed in such a way as to be representative of the major social, cultural, religious and other spiritual movements within the municipality. The municipal council shall determine the size of the programme service council. Members of the municipal council may not have a seat on the programme service council.
6. If a number of broadcasting networks are linked and hence function as a single broadcasting network, one single programme service council shall be established for those linked broadcasting networks by the respective municipal councils. The provisions of subsection 5 shall apply *mutatis mutandis*.
7. Subsections 1 to 6 shall not apply with regard to broadcasting network providers who have been granted a full or partial exemption from the obligation referred to in section 8, subsection 1 of the Telecommunications Act by the Independent Post and Telecommunications Authority (*Onafhankelijke Post- en Telecommunicatie Autoriteit* - OPTA) as mentioned in section 2 of the Independent Post and Telecommunications Authority Act (*Wet Onafhankelijke Post- en Telecommunicatieautoriteit*), pursuant to section 8, subsection 2 of the Telecommunications Act.

Section 82I (Repealed)

CHAPTER VII. THE BROADCAST PRODUCTION COMPANY OF THE NETHERLANDS

§1. The Company

Section 83

The Broadcast Production Company of the Netherlands prepares the programmes of the establishments which have obtained national broadcasting time for transmission and arranges their transmission.

Section 84

1. Having obtained the permission of Our Minister, the Company may have its responsibilities as referred to in section 83 carried out in full or in part by another legal person, if said legal person:

- (a) has been established in accordance with the laws of one of the Member States of the European Union;
 - (b) has an issued share capital of which at least fifty-one per cent is furnished by the Company;
 - (c) is a legal person in which the Company has the power to appoint, suspend and dismiss the majority of the directors.
2. Our Minister may attach conditions when granting permission.
3. If the provisions of subsection 1 are applied, the Company shall continue to be answerable to Our Minister. The legal person referred to in subsection 1 shall be obliged as regards the Company to perform the obligations of the Company under this Act. The Company shall give the legal person in question the necessary instructions, with which said legal person shall be obliged to comply.
4. If the provisions of subsection 1 are applied, the provisions applicable to the Company under sections 88 to 95, and section 173 shall also apply with regard to the legal person referred to in subsection 1.

Section 85 (Repealed)

Section 86 (Repealed)

Section 87 (Repealed)

Section 88

1. The Company shall ensure that the programmes supplied by the establishments which have obtained national broadcasting time are indeed broadcast.
2. If an unexpected event of national or major importance for society occurs or an unexpected international event of a special nature, the Company shall supply, at the request of the Foundation, the facilities required in order for the Foundation to be able to report on that event.

Section 89

1. Our Minister shall make funds available for the execution by the Company of the tasks referred to in section 83.
2. Conditions may be attached to the provision of funds. Our Minister may withdraw or amend the decision to make funds available if the conditions attached thereto are not met.

Section 90

The Company shall not charge establishments which have obtained national broadcasting time any fees for the activities for which funds are made available by Our Minister pursuant to section 89.

Section 91 (Repealed)

Section 92

The Company shall keep books and records regarding the task referred to in section 83 which provide insight into the finances relating to this particular task.

Section 93

The Company's budget and annual accounts for the task referred to in section 83 shall require the consent of Our Minister. Our Minister shall hear the Foundation on this issue.

Section 94

In response to an application filed by the State of the Netherlands, the President of a District Court in interim injunction proceedings shall lift any attachment on assets of the Company in so far as the attachment in question threatens the transmission of programmes and, in the opinion of said President, this is contrary to the general interest.

Section 95

If the Company should act in breach of section 83, Our Minister shall have the power to apply executive coercion.

Section 96 (Repealed)

Section 97 (Repealed)

Section 98 (Repealed)

CHAPTER VIII. FINANCING

§1. Establishments which have obtained national broadcasting time

Section 98a

1. Before 1 August of each year, each network coordinator shall submit the draft budget for its network to the board of directors.
2. The draft budgets shall in any event include:

- (a) a description of the way in which the intended programming is to be expressed on the television or radio programme service network, taking into account the general principles referred to in section 18b, subsection 2 (a) and the network profile of the television or radio programme service network referred to in section 19a, subsection 1 (e), and subject to the provisions laid down by or pursuant to section 13c and other provisions laid down by or pursuant to this Act regarding the programme services and programming on the television and radio programme service networks;
 - (b) a description of the plans of the establishments which have obtained national broadcasting time and whose broadcasting time on the network has been scheduled in relation to the activities referred to in section 13c, subsection 3;
 - (c) the level of the amounts which will be required in the next calendar year to realise its plans relating to programming on the television or radio programme service network, and the activities referred to in section 13c, subsection 3, and a financial review containing an estimate of the funds required for the next four years;
 - (d) an explanation of the different sections and budgetary items.
3. The draft budgets shall not relate to the programme service and the activities referred to in section 13c, subsection 3 of the Foundation.
 4. The statutory provisions governing the form and content of the budget referred to in section 99 shall apply *mutatis mutandis* to the draft budgets.

Section 98b

1. Before 1 August of each year, the board of directors shall adopt a budget for the television or radio programme service, and the activities referred to in section 13c, subsection 3 of the Foundation.
2. The budget referred to in subsection 1 shall in any event include:
 - (a) a description of the way in which the intended programming of the Foundation is to be expressed, taking into account the general principles referred to in section 18b, subsection 2 (a and f) and subject to the provisions laid down by or pursuant to section 13c and other provisions laid down by or pursuant to this Act with regard to the programme services and programming on the television and radio programme service networks;
 - (b) a description of the Foundation's plans regarding activities as referred to in section 13c, subsection 3;
 - (c) the level of the amounts which, in the opinion of the board of directors, will be required in the coming calendar year to defray the costs incurred in providing the television or radio programme service, and the activities of the Foundation referred to in section 13c, subsection 3, and a financial review containing an estimate of the funds required for the next four years;
 - (d) an explanation of the different sections and budgetary items;
 - (e) a description of cooperation with Radio Netherlands.

3. The statutory provisions governing the form and content of the budget referred to in section 99 shall apply *mutatis mutandis* to the Foundation's budget.

Section 98c (Repealed)

Section 99

1. Before 1 October of each year, the Foundation shall submit to Our Minister and the Media Authority a budget for the establishments which have obtained national broadcasting time. The budget shall be adopted by the board of directors, taking into account the draft budgets referred to in section 98a.
2. The budget shall in any event include:
 - (a) a description of the way in which the establishments which have obtained broadcasting time are to express the intended programming on the television and radio programme service networks, taking into account the general principles referred to in section 18b, subsection 2 (a and f), and subject to the provisions laid down by or pursuant to section 13c and other provisions laid down by or pursuant to this Act regarding the programme services and programming on the television and radio programme service networks;
 - (b) a description of the plans of the establishments which have obtained national broadcasting time relating to activities as referred to in section 13c, subsection 3;
 - (c) the level of the amounts which will be required in the coming calendar year to realise the plans of national broadcasting and of the establishments which have obtained national broadcasting time, and a financial review containing an estimate of the funds required for the next four years;
 - (d) a description of the way in which the board of directors intends to spend the amount available for strengthening programming and the funds referred to in section 106a.
 - (e) an explanation of the different sections and budgetary items.
 - (f) a description of cooperation with Radio Netherlands.
3. The budget shall further specify:
 - (a) the amounts required to defray the costs of providing:
 - 1° the television programme service or the radio programme service of the Programme Service Foundation and the broadcasting associations which have obtained broadcasting time;
 - 2° the television programme service or the radio programme service of the Foundation;
 - 3° the television programme service or the radio programme service of the educational broadcasting establishment which has obtained national broadcasting time;

- 4° the television programme service or radio programme service of the religious and other spiritual organisations which have obtained broadcasting time;
 - (b) the amounts required for the performance of activities as referred to in section 13c, subsection 3 by establishments which have obtained national broadcasting time;
 - (c) the amounts required to defray the costs of:
 - 1° the Foundation, in so far as these costs are not directly connected with the provision of its programme service and the performance of activities as referred to in section 13c, subsection 3; and
 - 2° broadcasting the programme services of the establishments which have obtained national broadcasting time;
 - (d) the amounts required to strengthen programming;
 - (e) the own income of the establishments which have obtained national broadcasting time, in so far as this must be used for the provision of the programme service;
 - (f) the minimum number of hours of broadcasting time which will be used by the Programme Service Foundation and the broadcasting associations.
4. The budget shall also state the level of the amounts:
- (a) which the broadcasting associations intend to spend on programmes of an informative, educational and cultural nature, including programmes relating to the arts;
 - (b) which the broadcasting associations intend to spend on programmes aimed at specific population and age groups, including in any event young people and minorities;
 - (c) which the Programme Service Foundation intends to spend on programmes of a cultural nature and programmes aimed at specific population and age groups, including in any event young people and minorities;
 - (d) which the establishments which have obtained national broadcasting time intend to spend on programmes as referred to in section 54, subsection 2.
5. The budget shall also contain a description of how the establishments which have obtained national broadcasting time have expressed programming in the past year, and a statement of the actual expenditure of the establishments which have obtained national broadcasting time, specified as provided for in subsections 2 to 4. The statement of actual expenditure shall in any event relate to the previous two calendar years.
6. For the purpose of the preparation of the statement of actual expenditure, every establishment which has obtained national broadcasting time shall, before 1 June of each year, submit to the Foundation an individual statement of actual expenditure in the preceding calendar year, specified as provided for in subsections 2 to 4.
7. The budget shall be published by the board of directors.

Section 99a

Further rules governing the form and content of the budget referred to in section 99 may be laid down by or pursuant to Order in Council.

Section 100

The Media Authority shall send its comments regarding the budget referred to in section 99 to Our Minister before 1 November.

Section 101

1. Before 1 December of each year, Our Minister shall determine the amounts which will be available in the coming year to defray the costs of:
 - (a) providing the television programme services or radio programme services, and the activities referred to in section 13c, subsection 3 of the Programme Service Foundation and the broadcasting associations which have obtained broadcasting time together;
 - (b) providing the television programme service or the radio programme service, and the activities referred to in section 13c, subsection 3 of the Foundation;
 - (c) providing the television programme service or the radio programme service, and the activities referred to in section 13c, subsection 3 of the educational broadcasting establishment which has obtained broadcasting time;
 - (d) providing television programme services or radio programme services and the activities referred to in section 13c, subsection 3 of the religious and other spiritual organisations which have obtained broadcasting time;
 - (e) providing the television programme services or radio programme services of the other establishments which have obtained broadcasting time together;
 - (f) the Foundation, in so far as these costs are not directly connected with the provision of its programme service;
 - (g) broadcasting the programmes of the establishments which have obtained national broadcasting time; and
 - (h) strengthening programming.
2. If the Foundation fails to submit the budget referred to in section 99 to Our Minister in a timely manner and with due observance of the rules laid down pursuant to section 99a, Our Minister shall set the amounts for the following calendar year referred to in subsection 1 (a to d) at eighty per cent of the equivalent amounts already set for the current calendar year.
3. The amount available for strengthening programming shall be a maximum of twenty-five per cent of the total amount available for the provision of the programme services of the establishments which have obtained national broadcasting time. Strengthening programming shall mean:
 - (a) strengthening the distinctive nature of the public broadcasting programming;

- (b) promoting recognisable programming on the different television and radio programme service networks, which shall also include promoting cooperation projects on and between the programme service networks;
- (c) promoting the programming of programmes aimed at specific population and age groups, including in any event young people and minorities;
- (d) promoting the programming of programmes of a cultural nature and programmes relating to art, including in any event, drama, documentaries, films, radio plays, classical music and opera.

The board of directors shall annually adopt the criteria according to which it intends to spend the money available for strengthening programming.

4. The total amount available for strengthening programming shall be placed at the disposal of the establishments which have obtained national broadcasting time.

Section 102

Our Minister shall make the amounts referred to in section 101, subsection 1 available to the board of directors of the Foundation. The board of directors shall distribute the amounts subject to the provisions laid down by or pursuant to this Act.

Section 103

1. Before 1 January of each year, on the basis of a decision taken by Our Minister in accordance with section 101, subsection 1 (a), the board of directors of the Foundation shall set the amounts which will be made available in the following calendar year to the Programme Service Foundation and the broadcasting associations which have obtained broadcasting time for the provision of their television programme services or their radio programme services, and the activities referred to in section 13c, subsection 3, on the understanding that:
 - (a) the Programme Service Foundation and the broadcasting associations which have obtained an accreditation shall each receive the same amount; and
 - (b) the broadcasting associations with a provisional accreditation shall each receive an amount equivalent to fifteen per cent of the amount referred to at (a).
2. Before 1 January of each year, on the basis of a decision taken by Our Minister in accordance with section 101, subsection 1 (d and e), the board of directors shall determine what amount per allocated and used hour of television and radio broadcasting time will be made available in the following calendar year to the religious and other spiritual organisations which have obtained broadcasting time, and to the government for the dissemination of governmental information.
3. The amount per hour of television or radio broadcasting time referred to in subsection 2 may vary according to the category of establishment.

Section 103a

In the case of an establishment which has obtained national broadcasting time, the board of directors may reduce the amounts to be set for the next calendar year, as referred to in section 103, subsections 1 and 2, by a maximum of 15% of the equivalent amounts already set for the current calendar year if the establishment in question has failed to comply with any binding resolutions of the board of directors, or if, in the opinion of the board of directors, a broadcasting association or the educational broadcasting establishment has not sufficiently displayed the willingness to cooperate referred to in section 32, subsection 3.

Section 103b

In so far as a difference exists between the total amount made available to the board of directors by Our Minister pursuant to section 102 and the total amount made available to the establishments with national broadcasting time by the board of directors pursuant to sections 103 and 103a, this difference shall be used by the board of directors to strengthen programming. Section 101, subsection 4 shall apply *mutatis mutandis*.

Section 104

1. The Programme Service Foundation, the broadcasting associations and the educational broadcasting establishment which have obtained broadcasting time shall receive from the board of directors the amount set on the basis of section 103, subsection 1 or section 103a as compensation for the costs of providing their television programme service or their radio programme service and the activities referred to in section 13c, subsection 3.
2. The amount set on the basis of section 101, subsection 1 (b) or section 103a as compensation for the costs of the television programme service or the radio programme service, and the activities referred to in section 13c, subsection 3 of the Foundation, shall remain at the disposal of the board of directors.
3. With the exception of the Radio and Television Advertising Foundation, the other establishments which have obtained national broadcasting time shall receive from the board of directors as compensation for the provision of their television programme services or their radio programme services, an amount to be arrived at by multiplying the respective numbers of allocated and used hours of television and radio broadcasting time by the respective amounts per hour of television and radio broadcasting time calculated on the basis of section 103, subsection 2 and section 103, subsection 3 or section 103a.
4. In special cases, the board of directors may, when requested by an establishment which has obtained national broadcasting time, determine that a maximum of ten per cent of the amount made available to that establishment as compensation for the cost of providing its radio programme service may be used instead for the costs of providing its television programme service, and vice versa.

Section 105

1. The amount set on the basis of section 101, subsection 1 (f) as compensation for the costs which are not directly connected with providing the programme service and the activities referred to in section 13c, subsection 3 of the Foundation shall remain at the disposal of the board of directors.
2. The amount set on the basis of section 101, subsection 1 (g) as compensation for the costs of broadcasting the programme services of establishments which have obtained national broadcasting time shall remain at the disposal of the board of directors.

Section 106

1. With the exception of the Radio and Television Advertising Foundation, the establishments which have obtained national broadcasting time shall receive advance payments from the board of directors in accordance with rules laid down by Order in Council.
2. If it is discovered that the advance payments are being used for purposes other than those for which they were intended, the board of directors may terminate its provision of the said advance payments or reduce them.

Section 106a

1. Our Minister may - in addition to the amounts referred to in section 101, subsection 1 - make funds available to the board of directors to be used for the benefit of the establishments which have obtained national broadcasting time for the purposes designated by Our Minister when making the funds available.
2. Conditions may be attached to the provision of funds. Our Minister may withdraw or amend the decision to make funds available in the event that the conditions attached to the decision are not complied with.

Section 106b

This Division shall not apply to political parties.

§2. The establishments which have obtained regional broadcasting time

Section 107

Regional broadcasting establishments which have obtained broadcasting time shall receive an amount from the province which is equal to the total amount of their direct expenditure for broadcasting activities, in so far as these costs have been approved by the provincial executive and in so far as they are not already covered in some other way.

Section 107a

1. The Media Authority may, at the request of the provincial executive, grant a subsidy to the province in question to cover the costs directly connected with the operations of one regional broadcasting establishment for its radio programme service. This may include a one-off subsidy towards the costs of the necessary infrastructure required for one regional broadcasting establishment.
2. Before 1 November of each year, the Media Authority shall advise Our Minister about the amount required for the following year to pay for the subsidies referred to in subsection 1.
3. Before 1 December of each year, and taking into account the advice of the Media Authority, Our Minister shall determine the amount available for the coming year for the subsidies referred to in subsection 1.

Section 107b

Our Minister shall make the amount referred to in section 107a, subsection 3 available to the Media Authority. The Media Authority shall spend this amount subject to the provisions laid down by or pursuant to this Act.

Section 107c

The total value of all the amounts made available in any calendar year shall not exceed the amount set by Our Minister on the grounds of section 107a, subsection 3.

§3. Radio Netherlands

Section 108

1. Before 1 October of each year, Radio Netherlands shall submit a budget to Our Minister and to the Media Authority.
2. The budget shall in any event include:
 - (a) a description of the manner in which Radio Netherlands is to implement its tasks as referred to in section 76;
 - (b) the level of the amounts which will be required in the next calendar year to realise the plans of Radio Netherlands, and a financial review containing an estimate of the funds required for the next four years;
 - (c) an explanation of the different sections and budgetary items;
 - (d) a description of how it cooperates with the Foundation.
3. The budget shall specify:

- (a) the amounts required to defray the costs of providing the programme services of Radio Netherlands;
 - (b) the amounts required to defray the costs of:
 - 1° Radio Netherlands, in so far as these costs are not directly connected with the provision of its programme services; and
 - 2° broadcasting the programme services of Radio Netherlands;
 - (c) income earned by Radio Netherlands, in so far as this must be used for the provision of its programme services.
4. The budget shall also contain a statement of the actual expenditure of Radio Netherlands. The statement of actual expenditure shall in any event relate to the previous two calendar years.
5. The budget shall also state the number of hours that Radio Netherlands intends to use for programmes which have been produced by or for an establishment which has obtained national broadcasting time, or programmes which have already been broadcast as programmes of establishments which have obtained national broadcasting time.
6. Further rules governing the form and content of the budget may be laid down by or pursuant to Order in Council.

Section 108a

The Media Authority shall submit its comments regarding the budget referred to in section 108 to Our Minister before 1 November.

Section 108b

1. Before 1 December of each year, Our Minister shall establish the amounts available for the following year for the costs of:
- (a) providing the programme services of Radio Netherlands;
 - (b) Radio Netherlands, in so far as these costs are not directly connected with the provision of its programme services; and
 - (c) broadcasting the programme services of Radio Netherlands.
2. Our Minister shall set the amounts for the following calendar year, as referred to in subsection 1, at eighty per cent of the equivalent amounts already set for the current calendar year if Radio Netherlands fails to submit the budget referred to in section 108 to Our Minister in a timely manner and with due observance of the rules laid down pursuant to section 108, subsection 6.

Section 108c

Our Minister shall make the amounts referred to in section 108b, subsection 1 available to the Media Authority. The Media Authority shall spend these amounts subject to the provisions laid down by or pursuant to this Act.

Section 108d

1. Radio Netherlands shall receive from the Media Authority the amount set on the basis of section 108b, subsection 1 (a) as compensation for the costs of providing its programme services.
2. Radio Netherlands shall receive from the Media Authority the amount set on the basis of section 108b, subsection 1 (b) as compensation for the costs which are not directly connected with the provision of its programme services.
3. Radio Netherlands shall receive from the Media Authority the amount set on the basis of section 108b, subsection 1 (c) as compensation for the costs of broadcasting its programme services.

Section 108e

1. Radio Netherlands shall receive advance payments from the Media Authority in accordance with rules laid down by Order in Council.
2. If it is discovered that the advance payments are being used for purposes other than those for which they were intended, the Media Authority may terminate its provision of the said advance amounts or reduce them.

§4. Accountability

Section 109

1. Before 1 June of each year, all the establishments which have obtained national broadcasting time - with the exception of the government - and Radio Netherlands shall submit their annual accounts for the preceding financial year to the Media Authority. The financial year shall correspond to the calendar year.
2. Before 1 June of each year, all the establishments which have obtained national broadcasting time - with the exception of the government - shall submit a copy of their annual accounts for the preceding financial year to the board of directors of the Foundation. The board of directors shall submit its comments on the different annual accounts to the Media Authority before 1 July of each year.
3. The establishments referred to in section 109, subsection 1 shall be subject to the provisions of Title 9 of Book Two of the Civil Code, on the understanding that the profit and loss account shall be replaced by an operating account and that, wherever possible, the provisions regarding the profit and loss account shall apply *mutatis*

mutandis. Where possible, the provisions regarding the profit and loss shall apply *mutatis mutandis* to the operating balance.

4. The annual accounts shall also include the information referred to in section 99, subsection 6.
5. Further rules governing the form of the annual accounts may be laid down by or pursuant to Order in Council.

Section 109a

1. If, as evidenced by the annual accounts, the amount made available to an establishment with national broadcasting time for the provision of its television programme service or its radio programme service, and activities as referred to in section 13c, subsection 3 exceeds the costs incurred for that purpose, the excess amount shall be reserved by that establishment for the purpose for which the amount was originally made available without prejudice to section 104, subsection 4. In the context of these reserves, the board of directors of the Foundation may set a maximum for each category of establishment. If that part of the amount made available which is not required to cover the costs is greater than the maximum referred to in the previous sentence, the establishment in question shall repay the difference to the board of directors.
2. If, as evidenced by the annual accounts, the amount made available to Radio Netherlands pursuant to section 108d, subsection 1, section 108d, subsection 2 and section 108d, subsection 3 respectively, exceeds the amount of the costs incurred, the excess amount shall be reserved by Radio Netherlands for the purpose for which it was originally made available. In the context of these reserves, the Media Authority may set a maximum. If that part of the amount made available which is not required to cover the costs is greater than the aforesaid maximum, the establishment shall repay the difference to the Media Authority.
3. In so far as the amounts made available have been used for a purpose other than those for which they were given, these amounts shall be repaid on demand to the board of directors of the Foundation or, in the case of Radio Netherlands, to the Media Authority without prejudice to section 104, subsection 4.
4. If the allocation of broadcasting time to an establishment is terminated, the reserves referred to in section 109a, subsection 1 shall be repaid on demand by the establishment in question to the board of directors, in so far as these reserves have not already been used in accordance with section 104.

Section 109b

1. If, pursuant to this Act, a contribution towards investments has been issued to an establishment which has obtained national broadcasting time, the establishment in

question shall, when divesting itself of the real estate in question or upon the termination of its allocated broadcasting time, repay the contribution to the board of directors of the Foundation. The amount of the contribution to be repaid shall, however, be reduced by the amount of the depreciation percentages set by the board of directors for each full year which has expired since the contribution was issued. Repaid contributions shall be used to strengthen programming and coordination. Section 101, subsection 4 shall apply *mutatis mutandis*.

2. If, pursuant to this Act, a contribution towards investments has been issued to an establishment which has obtained regional broadcasting time, the establishment in question shall, when divesting itself of the real estate in question or upon termination of its allocated broadcasting time, repay the contribution to the Media Authority. The amount of the contribution to be repaid shall, however, be reduced by the depreciation percentages set by the Media Authority for each full year which has expired since the contribution was issued. Repaid contributions shall be used to defray the costs referred to in section 28, with the exception of the costs referred to in section 28 (e).

Section 109c

1. If an establishment which has obtained national broadcasting time fails to submit its annual accounts to the Media Authority in a timely manner, the board of directors of the Foundation shall, at the Media Authority's first request, reduce the amount of the advance payments referred to in section 106, subsection 1 by twenty per cent. If, despite repeated warnings from the Media Authority, an establishment continues to default on its obligation to submit its annual accounts, the Media Authority may ask the board of directors to reduce the advance payments still further or to terminate them. The board of directors shall act immediately upon such a request.
2. If Radio Netherlands fails to submit its annual accounts to the Media Authority in a timely manner, the Media Authority shall reduce the amount of the advance payments referred to in section 108e, subsection 1 by twenty per cent. If, despite repeated warnings, Radio Netherlands continues to default on the obligation to submit its annual accounts, the Media Authority may reduce the advance payments still further or terminate them.

Section 109d

The provisions contained in this Division (§4. *Accountability*) shall apply to religious and other spiritual organisations and political parties only in so far as they concern activities and finances connected with their broadcasting activities.

Section 109e

1. Within ten months of the end of the calendar year, each provincial executive which has received a subsidy as referred to in section 107a, subsection 1 shall submit to

the Media Authority a report prepared by an accountant as described in article 393 of Book Two of the Civil Code. The report shall show whether and to what extent the subsidy has been used for the purpose for which it was intended. If the promised subsidy is less than NLG 50,000, a relevant report from the provincial executive may suffice.

2. In so far as a report as referred to in subsection 1 shows that the subsidy has not been used for the purpose for which it was intended, the amount in question shall be recovered.

Section 110

The establishments which have obtained broadcasting time shall provide public broadcasting independently by providing public broadcasting programme services. To that end, the establishments which have obtained broadcasting time shall be eligible to receive government funds in the manner regulated by this Act to enable them to provide high-quality programming and to ensure financial continuity.

Section 111

1. To implement section 110 and defray the other costs referred to in section 28, with the exception of those referred to at (e), Our Minister shall annually provide an amount known as a government licence fee.
2. The government licence fee referred to in subsection 1 shall at least consist of the amount of the revenue remitted to Our Minister in 1998 by the Licence Fee Agency on the basis of the provisions of this Act then applicable.
3. Our Minister shall annually adjust the amount referred to in subsection 2 using the index determined by Statistics Netherlands for the growth in the number of households in the Netherlands and the domestic consumer price index determined by Statistics Netherlands for a calendar year.
4. Further rules may be laid down concerning the application of subsections 1 to 3 by or pursuant to Order in Council.
5. No conditions other than those laid down by or pursuant to this Act shall be set for the availability of the government licence fee.

Section 111a (Repealed)

Section 111b (Repealed)

Section 111c (Repealed)

Section 112 (Repealed)

Section 113 (Repealed)

Section 114 (Repealed)

Section 115 (Repealed)

Section 116 (Repealed)

Section 117 (Repealed)

Section 117a (Repealed)

Section 118 (Repealed)

Section 119 (Repealed)

Section 120 (Repealed)

Section 121 (Repealed)

Section 122 (Repealed)

Section 122a (Repealed)

Section 122b (Repealed)

Section 122c (Repealed)

Section 122d (Repealed)

Section 122e (Repealed)

Section 122f (Repealed)

Section 122g (Repealed)

Section 122h (Repealed)

Section 122i (Repealed)

Section 122j (Repealed)

Section 122k (Repealed)

Section 122l (Repealed)

Section 122m (Repealed)

Section 122n (Repealed)

CHAPTER IX. MEASURES OF SUPPORT FOR THE PRESS

Section 123

1. There shall be a Press Fund (*Bedrijfsfonds voor de pers*) for the purpose of maintaining and promoting diversity of the press, in so far as this is in the interest of information provision and opinion-forming. The Fund shall be a legal person and shall have its registered office in The Hague.
2. In addition to the tasks entrusted to the Press Fund pursuant to other statutory provisions, it shall have the responsibility:
 - (a) to monitor compliance with the provisions laid down by or pursuant to this Chapter with regard to the press;
 - (b) to carry out, or instruct others to carry out, research activities in regard to the functioning of the press.
3. Those charged with monitoring compliance as referred to subsection 2 (a) are the members of the board of the Press Fund and the staff members of the Press Fund designated for that purpose in a resolution of the board.
4. A resolution as referred to in subsection 3 shall be published in the Government Gazette.

Section 124

1. The Press Fund shall have a board of directors consisting of a chairperson and six other members. They shall be appointed and may be dismissed by Royal Decree on the recommendation of Our Minister.
2. Appointments to the Press Fund's board of directors shall be made for a period of five years. Board members shall be eligible for immediate reappointment once.

3. Board membership of the Press Fund may not be combined with:
 - (a) employment with a ministry or with an institution, service or company whose activities fall under ministerial accountability;
 - (b) board membership of or employment with a press product or the publisher of a press product.
4. Board members of the Press Fund may resign at will. Otherwise, the dismissal of a board member shall be possible only if the member in question is found to be unfit on account of having a financial interest in an establishment in relation to which the Press Fund exercises statutory powers or having accepted employment or holding a membership which may not be combined with board membership of the Press Fund.
5. Rules governing the remuneration and legal status of the Press Fund's board members and staff members shall be laid down by or pursuant to Order in Council.

Section 125

1. Resolutions of the Press Fund's board shall be passed by a majority of votes. A resolution to grant support shall be notified to Our Minister within one week of it having been passed.
2. The Press Fund's board shall lay down its own rules governing its decision-making processes and the way in which it operates. These rules shall require the consent of Our Minister.

Section 126

The costs of the Press Fund shall be defrayed by Our Minister. Its budget and annual accounts shall require Our Minister's consent.

Section 127

1. Resolutions of the Press Fund may be overturned by Royal Decree either in the six weeks following their notification to Our Minister or in the period during which the relevant resolution is stayed.
2. The staying of resolutions of the Press Fund may take place only in the four weeks following their notification to Our Minister.
3. Notwithstanding section 10:35 of the General Administrative Law Act, the staying or overturning of a resolution may take place only on the grounds of incompatibility with the law.
4. Any Royal Decree to stay a resolution, to cancel or extend such a stay or to overturn a resolution shall be published in the Bulletin of Acts and Decrees.

5. A resolution to grant financial support shall not become effective until a term of four weeks has expired or, if earlier, until Our Minister has announced that he will not exercise the power to recommend staying or overturning the resolution.

Section 128

1. Our Minister shall determine what percentage of the revenue from advertising messages generated by the Radio and Television Advertising Foundation, the local and regional broadcasting establishments which have been allocated broadcasting time, and the commercial broadcasting establishments, is to be distributed annually to the Press Fund. The maximum percentage shall be four per cent.
2. The Press Fund's expenditure shall be financed from the revenue referred to in subsection 1 and from other available resources.
3. Our Minister may lay down further rules governing the determination of the revenues referred to in subsection 1.

Section 129

1. The Press Fund may grant the publisher of a press product financial support for such press product within the limits of the amounts set by Our Minister under section 128.
2. Financial support may only be provided for press products which meet the following requirements:
 - (a) they must be published - and be aimed at the general public - in the Netherlands;
 - (b) they must to a significant extent contain news, analyses, commentaries and background information covering the diverse aspects of present-day society, with a view to, *inter alia*, political opinion-forming;
 - (c) they must be edited by an independent editing team on the basis of a statute expressing the editorial identity of the relevant press product;
 - (d) they must appear periodically, at least once every month;
 - (e) they must be generally available;
 - (f) they must be made available in consideration for a purchase price;
 - (g) they may not be published by or on behalf of the government;
 - (h) their publication or distribution may not be connected with membership or sponsorship of or participation in an association, religious society or other organisation.

Section 130

1. The Press Fund may grant individual financial support to press products in the form of a credit or credit facility if the start-up or continuation of the relevant press product

is threatened or rendered impossible and the requisite support cannot be obtained elsewhere.

2. Financial support shall be granted only if the responsible publisher submits a project which offers the prospect of profitable operations within a reasonable period of time. Financial support shall be granted subject to the condition that a project approved by the Press Fund is indeed executed.
3. Financial support to start up a press product may be granted only to press products which are published at least six days a week and shall not exceed one half of the costs budgeted for the project referred to in subsection 2.
4. The financial support referred to in subsection 1 may be granted in the form of a subsidy for a one-off reestablishment of the press product if the project referred to in subsection 2 cannot be effectively executed with the aid of a credit or credit facility.
5. Further rules regarding the cases referred to in subsection 1 may be laid down by Order in Council.

Section 131

It shall be possible to adopt rules by Order in Council pursuant to which the Press Fund may grant press products financial support in the shape of subsidies in situations other than those referred to in section 130, subsection 4. The Order in Council shall also set out the purposes for which such a subsidy may be used and the requirements which must be met by the press products and their publishers in order to qualify for a subsidy.

Section 132

1. Financial support shall be granted on the basis of applications. The Press Fund shall issue a written decision on the relevant application. Applications for individual financial support on the basis of section 130 shall be considered and decided on in order of receipt. If the amount available for financial support in a given year has been exhausted, any subsequent applications shall be rejected.
2. Rules governing the nature of the conditions which the Press Fund may attach to a decision to grant financial support shall be adopted by Order in Council. The conditions shall not relate to the contents of the press products.
3. Rules governing the submission of applications for financial support and the way in which such applications are to be considered, as well as rules governing the level of support and the method of its calculation, the conditions to be attached, the payment of advances, termination and recovery, shall be adopted by Order in Council.

Section 133 (Repealed)

CHAPTER X. ADMINISTRATIVE ENFORCEMENT BY THE MEDIA AUTHORITY

Section 134

1. The Media Authority shall be charged with the enforcement pursuant to administrative law of the provisions laid down by or pursuant to:
 - (a) Chapters III to VI, except for sections 18 to 24, 31 to 38 and 40 to 41, 41b and 41c;
 - (b) sections 107 to 108e, section 109, section 109a, subsection 2, section 109b, subsection 2, section 109c and section 109e;
 - (c) Chapter XI.
2. The Media Authority shall not scrutinise the contents of a programme service in advance.
3. Those charged with monitoring compliance as referred to in section 134, subsection 1 shall be the members of the Media Authority and the staff of the Media Authority designated for that purpose in a resolution of the Media Authority.
4. A resolution as referred to in section 134, subsection 3 shall be published in the Government Gazette.
5. The Media Authority shall notify Our Minister by 1 November of each year of the enforcement policy proposed for the next calendar year.

Section 134a (Repealed)

Section 135

1. The Media Authority may impose an administrative fine on the Foundation, the provider of a programme service broadcast by means of a broadcasting transmitter or broadcasting network, or on the provider of a broadcasting transmitter or broadcasting network:
 - up to a maximum of NLG 200,000 for each violation of the provisions laid down by or pursuant to section 41a, section 43b, section 43c, subsections 1 and section 3, section 52, section 52a, section 52b, section 55, subsection 1, section 55a, subsection 1, section 55b, subsections 1 and 2, section 56, subsection 1, section 56a, section 57a, section 57c, section 71g, section 71j, section 72 or section 73, and
 - up to a maximum of NLG 50,000 for each violation of any other regulation laid down by or pursuant to this Act or section 5:20 of the General Administrative Law Act.
2. Subsection 1 has been declared applicable *mutatis mutandis* to Radio Netherlands in the event of a violation of any of the provisions declared applicable *mutatis mutandis*

under section 76, subsection 3 or section 76a, subsection 2 to Radio Netherlands and the programme services it provides, the provisions laid down by or pursuant to this Part and section 5:20 of the General Administrative Law Act.

3. In the event of a violation of the provisions laid down by or pursuant to section 50, subsections 1 and 2, section 51, subsection 1, section 54, subsections 1 to 5, or section 54a, subsection 3, the Media Authority may, notwithstanding subsection 1, second indent, impose an administrative fine not exceeding NLG 200,000 on the Foundation.
4. The Media Authority shall remit the revenue from the administrative fines to Our Minister. The remitted revenue shall be used for broadly defined media purposes to be determined by Our Minister.

Section 136 (Repealed)

Section 137

Any fine imposed under section 135 may be collected by the Media Authority by means of a writ of execution. The writ shall be officially served by a bailiff at the addressee's expense and shall be executed in the manner prescribed for judgments and authentic deeds in the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*). Within thirty days of the writ of execution having been served, the respondent may oppose it by issuing a writ of summons against the Media Authority. Such opposition shall stay the execution.

Section 138 (Repealed)

Section 138a (Repealed)

Section 138b

Those charged with monitoring compliance as referred to in section 134, subsection 3 shall be empowered to enter a private home, and to take with them the necessary equipment, without the consent of the occupant.

Section 138c (Repealed)

Section 138d

Establishments which provide a programme service for domestic broadcasting as well as Radio Netherlands shall keep recordings of the programmes which they have broadcast for a period of two weeks following the date of broadcast. When requested, they shall provide the Media Authority with such recordings.

Section 138e (Repealed)

Section 139

Establishments which have obtained broadcasting time and Radio Netherlands shall ensure, upon request, that the members of the Media Authority and such employees as may be designated by those members are able to inspect - and make copies of - the books and records of companies or undertakings which have cooperated in the provision of their programmes, in so far as is reasonably necessary for the performance of the Media Authority's supervisory tasks in terms of its monitoring compliance, by the establishments which have obtained broadcasting time and Radio Netherlands, with the provisions laid down by or pursuant to sections 52, 52a, 52b, 55, 56 and 56a.

Section 140 (Repealed)

Section 141 (Repealed)

Section 142 (Repealed)

Section 143 (Repealed)

Section 144 (Repealed)

Section 144a (Repealed)

Section 144b (Repealed)

Section 144c (Repealed)

Section 144d (Repealed)

Section 145 (Repealed)

Section 145a (Repealed)

Section 145b (Repealed)

Section 145c (Repealed)

Section 145d (Repealed)

Section 145e (Repealed)

Section 145f (Repealed)

Section 145g (Repealed)

Section 145h (Repealed)

CHAPTER XI. TRANSITIONAL AND FINAL PROVISIONS

§1. Transitional provisions

Section 146

The Media Authority, the Foundation and the Company shall act as joint and several guarantors for the financial obligations assumed by the Broadcasting Foundation of the Netherlands prior to 1 January 1988.

Section 147 (Repealed)

Section 148 (Repealed)

Section 149 (Repealed)

Section 150 (Repealed)

Section 151 (Repealed)

Section 152 (Repealed)

Section 153

If the State has issued a contribution to the investments of an establishment with broadcasting time under the terms of the Broadcasting Act, the establishment shall repay the relevant contribution to the Media Authority if it disposes of the relevant real estate or if the broadcasting time allocated to it is terminated. The amount to be repaid shall be reduced by the depreciation percentages as determined by the Media Authority for each full year that has lapsed since the contribution was made. Any contributions that are repaid shall be used to defray the costs referred to in section 28, with the exception of the costs referred to in section 28 (e).

Section 154 (Repealed)

Section 155 (Repealed)

Section 156 (Repealed)

Section 157 (Repealed)

Section 158 (Repealed)

Section 159 (Repealed)

Section 160 (Repealed)

Section 161

1. The Church Council of the Reformed Church in Bloemendaal shall be permitted to provide a radio programme service for the general public, relaying the church services of the Reformed Church in Bloemendaal. The radio broadcasts shall be intended for the inhabitants of the municipality of Bloemendaal.
2. The General Synod of the Reformed Church in Apeldoorn shall be permitted to provide a radio programme service for general broadcasting purposes, relaying the church services of the Reformed Church in Apeldoorn. The radio broadcasts shall be intended for the inhabitants of the municipality of Apeldoorn.
3. In connection with the provisions laid down in this section, further rules may be adopted by or pursuant to Order in Council, including the possibility of withdrawing the permissions granted under this section.

Section 162 (Repealed)

Section 163 (Repealed)

Section 164 (Repealed)

Section 165 (Repealed)

Section 165a

Section 82l shall be revoked with effect from 1 January 1997, unless a different date is determined by Royal Decree.

§2. Final provisions

Section 166

1. On one occasion only, the Media Authority may, for a period of three years, allocate television broadcasting time to the Foundation for a programme service consisting of a combination of at least seven different editions of a regional programme service which are to be broadcast simultaneously on one of the television programme service networks referred to in section 40.
2. The broadcasting time referred to in subsection 1 shall be granted only if:
 - (a) the Foundation and the joint regional broadcasting establishments which have obtained broadcasting time reach agreement about the days and hours

on which the programme service is to be broadcast as well as the contents of the different editions;

- (b) the Foundation and the joint regional broadcasting establishments which have obtained broadcasting time reach agreement about the distribution of the revenue from advertising messages broadcast during and following the different editions of the regional programme;
- (c) the different editions of the regional programme service are produced by the regional broadcasting establishments.

3. For the purpose of this Act, the programme service referred to in subsection 1 shall be regarded as a programme service for national broadcasting or, as the case may be, a programme service of an establishment which has obtained national broadcasting time, on the understanding that section 51e rather than section 51d shall apply to the different programme service editions.

Section 167 (Repealed)

Section 167a (Repealed)

Section 167b (Repealed)

Section 167c

1. The Media Authority may set rules governing the transmission of test patterns.
2. Rules governing the cases in which or the times when no test patterns are to be transmitted via the transmitters which are also used to transmit the programmes of establishments which have obtained national broadcasting time may be laid down by Order in Council.

Section 168

Rules governing the broadcasting of programmes intended exclusively for foreign armed service personnel - and their families - who are stationed in the Netherlands shall be laid down by Order in Council.

Section 169

Our Minister shall lay down rules implementing articles 12, 15 and 16 of the European Directive in so far as it is Our Minister's opinion that one or more of these articles have not been incorporated, or have been incorporated insufficiently, incorrectly or late, into the Advertising Code (*Nederlandse Reclame Code*) or some other comparable regulation established by the Advertising Code Foundation (*Stichting Reclame Code*), or if the Advertising Code Foundation fails in its supervisory duties.

Section 170

1. Our Minister shall establish the “Fund to promote Dutch cultural radio and television broadcasting productions” (*Stichting stimuleringsfonds Nederlandse culturele omroepproducties*).
2. The fund's task shall be to issue financial contributions towards the development and production of programmes which are of a special Dutch cultural nature and which are provided by broadcasting establishments, the Programme Service Foundation, the educational broadcasting establishment or religious or other spiritual organisations which have obtained national broadcasting time, the establishments which have obtained regional broadcasting time, or by Radio Netherlands.
3. The subsidy fund shall have a board consisting of a chairperson and six other members. Board members shall be appointed and dismissed by Our Minister. Two of the members shall be appointed from the broadcasting sector and two members from the film and performing arts sector. The chairperson shall be chosen from the other members.
4. Amendments to the constitution of the subsidy fund shall require Our Minister's consent. The board may not resolve to dissolve the subsidy fund.
5. Each year, Our Minister shall provide the subsidy fund with funds from the resources referred to in sections 28 and 110. The level of the funds to be provided shall equal at least one-sixteenth part of the Radio and Television Advertising Foundation revenue remitted for that year. The budget and annual accounts shall require Our Minister's consent.
6. The foundation shall provide Our Minister, upon request, with the information he requires to perform his tasks. Our Minister may ask to inspect commercial information and documents, in so far as this is necessary for the performance of his tasks.
7. Our Minister shall submit a report on the effectiveness and efficiency of the way the Foundation operates to the States General every four years.

Section 170a

1. Once every four years, the institutions designated pursuant to section 28 (k and l) shall submit a multi-annual plan for the next four years to Our Minister. The multi-annual plans shall be based on the cultural policy memorandum for the relevant period, as referred to in section 3 of the Cultural Policy (Special-Purpose Funding) Act, as well as on the applicable budget for establishments with national broadcasting time, as referred to in section 99.
2. The institutions referred to in subsection 1 shall submit their annual accounts for the previous calendar year to Our Minister before 1 June of each year.

3. The multi-annual plan and the annual accounts shall require Our Minister's consent. Our Minister shall hear the Foundation as regards the multi-annual plan.
4. Conditions may be attached to the granting of any payments as referred to in section 28 (k or l).
5. If the requirements set out in the subsections 1 and 2 are not met or the conditions attached to the decision are not duly observed, Our Minister may withdraw the decision whereby the relevant institution was designated or amend the decision whereby the payment was granted.

Section 170b (Repealed)

Section 170c

1. Our Minister may reserve part of the revenue from the Radio and Television Advertising Foundation, as referred to in section 28, and the government licence fee referred to in section 111, for the benefit of the establishments which have obtained national broadcasting time, with the exception of political parties, and for Radio Netherlands (the general broadcasting reserve).
2. Our Minister may use the general broadcasting reserve to make distributions to the board of directors and, where Radio Netherlands is concerned, the Media Authority. Distributions to the board of directors shall be made subject to section 106a.
3. Conditions may be attached to the distributions. Our Minister may withdraw or amend the decision whereby distributions are made if the conditions attached are not duly observed.
4. The general broadcasting reserve shall be administered by the Media Authority, which shall report to Our Minister each year on its administrative duties.

Section 171

Amendments to the European Directive shall become effective for the purpose of section 54 as from the final day set for implementation of the relevant amendment.

Section 172

Dutch Media Authority decisions containing additional rules adopted pursuant to this Act shall be published in the Government Gazette.

Section 173

On the recommendation of the Prime Minister, after consultation with Our Minister, further rules shall be adopted by Order in Council for special cases in which broadcasting time and the use of studios, broadcasting networks and other tools are to be provided to the authorities designated by or pursuant to that Order in Council.

Section 174

1. The Prime Minister shall be empowered in general emergency situations to lay down rules, in consultation with Our Minister, with regard to the contents of radio and television programmes and the supervision thereof. These rules may depart from the provisions of section 134.
2. The power referred to in subsection 1 shall be revoked immediately as soon as section 31, subsection 1 of the War Act is declared effective.

Section 175

An Order in Council issued pursuant to section 30a, subsection 5, section 39, subsection 5, section 39b, section 41a, subsections 2 and 3, section 41c, subsections 1 (a) and 2, section 43c, subsection 3, section 52, subsection 2, section 57a, subsection 2, section 64, subsection 2, section 71g, subsections 2 and 3, section 73, subsection 4, section 130, subsection 5, section 131 and section 132, subsections 2 and 3 shall be submitted to both Houses of the States General. It shall enter into force on a date that shall be determined by Royal Decree four weeks after its submission, unless it has been intimated within that period, by or on behalf of one of the Houses or by at least one fifth of the total number of members of one of the Houses as prescribed in the Constitution, that the subject should be regulated by Act of Parliament. In that event, a Bill to this effect shall be submitted as soon as possible. If the Bill is withdrawn or if either House of the States General decides to reject the Bill, the Order in Council shall be revoked.

Section 176

The date on which this Act is to come into effect shall be determined by Royal Decree. Different sections or parts hereof may become effective at different times.

Section 177

This Act may be cited as the Media Act.

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