

AVMSD TRANSPOSITION HIGHLIGHTS – NETHERLANDS



Netherlands has transposed the AVMSD 2018/1808 with an amendment to the Media Act 2008 that entered into force on 01 January 2021:

<https://wetten.overheid.nl/BWBR0025028/2021-01-01>

Protection of minors (Article 6a of the AVMSD)



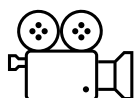
- No harmful content can be broadcasted in such a way that persons < 16 view it unless the institution responsible for the content uses classification and prevention mechanisms
- The most harmful content must be inaccessible to < 16
- The Minister of Education, Culture and Science may recognise an organisation that makes arrangements for the classification, distribution, and monitoring of harmful content.



Accessibility (Article 7 of the AVMSD)

- The TV offer for public TV channels must be at least 95% subtitled for people with a hearing disability, and at least 50% subtitled for commercial channels with an audience of at least 75% of all households in the Netherlands
- The regulations of the Dutch Media Authority specify the scope and application of the quota rules for commercial media institutions and public media institutions

European works (Articles 13, 16, 17 of the AVMSD)



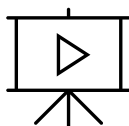
- 30% quota obligation for European works in VOD catalogues and general prominence obligation
- Financial contribution obligations for VOD providers of 5% of their annual turnover on Dutch cultural AV works.
- 50% transmission time obligation for both commercial and public service broadcasters ~ The NRA may temporarily exempt a commercial broadcaster from the obligation, but not below 10%.
- 10% transmission time for independent works ~ at least 1/3 must be recent works (< 5years) or min. %10 and max. %20 programming budget



Advertising (Article 23 of the AVMSD)

- TV advertising spots and teleshopping spots: 06.00-18.00 and 18.00-24.00: max. 20% of that period

Video-sharing platforms (Article 28b of the AVMSD)



- The transposed provisions substantially rely on preparing a code of conduct.
- VSP providers must create a code of conduct that prescribes appropriate measures and applies such measures to their platform, with stakeholder support.
- VSPs that market, sell, or organise audiovisual commercial communications must affiliate to the Dutch advertising code or a similar scheme created by the Advertising Code Foundation.



Media literacy (Article 33a of the AVMSD)

- Involvement of the Minister of Education, Culture and Science in the Mediawijzer.net initiative, a Dutch network for media literacy