



4.22. NL - The Netherlands²⁵⁷

4.22.1. Key findings

- The text of the law only explicitly mentions providing access for users who are D/deaf or hard of hearing, but the law contains general mentions of accommodations to increase the accessibility for persons with disabilities.
- A 2022 amendment to the budget of the Dutch public service broadcaster, NPO, added EUR 4.2 millions for 2023-2026 to add audio description.²⁵⁸
- According to the disabled persons' organisation Eye Association Netherlands, there are no private broadcasters offering audio description.²⁵⁹
- The term “progressively” found in the AVMSD has not been interpreted by the legislators to mean a greater quantity or higher percentages of accessible offerings by audiovisual media service providers, but rather higher quality of the existing quotas.
- Accessibility quotas apply only to traditional linear broadcast services.

4.22.2. Legal framework: primary and secondary legislation

| National legislation | Details |
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| Article 7 (1) AVMSD | |
| Media Act 2008, Article 2.1, 2.123 under f (<i>Mediawet 2008</i>) ²⁶⁰ | Article 2.1 Public media services must provide media services that are accessible to everyone. 2.123 This authorises rulemaking by government decree in regards to subtitling, such as quotas for television programmes of national public broadcasters that are at least 50% presented in Dutch or Frisian language (Covered programming defined in Article 2.122 of the Media Act 2008), and gives the national media regulatory authority (<i>Commissariaat voor de media</i> – CvdM) the ability to grant exceptions, as well as authorising the CvdM to attach conditions to those exceptions. |
| Media Act 2008, Article 3.25 | 3.25 This authorises rulemaking by government decree in regard to subtitling, such as quotas for television programmes of commercial television providers which are at least 50% |

²⁵⁷ The summary on the Netherlands incorporates feedback received from Marcel Betzel, senior international policy advisor at the CvdM, during the checking round with the national regulatory authorities.

²⁵⁸ <https://www.tweedekamer.nl/kamerstukken/amendementen/detail?id=2022Z23288&did=2022D50239>

²⁵⁹ <https://www.oogvereniging.nl/leven-met/film-televisie-en-theater/>

²⁶⁰ <https://wetten.overheid.nl/BWBR0025028/2023-01-01/0>



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|---|--|
| <p>Media Decree 2008, Articles 15 and 17 (<i>Mediabesluit</i>)²⁶¹</p> <p>Public Media Institutions Quota Policy Rule 2023, Articles 12 and 13 (<i>Beleidsregel quota publieke media-instellingen 2023</i>)²⁶²</p> <p>Commerical Media Institutions Quota Policy Rule 2023, Articles 14 and 15 (<i>Beleidsregel quota commerciele media-instellingen 2023</i>)²⁶³</p> | <p>presented in Dutch or Frisian language, and gives the CvdM the ability to grant exceptions, as well as authorising the CvdM to attach conditions to such exceptions.</p> <p>Sets quotas for subtitling, see 1.1.3.</p> <p>Sets criteria and calculation methods for subtitling for persons with hearing impairment for public broadcasters.</p> <p>The CvdM sets criteria and calculation methods for subtitling for persons with hearing impairment for private broadcasters.</p> |
| <p>Article 7 (2) AVMSD</p> | |
| <p>Media Act 2008, Article 2.58 paragraph 1 under f, and paragraph 2, Article 3.27 and Article 3.29d</p> | <p>Article 2.58 paragraph 1 under f. NPO must send the CvdM and the minister in charge a report on the past calendar year regarding measures taken by NPO to further develop the accessibility of audiovisual media content for persons with a disability, before 1 June every year.</p> <p>Article 2.58 paragraph 2 and Article 3.27 paragraph 2. The CvdM reports to the European Commission on the implementation of paragraph 1 no later than 19 December 2022 and every three years thereafter.</p> <p>Article 3.27 paragraph 1. A commercial media institution must report annually to the CvdM on the measures it takes to further develop the accessibility of audiovisual media content for people with disabilities.</p> <p>Article 3.29 d applies Article 3.27 by analogy to on-demand commercial media services.</p> |
| <p>Article 7 (3) AVMSD</p> | |
| <p>The Explanatory Memorandum to the draft proposal transposing the AVMS Directive²⁶⁴</p> | <p>This explains that the reporting requirement is designed to ensure that media institutions actually draw up an action plan and develop media that is accessible for persons with disabilities. No formal transposition of this element.</p> |

²⁶¹ <https://wetten.overheid.nl/BWBR0025036/2022-01-01/0>

²⁶² <https://zoek.officielebekendmakingen.nl/stcrt-2023-5501.html>

²⁶³ <https://zoek.officielebekendmakingen.nl/stcrt-2023-5500.html>

²⁶⁴ Page 16 <https://zoek.officielebekendmakingen.nl/kst-35361-3.pdf>



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| Article 7 (4) AVMSD | |
| The Explanatory Memorandum to the draft proposal transposing the AVMS Directive ²⁶⁵ | This explains that the point of contact will be set up and maintained by the CvdM. The government response to this memorandum is that it regards this as sufficient implementation of this article. ²⁶⁶ |
| Article 7 (5) AVMSD | |
| Media Act 2008, Article 6.27 | Emergency information will be provided as far as possible in a manner that is accessible to persons with an auditory or visual impairment. |

4.22.3. Overview of national rules

| Types of accessibility measures | Brief overview of existing rules |
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| Accessibility measures (hearing impairments) | <p>Subtitling: Yes.</p> <p>The public service broadcaster must provide 95% subtitling for original Dutch language production. This does not apply to advertising or teleshopping, programme offerings for Dutch speakers abroad, or visual radio offerings.</p> <p>Private broadcasters that reach 75% of all households in the Netherlands, and provide programming which consists of original Dutch language productions must ensure at least 50% subtitled offerings. This excludes advertising, teleshopping and visual radio offerings.</p> <p>Sign language: None.</p> |
| Accessibility measures (visual impairments) | <p>Audio description: None – however the Dutch public broadcaster is expected to implement audio description over the next few years.</p> <p>Spoken Subtitles: None.</p> |
| Accessibility measures developed by self- or co-regulatory process | <p>Yes.</p> <p>Audiovisual media service providers are expected to prepare reports on their activities to increase the quality of the accessibility services, and as a preparatory step they will likely produce action plans.</p> |
| Reporting to the NRA – frequency | Yes, annually. |
| Designated point of contact for information and complaint | <p>Yes.</p> <p>The CvdM is tasked with setting up and maintaining a point of contact for providing information and receiving complaints.</p> |

²⁶⁵ Page 8 Ibid.

²⁶⁶ Memorandum of Reply, page 28: <https://zoek.officielebekendmakingen.nl/kst-35361-6.pdf>



4.22.4. Law in practice: selected examples²⁶⁷

4.22.4.1. Public service broadcaster: NPO

NPO publishes its actions regarding accessibility on its website,²⁶⁸ including general information, explainer videos and answers to questions about subtitling, theatrical signers, audio description, and spoken subtitles. There is no information about accessibility quotas available on the NPO website.

4.22.4.2. VOD: Netflix

In the Netherlands, Netflix provides Dutch users with information on audio description, how to display text in larger sizes, subtitling and closed captions, as well as a list of programming with accessibility functionality.²⁶⁹

²⁶⁷ Examples as provided by the national expert.

²⁶⁸ <https://over.npo.nl/voor-publiek/toegankelijkheid#content>

²⁶⁹ <https://help.netflix.com/nl/node/116022>