

## 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)



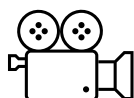
- No harmful content can be broadcasted in such a way that persons < 16 view it unless the institution responsible for the content uses classification and prevention mechanisms
- The most harmful content must be inaccessible to < 16
- The Minister of Education, Culture and Science may recognise an organisation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



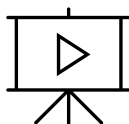
- 30% quota obligation for European works in VOD catalogues
- General prominence obligation
- No financial contribution obligations imposed on VOD service providers
- 50% transmission time obligation for both commercial and public service broadcasters ~ The NRA may temporarily exempt a commercial broadcaster 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