

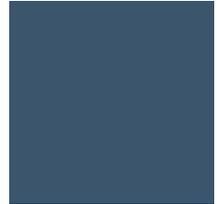
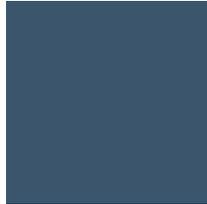
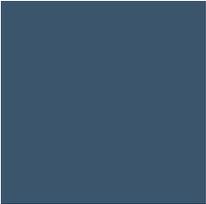


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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Netherlands

Author: D.A Rossini

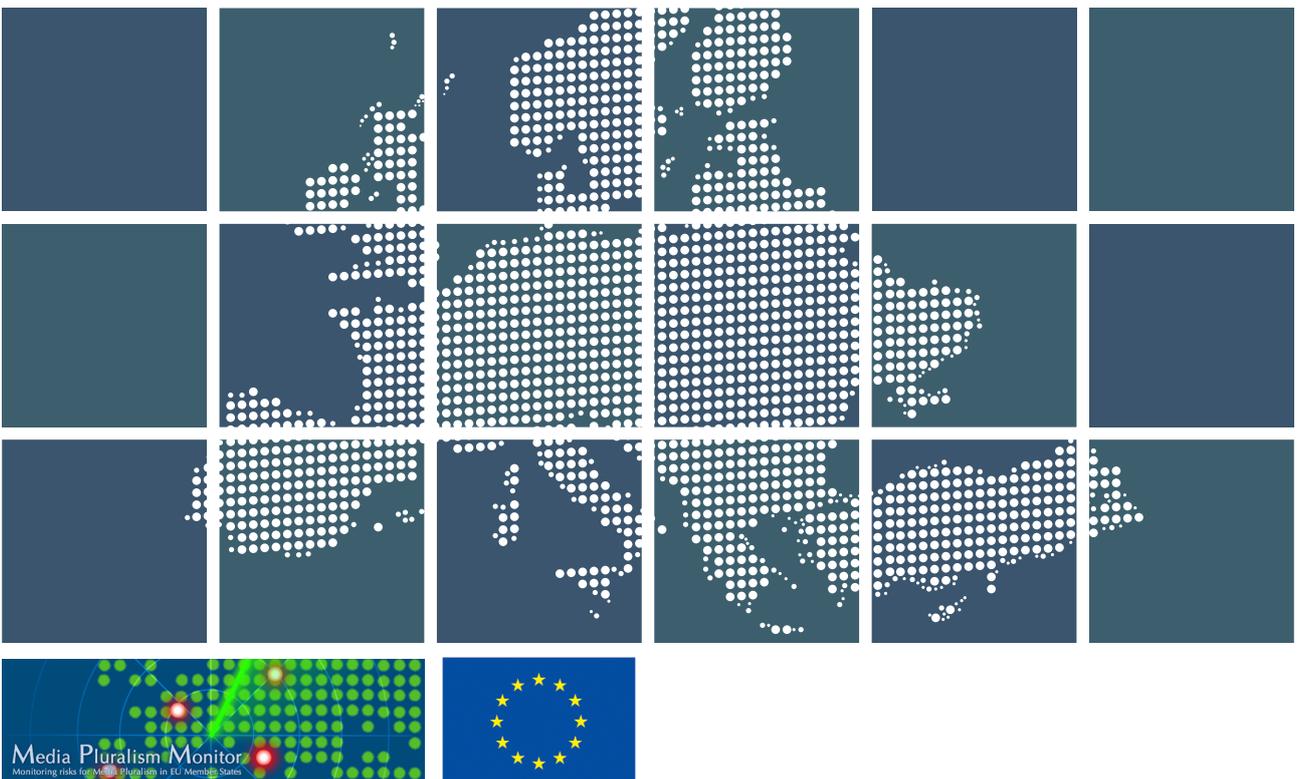




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1. ABOUT THE PROJECT

1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In the Netherlands, the CMPF partnered with D.A Rossini (independent expert), who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions.

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Figure 1 below).

| Basic Protection | Market Plurality | Political Independence | Social Inclusiveness |
|---|--|---|--|
| Protection of freedom of expression | Transparency of media ownership | Political control over media outlets | Access to media for minorities |
| Protection of right to information | Media ownership concentration (horizontal) | Editorial autonomy | Access to media for local/regional communities and for community media |
| Journalistic profession, standards and protection | Cross-media concentration of ownership and competition enforcement | Media and democratic electoral process | Access to media for people with disabilities |
| Independence and effectiveness of the media authority | Commercial & owner influence over editorial content | State regulation of resources and support to media sector | Access to media for women |
| Universal reach of traditional media and access to the Internet | Media viability | Independence of PSM governance and funding | Media literacy |

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of a total absence or certainty of risk. For more information on the MPM methodology, see the CMPF report “Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey”, <http://cadmus.eui.eu/handle/1814/46786>



Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with those of MPM2016. For more details, see the CMPF report on MPM2017, which will soon be available on <http://cmpf.eui.eu/media-pluralism-monitor/>



2. INTRODUCTION

The Netherlands is a constitutional monarchy in north-west Europe with approximately 17 million inhabitants. Despite its relatively small size, the Netherlands has historically competed with larger economic powers establishing trade routes and colonies in the Dutch East Indies, Suriname and the Dutch Antilles. This colonial past, paired with labour immigration from predominantly Morocco and Turkey in the 1960s and, lastly, the arrival of refugees from different backgrounds (such as Bosnia-Herzegovina, Afghanistan, Iraq, Somalia, Syria...), have contributed to making the Netherlands a multicultural society. According to the national bureau of statistics, approximately 22 % of the population has an immigrant background (of which 12,3 % non-western and 9,8 % western) [1]. The largest minority groups are the Turks (app. 400 000) and Moroccans (app. 391 000) [2]. After protracted parliamentary debates, the Frisians became the only minority to be legally recognised [3]. The official language in the Netherlands is Dutch. In the province of Friesland, Frisian is recognised as the second official language.

The national Public Broadcasting Service (NPO) leads the radio and television market by audience reach (followed, respectively, by the commercial broadcasts of TMG and RTL) (Mediamonitor, 2016) [4]. It functions on the basis of different broadcasting associations which are a legacy of the characteristic social phenomenon of “pillarisation” (“verzuiling”). Until de-pillarisation occurred in the 1960s, each broadcasting association (and trade union, sporting association, educational institution, newspaper, etc...) catered to its specific pillar - there were four: Social democrats, Catholics, Protestants and Liberals. “Pillarisation” was devised to accommodate plurality and this remains one of the Media Act’s stated objectives for the PSM (Media Act, art. 2.1, par. 2) [5]. The journalistic landscape in the Netherlands is lively and there is a strong journalistic culture based on freedom of speech, editorial independence and self-regulation through journalistic associations and codes of conducts.

Since the Fortuyn movement of 2002, increasing fragmentation of the political spectrum is leading to laborious negotiations to form governing coalitions. However, political and social stability is ensured by the Dutch ability to seek and find consensus (“polderen”). The Netherlands is a rich country with over 55 000 \$ per capita and listed 14th in the International Monetary Fund’s ranking according to GDP per capita based on purchase power parity [6]. Over 97% of the population (beyond twelve years of age) has access to broadband and 87% possesses a mobile telephone or smart phone [7].

As a result of the acquisition of Ziggo by Liberty Global (owner of UPC) in 2015, the main internet service providers in the Netherlands are now Ziggo and KPN. These companies are also the main distributors of radio and television broadcasts. They offer so-called triple play subscriptions (private and, owing to must-carry obligations, public-television, internet, fixed telephone) and increasingly quad play (this includes a mobile telephone service - often with internet access). Concentration of companies has also reduced the number of major players in the print media to two large organisations (Persgroep and Mediahuis): the Belgian media corporation Mediahuis acquired the Dutch TMG (Telegraaf Media Groep) in 2017.

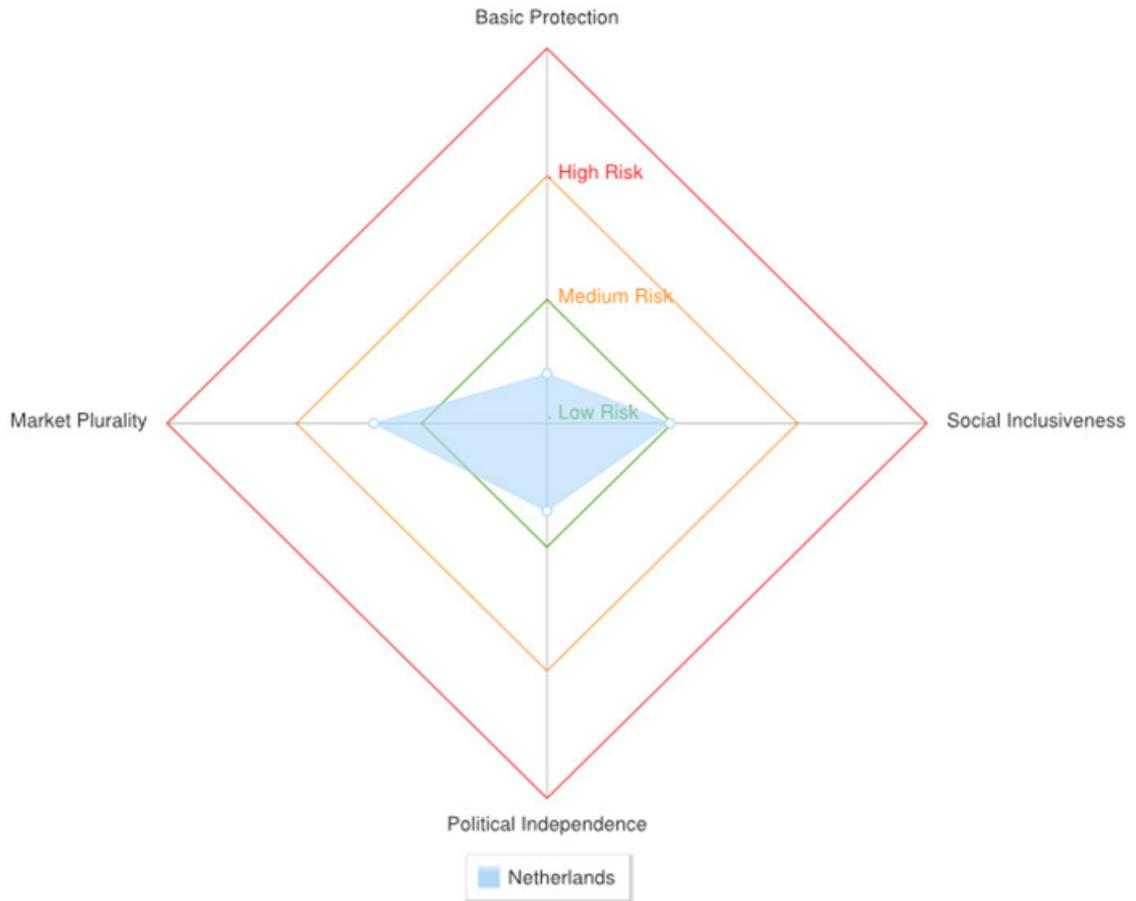


3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

Three thematic areas out of four are assessed as low risk. The Netherlands have a strong legal framework which ensures all facets of freedom of expression (protection of free speech, right to information, journalistic protection and standards, independence of the media authority and universal reach of media & internet): the Basic Protection risk area scores at 13%. This freedom is reinforced by all the indicators scoring well in the thematic area of political independence of media (23%): a.o. there is a strong journalistic culture of self-regulation ensuring editorial autonomy, an independent PSM governance and a legal framework for democratic electoral processes, justifying this good score. Finally, thanks to purposeful policy, the social inclusiveness area scores 32%. These three thematic areas strongly support media pluralism. Still, there is room for improvement in all three: there are signs of pressure on journalists because of the labour market's preference for poorly-paid or freelancing journalists and because of the newly-amended national security services Act (W.I.V) [8] dubbed "trawl Act" (July 2017) which affects an already frail protection of journalistic sources (it allows national security services to garner indiscriminate amounts of internet and telephone data for the needs of investigation); there exists no legislation regulating direct or indirect conflicts of interests between media owners and political parties or groupings; access to media for certain categories (especially the visually-impaired, women and local media) leaves to be desired. The only thematic area scoring a medium risk is Media Plurality (46%), mainly because of a strong media ownership concentration and a weak transparency of ownership.

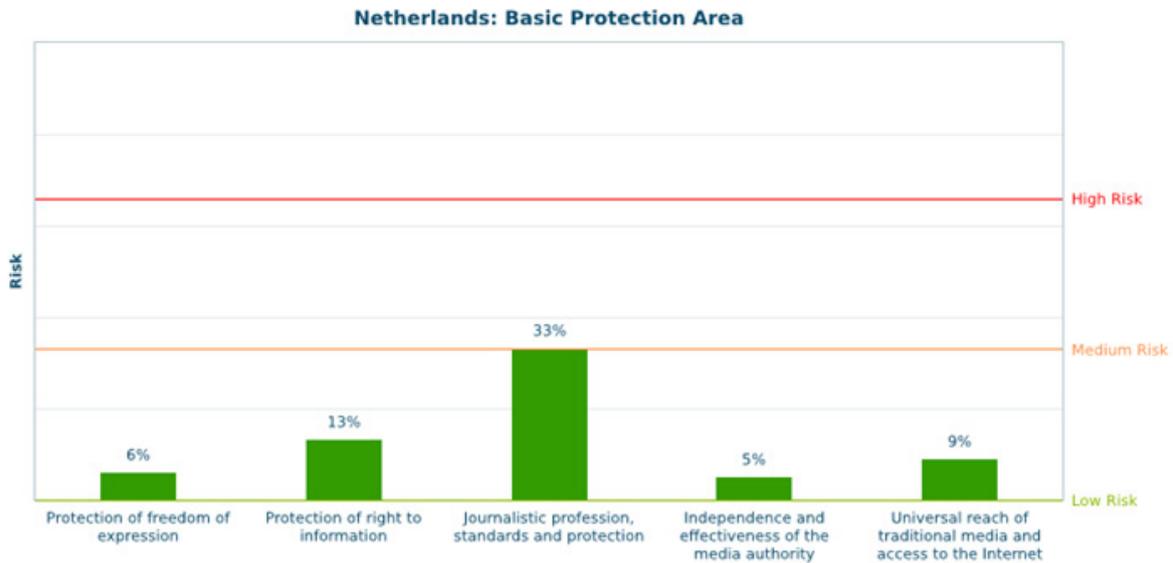


Netherlands: Media Pluralism Risk Areas



3.1 BASIC PROTECTION (13% - LOW RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The area of basic protection scores low risk (13%) as a whole thanks to a solid legal framework with the recognition of a high status to the career of journalists and good working conditions, however, giving rise to concern.

The indicator on protection of freedom of expression scores 6% (low risk). In the Netherlands, freedom of expression derives from Article 7 of the ‘Grondwet’ (Constitution). Freedom to communicate ideas is guaranteed based on the following principle: no prior authorisation or approval of content is necessary. This freedom is implemented and enforced, existing penal and civil restrictions such as for example art. 137c Sr and art.137d Sr (hate speech provisions) as well as the provisions on defamation (actionable on the basis of penal law or civil law) do not impede very lively public expression of ideas. Freedom of expression is respected in practice in the Netherlands therefore one incident dating from 2008 is worth mentioning: the “Nekschot” case [9] in which a cartoonist received an unannounced visit at his home by a team of ten agents led by a magistrate. He was arrested and jailed for 30 hours on suspicion of incitement to discrimination/hatred – the charges had been pressed several years earlier (2005) through an online anti-discrimination platform. The cartoonist was released to await a formal charge. In 2010, the public prosecution’s office decided to dismiss the case while confirming the criminal nature of the cartoons. In 2011, the artist made public his decision to retire from his satirical sketching activities. The 8 controversial cartoons which triggered the investigation for prosecution were originally published online, taken down during the period around the arrest and can now be viewed again online.

Protection of right to information scores 13 % (low risk). The right to information is enshrined in the Dutch constitution (art.110). There is also a Wet Openbaarheid van Bestuur - W.O.B - (Open Governance Act) which regulates the public’s right to access administrative documents held by public authorities. The W.O.B Act is of crucial importance to investigative journalists who must sometimes contend with zealous use of built-in exceptions: documents are released with portions of text made unreadable. Appeal mechanisms for denials of access are based on administrative law. Also, an Act to improve the situation of whistleblowers (Wet ‘Huis voor klokkenluiders’) came into force on 1 July 2016. Among other measures, this Act establishes an independent administrative authority - the ‘House for Whistleblowers’. It is tasked with an advisory role to the whistleblowers and an investigative role as regards the employer. This new body is having a rocky start: 800 reports were received, of which three quarters were accepted and one year later none had reached the final phase of investigation. Its malfunctioning prompted the director to resign in October 2017.



The indicator for journalistic standards scores 33% (low risk but close to medium). The journalistic profession is an open profession. The Nederlandse Vereniging van Journalisten (NVJ) is the labour union for journalists in the Netherlands. It plays an important role in negotiating collective labour agreements with employers across the media industry. Of the estimated 18 000 journalists and editors in the Netherlands, the NVJ cites 7 370 members in its last available annual report (NVJ, 2016: 21). In 2015, The NVJ successfully negotiated a novel collective labour agreement with the publishing industry which established an editorial charter with minimum requirements as to editorial independence. It has also commissioned a report flagging the increasing physical violence journalists are exposed to [10]; it has been active in defending the protection of journalistic sources, which has no statutory basis in the Netherlands (in fact, the Netherlands have faced three condemnations by the ECHR for defective protection of journalistic sources); and it has heavily criticised the newly- amended national security services Act (dubbed “Trawl Act” - “Sleepnet” wet), adopted in July 2017, which allows the national intelligence services to garner an indiscriminate amount of (internet and telephone) data for the purposes of investigation. All these matters are compounded by the increasing number of journalists who must work freelance and see their pay-per-word decrease: the labour market tends to ever-greater flexibility and sales of traditional newspapers are dwindling.

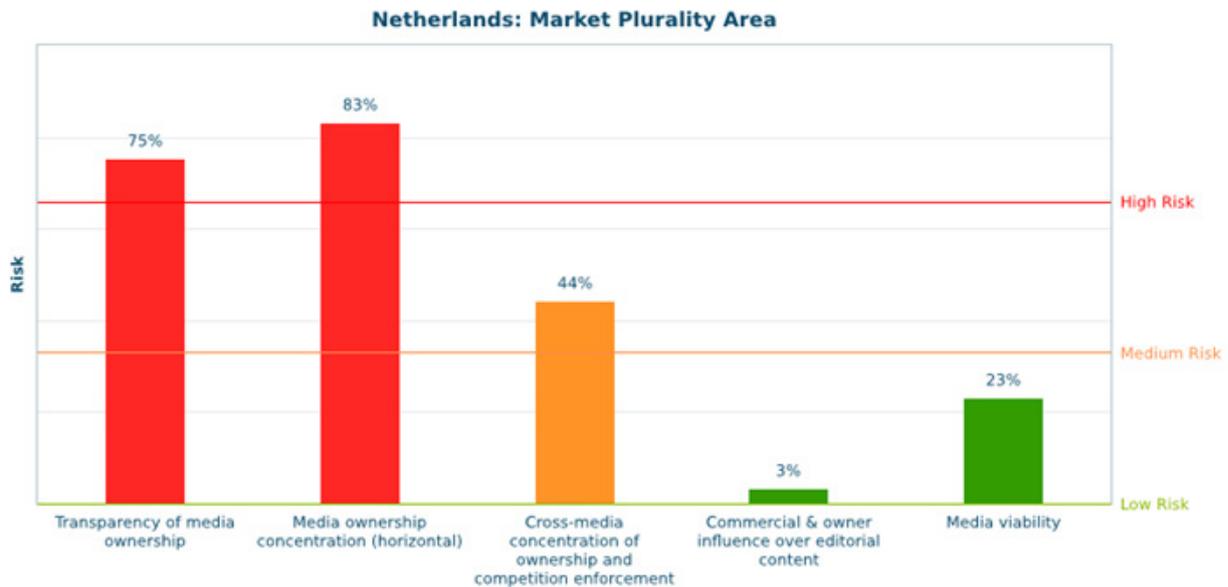
Independence of the Media Authority scores 5% (low risk). The Commissariaat voor de Media (CvdM - Media Authority) was established in 1988 as an independent administrative authority. Therefore it operates independently from the government. In addition, there are incompatibility rules preventing board members from holding conflicting functions (Media Act, art.7.4). The CvdM’s tasks are defined in detail in the Media Act (Mediawet), it has sanctioning powers and an effective appeal mechanism is in place. The CvdM receives an annual budget based on its own estimate and surveillance fees from market players. All the CvdM’s activities and documents on its functioning (annual report, annual financial statements, letters of enforcement, evaluations, decisions and sanctions, “media monitor” etc.) are published on the CvdM’s website (www.cvdm.nl).

Universal reach of media and internet scores 9% (low risk). The Media Act prescribes that public media services must be accessible to everyone (art. 2.1(2f)). This is also technically achieved since any household with basic equipment such as a DVB-T receiver, an antenna and audiovisual appliances can receive free-to-air public service television broadcasts. Public radio broadcasts can also be freely received (via fm-frequency). Percentage of population covered by signal of all public TV and radio channels is close to 100. An estimated 97% of the population (beyond twelve years of age) has access to broadband, the average internet connection speed is 17 Mbps. KPN, Ziggo and Tele 2 (top three ISPs) have 80 to 95 % of the market shares. The Netherlands already had very strict legal provisions (strict prohibition of price-discrimination, including zero-rating offers) regarding net neutrality before the adoption of (EU) Regulation 2015/2120 which governs the matter in looser terms. In November 2016, a law was adopted to amend the existing provisions, however, leaving intact their stricter nature. This duality was recently tested in court: a Rotterdam District Court judgment of April 2017 observed that the Regulation is directly applicable, thus upholding a commercial mobile telecommunication provider’s zero-rating offer to consumers[11].



3.2 MARKET PLURALITY (46% - MEDIUM RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media



owners and advertisers, influence editorial decision-making.

The area of Market Plurality scores a medium risk (46%) caused by a strong media ownership concentration and a weak transparency of ownership. These are, however, mitigated by the efficiency of the competition & media authorities (resp. ACM and CvdM), and the low risk scores of the remaining indicators.

The indicator on transparency of media ownership scores 75% (High risk) primarily because the law contains no media-specific provisions requiring the disclosure of ownership details to public bodies or directly to the public. The CvdM's (Media Authority) 'Media Monitor' provides information on ownership structures of the main media groups operating in the Netherlands. In some cases, the information not only mentions holdings and foundations but also includes the beneficial owners.

The indicator on media ownership concentration (horizontal) is assessed as high risk (83%). This is because, excepting specific radio-sector ownership limitations, there is no media legislation restricting ownership since the Tijdelijke Wet Mediaconcentraties (Provisional Media Concentration Act – 2007-2011). The CvdM's 'Media Monitor' reports the market shares of different media players based on audience/circulation rather than on revenues. The ownership concentration based on audience/readership shares in the audiovisual media market is 74%, the audience concentration in the radio market is 69% and the readership concentration in the newspaper publishing market is 91% (Mediamonitor, 2016) [12].

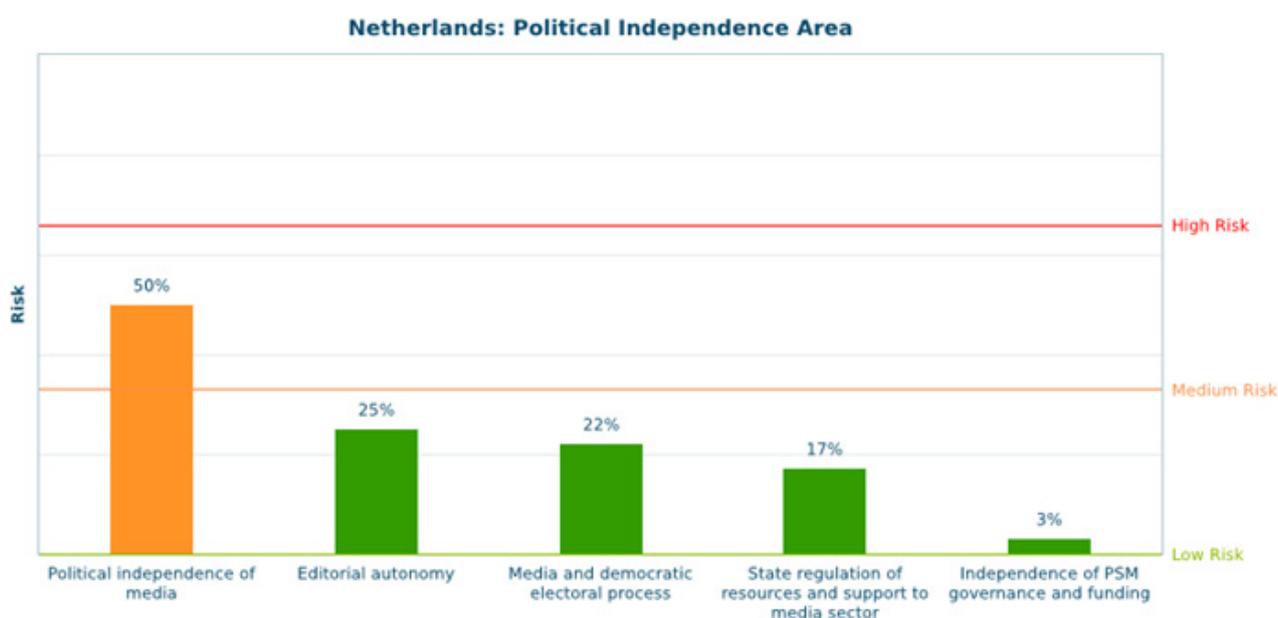
The indicator on cross-media concentration of ownership and competition enforcement scores 44% (medium risk). In 2007, existing rules on cross-ownership were relaxed: the Tijdelijke Wet Mediaconcentraties (Provisional Media Concentration Act) was adopted in view of the rapid development of internet and media convergence and in order to allow Dutch media companies to compete internationally. It was in force until 2011. The score takes into account the mitigating role of competition enforcement. Indeed, the general competition law (mededingingswet) applies to the media sector and the CvdM monitors concentrations through its annual "media monitor". Mergers and acquisitions of media companies are exclusively assessed based on economic indicators with no considerations as to content (Grosheide & de Cock Buning, 2007: 99). However, the ACM - Autoriteit Consument en Markt - (Consumers and Markets Authority), which is responsible for overseeing competition and consumer matters, has described its mission as the promotion of opportunity and choice for both companies and consumers; it has also declared the public interest to be an important element in its supervisory role (ACM, 2013:2, 7-8). There are examples of media mergers in which remedies are imposed based on issues such as consumer access (Van der Burg & Van den Bulck, 2015).

The indicator on commercial and owner influence over editorial content scores 3 % (low risk). Editorial charters and codes of conducts are the main tools used to minimise commercial and owner influence over editorial content. Since 2015, the model-editorial charters in the publishing industry comprise safeguards for editorial independence including the procedure for appointment and dismissal of the editor-in-chief, editorial board and committee, and safeguards for the say the editorial team has relating to editorial content. The public and private broadcasters are compelled by the Media Act to draw up such editorial charters with different obligations as to how detailed they must be: the private broadcasters are not required to abide by minimum requirements regarding journalistic ethics which are, on the contrary, prescribed for the public service broadcasters. The latter must also observe art. 2.1 (section 2.d.) of the Media Act. It explicitly mandates public service broadcasters offer their services independently of commercial and government influence.

Media viability scores a low risk (23%) because of a dynamic media landscape. Some segmented financial data is available in the annual reports of the largest groups in the Netherlands. These provide an estimate showing that (between 2014 and 2016) revenues have slightly increased or stayed stable in the audiovisual sector and decreased in the radio and newspaper sector. However, between 2013 and 2017 (1st quarter) expenditure for online advertising in the Netherlands increased by over 50 % [13]. Also, several online news platforms have sprung up over the past decade and a half. Some belonging to traditional newspapers (de Telegraaf, Algemeen Dagblad, de Volkskrant, etc.), some as brand new outlets (GeenStijl, de Correspondent, Blendle...). These news websites rely on paywalls (traditional outlets) or on donations/crowdfunding (younger outlets). It is noteworthy that recent news websites such as FTM.nl, de Correspondent and Blendle.nl have benefited from subsidies allocated by the Stimuleringsfonds voor de Journalistiek (incentive fund for journalism) set up by art. 8.1 of the Media Act. The fund is endowed with a yearly budget of approximately 2.2 million EUR extended by the Ministry of Education, Culture and Science.

3.3 POLITICAL INDEPENDENCE (23% - LOW RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The area of political independence scores a low risk (23%). The score is inflated by the absence of legislation regulating conflict of interests between owners of media and politics.

Indeed, the indicator of political independence of media scores 50 % (medium risk): there is no legislation regulating conflict of interests between owners of media and the ruling parties, partisan groups or politicians nor laws containing limitations to direct or indirect control (understood as ownership through intermediaries such as family members) of media by the same. However, neither the private broadcasters (the largest is foreign-held: the Luxembourg-based Bertelsmann which owns RTL Group) nor the Dutch daily newspaper market (over 80% in the hands of two Belgian media corporations: de Persgroep and Mediahuis), nor the privately-held radio stations, national news agency (Algemeen Nederlands Persbureau) and the leading media distribution networks (Ziggo and KPN), show any evidence of systematic conflicts of interests between ownership and political office.

Editorial autonomy scores 25% (low risk): there are no regulatory safeguards preventing political interference in appointments and dismissals of editors-in-chief, however, there is no evidence of systematic interference in such matters. The Dutch press is characterised by self-regulation through journalistic associations such as the Dutch association for journalists- NVJ (Nederlandse Vereniging van Journalisten) and the Press Council (Raad voor de Journalistiek- RvJ), editorial charters, general codes of conduct, outlet-specific codes of conduct and ombudsmen. Since 2015, editorial charters in the publishing industry contain minimum rules including procedures for appointment and dismissal of editors-in-chief. This is not the case for the broadcasting sector, here, editorial independence is achieved through the prevailing journalistic culture.

The indicator on media and democratic electoral process is assessed as low risk (22%). The Media Act contains a general provision stating the public media service must be carried out in accordance with public values while meeting the democratic, social and cultural needs of Dutch society (Media Act, art. 2.1, par. 2). In addition, the national public broadcasting service comprises three main groups of collaborating broadcasting associations, (KRO/NCRV, VARA/BNN and TROS/AVRO) and some smaller broadcasting associations (VPRO, MAX, EO, WNL...); These associations broadcast programmes according to their specific signature and, together with special-task PSM broadcasters NOS and NTR, ensure plurality of social, cultural and religious ideas. Also, The Media Act allocates airtime to political parties both between electoral campaigns ('regular' airtime) and during electoral campaigns (art.6.1). Finally, during parliamentary elections both the NPO (the national public broadcasting service) and RTL (the largest commercial broadcaster) habitually organise debates between the leaders of the largest rivalling parties with the former inviting many more leaders than the latter.

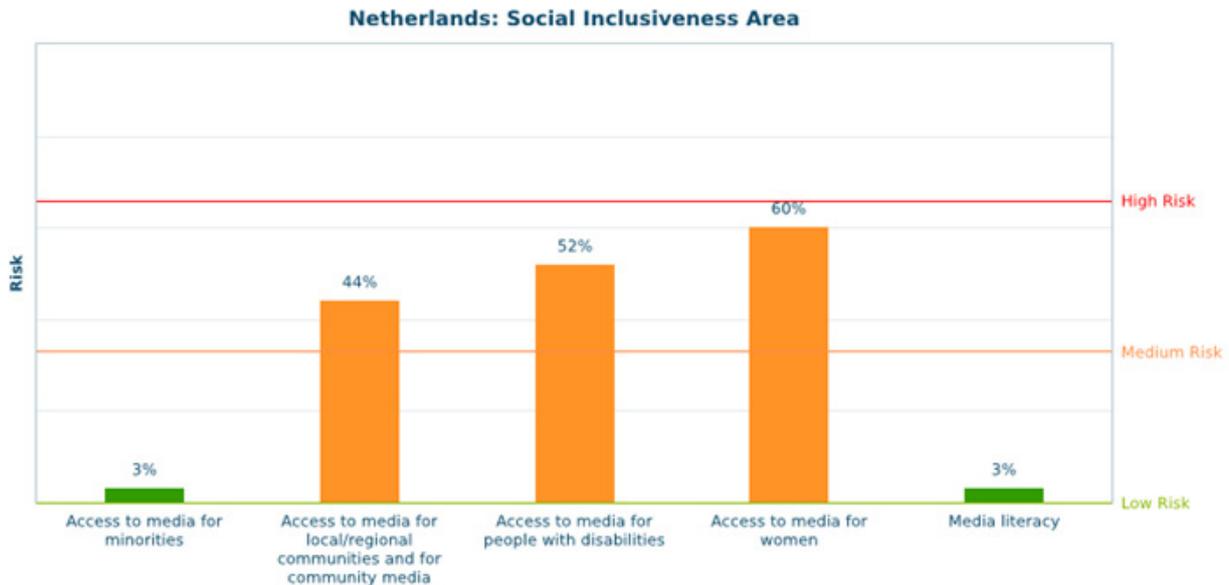
The two remaining indicators are assessed as a very low risk.

State regulation of resources and support to the media sector scores 17% because of the efficient and transparent manner in which spectrum allocation, state subsidies (exclusively for the promotion of journalism - based on art. 8.1 of the Media Act) and state advertisements are organised.

Independence of PSM governance and funding scores 3%: the Media Act contains provisions for the fair and transparent appointment of management and board functions in the NPO (Dutch PSM) free from government or other political influence. The NPO's board of directors is appointed, suspended and dismissed by the supervisory board with the minister's approval (Media Act 2008, art. 2.8). The NPO has a say in its own financing: funds are annually allocated based on an estimate it submits to the relevant minister.

3.4 SOCIAL INCLUSIVENESS (32% - LOW RISK)

The Social Inclusiveness indicators are concerned with access to the media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women, and people with disabilities. In addition to access to the media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



The area of Social Inclusiveness scores an overall low risk despite three indicators (access to media for local/regional communities, women and people with disabilities) scoring 40 to 60 %. This is because the indicator on access to media for minorities scores very well (3%). Minorities, legally recognised or not, have access to airtime on the PSM thanks to two characteristics: it comprises three layers (national, regional and local) and functions on the basis of different broadcasting associations. These associations, together with the specialised PSM broadcaster NTR, are tasked with the representation of social, cultural, and religious diversity. Also, the NPO (Dutch public service broadcasting) strives for better representation of allochthonous groups. In a report published in 2010, and followed up in 2015, it noted that it has succeeded in increasing the representation of allochthonous groups from 9,2% to 9,8% (this group represents 11,2% of the Dutch population).

The indicator on access to media for local/regional communities and for community media is assessed at medium risk (44%) primarily because of underfunding of the local media. The Dutch public broadcasting service comprises national, regional and local categories. The national and regional broadcasters are funded at a national level. The local broadcasters are funded, less generously, at a municipal level. The organisation representing local public media (Organisatie van Lokale Omroepen in Nederland, OLON) is associated with Community Media Forum in Europe (CMFE), indeed small public local broadcasters can be seen as “community media” as they rely greatly on volunteers. Once every three years the Media Authority (CvdM) assesses the effectivity of the funding at municipal level of the local public broadcasting service. In its report of 2016, spanning the years 2013-2015, it concludes that in recent years about 30% of local public broadcasters are struggling financially.

People with disabilities are treated unequally so the indicator scores 52% (medium risk). The Media Act contains provisions for the hearing-impaired (i.e. subtitling) which are clear, regard both public and private television broadcasters and are enforced by the Media Authority. However, there is no such legal obligation regarding the visually-impaired. Both the PSM and the largest private TV broadcaster (RTL) have only recently and modestly started making audio descriptions available. How great will be the impact of the revised Equal Treatment on grounds of Handicap or Chronic Disease Act (April 2016) remains to be seen. The Act entails a.o. that goods and services must be offered without discriminating against people with disabilities or chronic illness. This carries an obligation to introduce adaptive measures to include the target group unless such measures represent too great a burden.



The indicator on access to media for women is assessed at a medium risk (60%). The Dutch PSM (NPO) has no comprehensive gender equality policy covering both personnel issues and programming content. It can be pointed out that in the preceding performance contract (2010-2015), the NPO was required to give a fairer representation of women in its programming by 2015. Considering the Dutch demography, fair representation entailed 50,5 %. The NPO did not achieve this target, the representation of women on the most influential programmes even decreased from 37,6 % to 35,4 % between 2010 and 2015 (NPO, 2016: 66). Regarding representation of women in higher managerial functions, the two largest commercial broadcasters (by audience-reach) were until very recently foreign-held (this changed when Sanoma Group was acquired in 2017 by Dutch media group Talpa). The management boards of these groups are predominantly male. However, the chairman of the Dutch PSM (NPO) is a woman.

Lastly, Media literacy also scores very well (3%): the Dutch government has acknowledged that it is an essential condition for all citizens to participate in a multimedia society (McGonagle and Schumacher 2014, p.38) and has set up the “Mediawijzer” platform in 2008 to promote it.”Mediawijzer” is an expertise centre which successfully coordinates the efforts of over a 1,000 registered network partners (such as libraries, schools, publishing companies...) and has helped spur many media literacy activities. From 2019 onwards, its target will be expanded to senior citizens, vulnerable and low-skilled groups.



4. CONCLUSION

It can be concluded that the Netherlands score very well on the criteria considered by the MPM analysis tool. The areas of basic protection, political independence of media and social inclusiveness score low risk. Media plurality is the only area assessed as medium risk because of a strong media ownership concentration and the absence of media-specific legal provisions requiring the disclosure of ownership details leading to ultimate owners. The following recommendations are based on some of the scores reflected by the tool and the paramount importance of its subject-matter.

- Hate speech provisions (art. 137c and art. 137d): these articles have been placed in the category of offences against public order in the penal code. They should be strictly interpreted. The assassination of the filmmaker Theo van Gogh (internationally, the fatwa on Salman Rushdie and the deadly attack on Charlie Hebdo's editorial team) show that in the face of violent opposition, freedom of expression must at the very least find support in a legal framework unreservedly committed to its existence.
- The amended national security services Act dubbed "sleepnet" wet ("trawl" Act) by journalists is an additional challenge to the protection of journalistic sources. The matter of source protection must be addressed.
- The Media Act lays down clear obligations to include the hearing-impaired. The visually-impaired find no such legal support. Such support would increase inclusiveness as regards access to audiovisual content and internet.
- The score on transparency of ownership could be improved by introducing media-specific legal provisions requiring disclosure of ownership leading to ultimate owners.
- Take measures to increase media viability, taking into account that the public's attention is shifting towards non-linear consumption of entertainment/information and to the internet platform. Online news websites like FTM, De Correspondent, GeenStijl, streaming services (Netflix/Spotify), online video games, social media platforms (Facebook, Youtube - providing the possibility of monetised broadcasts- , instagram, twitter, snapchat...) are hogging audiences. New formats (whether paper or digital) and audiovisual start-up initiatives should be encouraged. This may counterbalance media ownership concentration. The new challenge will be presented by concentration of news through algorithms (for ex. by Fb, YT or Google) and fragile net neutrality.



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ANNEXE 1. COUNTRY TEAM

| First name | Last name | Position | Institution | MPM2017 CT Leader (please indicate with X) |
|------------|-----------|------------------|-------------|--|
| Mara | Rossini | Media Consultant | | X |

ANNEXE 2. GROUP OF EXPERTS

Due to complications there was no group of experts for the 2017 implementation of the Media Pluralism Monitor.



