

VESTRA (Vereniging voor Satelliet Televisie en Radio Programma Aanbieders)

VESTRA is the Dutch branch organisation for commercial television and radio in the Netherlands. Its members are SBS Broadcasting, RTL NL, Jetix/Fox Kids, Canal +, MTV NE and Turner Broadcasting System.

VESTRA is a discussion partner for several governmental and non governmental organisations. In doing so it tries to convey the viewpoints of the commercial broadcasters in the Netherlands.

The standpoints of VESTRA concerning the Issues Papers of the TVWF Directive are as follows:

Paper 1 Rules applicable to audiovisual content services

In general, VESTRA wishes to remark that she is in favour of harmonisation concerning the Directive. To promote this, definitions and interpretations by the members should not deviate from that what's stipulated in the Directive. According also to this viewpoint, the space for member states to impose stricter rules to broadcasters under their jurisdiction should be minimised.

- Material Competence

VESTRA is in favour of a technologically neutral definition of audiovisual services, to which a minimum of qualitative rules apply that are guarded by self regulation. For the non-linear audiovisual services however, VESTRA sees no real practical opportunity for effective regulation and is against the inclusion of these services in the Directive.

- Jurisdiction

VESTRA sees no need for changing the establishment criteria as laid down in Article 2.

Paper 2 Right to information and right to short reporting

The exclusive rights of right holders surrounding events should not be limited and in accordance with her philosophy, VESTRA puts her trust in the market for making arrangements for short reporting. If not limited in its functioning, for example by an extensive list for events of major importance, the objective price mechanism has to be preferred above the subjectiveness surrounding 'newsworthy'.

Because of the differences between the member states regarding their audiovisual markets, VESTRA is not in favour of harmonising the concept of 'a substantial proportion of the public'.

Paper 3 Cultural diversity and the promotion of European and independent audiovisual production

The results of the Impact Study confirm the thoughts VESTRA has about using quotas to reinforce the position of the European product, they don't work. Moreover, the use of uniform quotas neglects the differences that exist between markets (for example the language controlled size of a market) what would call for differentiation in quotas.

They do, however, impede the liberty broadcasters have in scheduling and they burden them with administrative costs. VESTRA is therefore in favour of a system of sampling as monitoring device. In determining the relevant transmission time, VESTRA wants to include the time appointed to news, sports events, games, advertising, teletext, and teleshopping.

Extending the scope of these rules by including non-linear services or reinforcing them regarding the promotion of the European co-productions is not in line with the viewpoints of VESTRA.

VESTRA is against the proposed changes concerning the rights of exploitation of the producers. It will limit the possibilities that broadcasters have in this field, regarding new distribution networks and is in general unreasonable if a broadcaster has fully financed the production.

Paper 4 Commercial communication

The protection of consumers regarding non-linear commercial communication can be accomplished at a lower level of intensity due to the nature of these services. Furthermore, VESTRA is in favour of self regulation with respect to specific advertising as in the case of alcohol and the protection of youth and the protection of human dignity.

The rules concerning the recognition and separation of commercial communications should not impede new developments like split screen advertising or hinder the effective use of product placement.

The qualitative rules which apply to advertising and teleshopping should be based upon the concept of a viewer capable of determining his own limits. VESTRA sees no need then for minimum or maximum limits in commercial time, especially not for services on request. Rules surrounding the insertion should be weakened or lifted completely.

Paper 5 Media pluralism

The role of the EU regarding the protection of media pluralism doesn't need to be accomplished by more regulations. VESTRA sees enough opportunities to realise this by means of the national antitrust laws. The (free) functioning of competitive markets and the associate rise of private media enterprises is in the view of VESTRA the best safeguard against any decline in media pluralism.

Paper 6 Protection of minors and human dignity, right to reply

Regarding these issues the VESTRA again stresses her objections against extending the Directive with non-linear audiovisual services. In case they will be included, VESTRA calls for careful deliberations on the subject at hand and is in favour of finding workable solutions in close contact with all parties concerned. Regarding the Right to reply, VESTRA sees no pressing need for changing the existing rules.

Hoping to have informed you sufficiently about the views of VESTRA,

Kind regards,

Representing VESTRA,

André Kreuzen
Chairman

