Monitoring media pluralism in the digital era: Application of the Media Pluralism Monitor In the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021. Country report: the Netherlands

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MONITORING MEDIA PLURALISM IN THE DIGITAL ERA


Country report: The Netherlands

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Research Project Report
Issue - June 2022
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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2021. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and review

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF. In The Netherlands the CMPF partnered with Knut De Swert, Dr Andreas Schuck and Mark Boukes (University of Amsterdam), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental 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 Table 1).

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Table 1: Areas and Indicators of the Media Pluralism Monitor
The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores, and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk
Scores between 34 and 66%: medium risk
Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, in order to avoid an assessment of total absence, or certainty, of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: http://cmpf.eui.eu/media-pluralism-monitor/.
2. Introduction

- **Country overview:** The Netherlands is a country located in the western part of Europe with a total of 17.6 million inhabitants (CBS, 2022). After the island state of Malta, the Netherlands is the most densely populated country in the European Union, with an average of 517 inhabitants per square kilometer (Compendium voor de Leefomgeving, 2020).

- **Languages:** The official languages spoken are Dutch and Frisian.

- **Minorities:** In legal terms, the Frisians are the only recognized minority in the Netherlands. As of October 2021, a total of 24.6 percent of the Dutch population had a migrant background (CBS, 2021). This includes both first-generation and second-generation migrants. Overall, the largest part (56.8%) of the immigrants has a non-Western background. The majority of the immigrants originates from seven countries alone: Turkey, Morocco, Suriname, Indonesia, Germany, Poland, and Curacao.

- **Economic situation:** Following the lockdown in the realm of COVID-19, the economy expanded with a total of 5.0 percent, recovering from a gross domestic product contraction of 3.8 percent earlier that year (Trading Economics, 2022). In general, the Netherlands is a highly prosperous country (Legatum Institute, 2021).

- **Political situation:** The Netherlands can be described both as a constitutional monarchy, denoting that the position of the monarch is laid down in Constitution, and a parliamentary democracy (Kingdom of the Netherlands, n.d.). The government is constituted of the monarch and the ministers together. The ministers and state secretaries govern the country and implement policy. The government is subjected to scrutiny by the parliament. Every Dutch citizen entitled to vote can vote in parliamentary elections. The current government led by Mark Rutte (VVD, D66, CDA and CU) presented its coalition agreement on 15 December 2021. Since the resignation of the previous government (same prime minister, same parties) in January 2021, Rutte kept leading a caretaker government for almost the whole year 2021. In terms of media policy, not many changes can be expected. The new cabinet will continue the increasing investments in local media.

- **Media Market:** The Dutch media landscape is subject to an increasing concentration. The National Public Broadcasting Service (NPO) leads the television market, followed by Talpa Network and RTL Nederland (CvdM, 2021). However, in 2021, Talpa Network and RTL Nederland announced a merger (Den Blanken & Jansen, 2021, June). If the merger passes, the NPO will no longer be the leading broadcaster of the television market. Talpa is already the largest supplier on the radio market (CvdM, 2021). Foreign (Belgian) owned DPG Media and Mediahuis are the largest suppliers on the newspaper market. The Dutch public has relatively high trust in the media, which is stable (CvdM, 2020).

- **Regulatory environment:** The Dutch constitution is an important legal guarantee for press freedom and editorial independence. The Dutch Media Law is important regulation too, and some changes have been implemented (discussed in this report). The Commissariaat voor de Media (CvdM), the Dutch independent Media Regulatory Authority, is an important controlling actor.

- **COVID-19:** COVID-19 has given the consumption of (news)media a great boost in both 2020 and 2021. News consumption is even higher in 2021, compared to 2020, especially when it comes to consuming...
news on television and online. The pandemic has sparked interest in local news and local media. Additionally, more Dutch citizens are willing to pay for online news media. The percentage of people paying for online news media has increased from 11 to 17 percent in the past two years (De Jong, 2021).
Three of the four assessment areas are scored low risk in The Netherlands, while one has been attributed a medium risk.

- **Fundamental Protection** (28%) is scored low risk in the Netherlands. There is a strong independent regulatory body (CvdM). Some known problems are being addressed with new laws, like the Wet Open Overheid (WOO - could be translated as Law Open Government) as a follow-up on the Wet Openbaarheid van Bestuur (WOB - could be translated as Law on the public nature of governance) regarding access to government information and evolution in the protection of whistle-blowers. Still, there is more work to do regarding Fundamental Protection in the Netherlands. Relatively high risks are associated with the physical safety of journalists since the Netherlands is confronted with increasing violence against journalists and the economic position of (freelance) journalists. Welcomed initiatives, like the Working Code the two largest publishing houses developed for their freelancers (NDPNieuwsmedia, 2021), do not seem to lead to great satisfaction for journalists, especially since there is no trace of a guaranteed increase of remuneration along with inflation, leaving many journalists in economic hardship, still.

- **Market Plurality** is the area with the medium risk (54%). While there are positive signs for media viability, some of which we cannot fully take into consideration for 2021, this remains a point of attention. In terms of media concentration, there are less positive signals. While there is an authority overseeing competition in the media market, there is no formal legislation to limit media concentration. Digital competition is driving media towards more concentration. This led to the situation that a large part of the (newspaper) media market is in the hands of two foreign/Flemish companies and the online media are in the hands of big tech companies lacking fully transparent ownership information and largely avoiding a significant national taxation.
• **Political Independence** had a low risk (25%). The overall risk on this aspect remains almost unchanged in the Netherlands (in the MPM 2021 there was a 24% risk) at a low risk level. Little legislation exists that would formally regulate indirect government subsidies to media outlets or conflicts of interest between media owners and political parties, partisan groups and politicians. Still, in practice, little to no risks are perceived that editorial content would in fact be influenced by political power. While there are no solid legal safeguards to avoid conflicts of interest or media control by political actors, it is widely recognized that political independence of media is respected and supported in the Netherlands. The independent Media Regulatory Authority (CvdM) plays an important role in formally investigating the few cases there are in which editorial independence and the ties between individual journalists and political actors are being questioned in public debate. An example of this is the announced (and continued) support for local media, without content pressures attached. This means that **Political Independence** remains the lowest risk factor in the Dutch media landscape compared to the other factors.

• **Social Inclusiveness** remains low risk (26%). Work has been done to improve access to media for minorities, people with disabilities and also regional target groups. Besides, small improvements can be seen concerning the access to media for women (more women in PSM management functions, more and stricter efforts of NPO regarding visibility of women on television etc.). These are relatively small, but promising steps towards the generally desired outcome. Therefore, the high risk associated with this factor was lowered to medium risk in 2021. Monitoring of the flaws in social inclusiveness is done, but in practice, changes in media practice to alleviate or resolve them, are rather slow and incremental.

When it comes to the **online environment**, there is a relatively low risk in the Netherlands. Problems with the lack of control over big tech platforms remain. Their policies regarding content (e.g. removing misinformation) is recognized and confirmed by Dutch court rulings. Generally, digital literacy in the Netherlands is high, and national political influences on online media (news) content are not observed.
3.1. Fundamental Protection (28% - low risk)

The Fundamental 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.

There is a low risk regarding Protection of freedom of expression (19%) in the Netherlands. Freedom of expression derives from the Dutch constitution and is further protected by various international conventions the Netherlands are part of. Penal restrictions on defamation (Dutch Penal Code, Art. 261) and more commonly used civil law on the protection of reputational rights (Bureau Brandeis, 2021) do not hinder the public expression of ideas, and generally, suggestions for restrictions are discussed openly in the public debate, allowing societal evolutions on what is acceptable and what is not without endangering the fundamental protection of the freedom of expression. Given the very low number of prosecutions of hate speech, the freedom of expression seems to remain dominant in the potential conflict between freedom of speech and banning hate speech (both anchored in the constitution). In the online environment, expressions are moderated based on community standards of platforms. Occasionally, that leads to interventions, like, e.g. in 2021, YouTube took down videos of the Dutch politician Thierry Baudet (Forum Voor Democratie) because they were considering misinformation (confirmed by the ruling of the district court of Amsterdam), and a Dutch court also ruled that Tweets from Baudet comparing COVID-19 policy with the holocaust needed to be taken away.

The protection of right to information scores a medium risk (48%), which is an increase compared to the previous year. Until recently, the Openness of Government Act (Wet Openbaarheid van Bestuur - WOB) regulated the public’s right to access administrative documents held by public authorities. It has some
limitations, including some absolute grounds for refusal. On 5 October 2021, the Dutch Senate passed a new law, the WOO (Wet Open Overheid – Law Open Government [iii]), which will enter into force in 2022. It's meant to be an expansion of the WOB, leading to more possibilities for access and transparency regarding government sources. More in particular, it increases the active publication of information by the government (Digitale Overheid, 2022). It remains to be seen to what extent this new law will be an improvement since not all issues are resolved, more specifically regarding access to passively available information (on request). In 2020, two-thirds of WOB requests were handled too late and/or incomplete (Het Parool, 2021), and this hasn't improved. In 2021, several media requested COVID-related information from the Ministry of Health, and given a large number of requests, the government decided themselves and rather arbitrarily which information to release (nu.nl, 2021). The Raad van State ruled that the government is allowed to take more time when there is a massive number of requests but still needs to provide all information within a reasonable time (Nieuwsuur, 2021)[7]. This latter case is just another reason why there is large public distrust of the real intentions of the Dutch government to provide open and transparent information as the law requires (NOS, 2021).

The House for Whistleblowers Act and its external reporting institute, the House of Whistleblowers, are still not working adequately, it has for example been criticized for its low rate of handling cases, which has been decreasing ever since 2016, handling 250 cases in 2020 (Rooijendijk, 2020; Loyens & Loeff, 2020, Huis voor Klokkenluiders, 2021). Before the summer of 2022, the House for Whistleblowers Act will be renamed the Whistleblowers Protection Act, which will undergo several changes to improve the protection of whistleblowers (Rijksoverheid, 2021). That this is still necessary is substantiated by the 25 running cases of whistleblowers being arbitrarily sanctioned in 2021 (Huis voor Klokkenluiders, 2021). Unfortunately, it does not look like the new law will fully implement the European Directive 2019/1937, leaving employees exposing problems at high risk and in a situation of complex and cumbersome procedures, especially in smaller businesses (Kusiak, 2021).

**Journalistic profession, standards and protection** scores a medium risk (60%), which continues last year’s increase. Starting with the positive side: Dutch news media have a respectable track record of editorial independence. While there is a lot of verbal and sometimes even physical abuse against journalists, with again a serious increase in reports of violence against journalists (Trouw, 2021; I&O Research, 2021; Volgenant & McGonagle, 2022), this does not mean that editorial independence is under pressure. A sad and important example of violence against journalists was the assassination of crime reporter Peter R. de Vries. This year again, the Netherlands dropped a spot and is now in sixth place in the World Press Freedom Index (RSF, 2021). The drop does not take away that it is still a relatively high position. On the positive side, the Netherlands has a trade union for journalists. The Dutch Association of Journalists (NVJ) has had 8000 journalists as members in 2021 (NVJ, 2021), which is a bit less than half of the journalists in the Netherlands. It has a sound reputation, is very active in negotiating the position of journalists and raises issues and increases awareness about possible threats. The association has been actively trying to improve the working conditions of the increasing number of freelance journalists in the Netherlands. Recently, the NVJ developed a tool that freelancers can use to negotiate their salaries (NVJ, 2021). On top of that, there is a Fair Practice Code with the public broadcaster and a new Working Code for some publishing houses to ensure a better working position for freelance journalists (NDP Nieuwsmedia, 2021). However, this has only improved the situation to a limited extent, with only very small increases in remuneration, and the lack of a fully automated link with inflation could lead to an (in practice) smaller remuneration. The Netherlands still does not have anti-SLAPP legislation, but in 2022, it is expected to make progress, following up on the work of the European Commission and the European Parliament on this matter (Villamedia, 2021).
The indicator independence and effectiveness of the media authority (5%) points to a very low risk, which has significantly decreased compared to last year. The independence of the authority (Commissariaat voor de Media or CvdM) is explicitly defined in an act covering independent administrative authorities. After some problems in the last years, the new Media law (Mediawet, 2021, Art 7.3 and following) foresees new and better appointment procedures for the CvdM, after various problems in the recent years. This is intended to raise transparency of the procedures and tasks of the CvdM, as well as to assure more independence from political and other potentially harmful influences.

Universal reach of traditional media and access to the Internet scores a low risk (8%), lower than last year, with a high percentage of the population having access to radio, television and the internet.

3.2. Market Plurality (54% - medium risk)

The Market Plurality area focuses on the economic risks to media pluralism which derive from a lack of transparency and the concentration of ownership, the sustainability of the media industry, the exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on the transparency of media ownership. Lack of competition and external pluralism are assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), and we consider separately horizontal and cross-media concentration; the concentration of the online advertising market; and the role of competition enforcement. The indicator on media viability measures the trends in revenues and employment, in relation to GDP trends. The last indicator aims to assess the risks to market plurality that are posed by business interests, in relation to the production of editorial content, both from the influence of commerce and owners.

The overall risk on the aspect of Market Plurality (54%) remained virtually equal in the Netherlands (in 2021 there was a 57% risk) at a medium risk level. Notwithstanding this stability, Market Plurality stays the largest risk factor in the Dutch media landscape that is highly concentrated in the hands of a few owners. Little legislation exists about ownership transparency or to prevent media concentration, but there is an independent Media Regulatory Authority to overlook this (CvdM). The online domain is dominated by the U.S. tech giants, who also attract a large share of the advertising revenues, although these have strongly
recovered for the Dutch media after the Covid-19 period. Still little to no risks are perceived that owners or commercial interests directly influence editorial content.

**Transparency of media ownership (69%)**: Transparency of ownership is considered a high risk factor in the Netherlands. The reason is that no law is in place that specifies provisions in the news media sector (traditional or digital media) to disclose ownership details. Hence, there are also no sanctions stipulated that can be applied when transparency standards would be violated. However, there is an independent Media Regulatory Authority (i.e., "Commissariaat voor de Media", CvdM). The CvdM is legally tasked with monitoring media concentration in the country and, therefore, publishes a yearly report (the Mediamonitor) about ownership structures and concentration in the Dutch news media landscape. Following the Media Act (2008, art. 7.1), CvdM also controls whether commercial media outlets provide the public with a minimum of information about their organizations. Regardless of CvdM's efforts, there is no law to hold media organizations legally accountable regarding their (lack of) transparency; thus, explaining the high risk on media ownership transparency.

**News media concentration (83%)**: The concentration of news media ownership is consistently at a high-risk level in the Dutch media landscape. The CvdM reports (2021) a strong concentration of ownership for TV (76% audience share by Top 3 owners: the public broadcaster NPO, RTL and Talpa), which partly overlaps with the largest owners of radio (Top-3 owns 74%: Talpa, NPO, and DPG Media). The situation on the newspaper market shows even less ownership plurality; 90% of the market is owned by two Belgium corporations (DPG Media and Mediahuis). The Dutch NDC Mediagroep that owned various local newspapers in the North of Netherlands was independent until it was also acquired by Mediahuis in 2020, causing a close-to Flemish duopoly on the Dutch newspaper market. Noteworthy is that the online news market seems slightly more divers than the traditional media; however, the major owners in the digital media landscape are also the owners of the traditional news media (i.e., public newscaster NOS, DPG that owns Nu.nl and AD.nl, and Mediahuis that owns Telegraaf.nl). Exemplified by these large ownership concentrations, there is indeed little media legislation that specifies thresholds or limitations to prevent further concentration of media ownership. Such law is only in place for the distribution of FM-frequencies for radio channels. The Commissariaat voor de Media (CvdM) together with the more general “Autoriteit Consument & Market” (i.e. ACM: the Dutch Competition Authority) is in charge of evaluating potential mergers of media companies; hence, these evaluations follow general rules about competiveness on commercial markets (i.e., this is not media specific).

**Online platforms concentration and competition enforcement (58%)**: This factor remains at medium risk, stable at 58%. Partly, this is caused by the dominance of U.S. tech platforms in the Dutch online media landscape. The most visited websites in the Netherlands, respectively, are owned by Google (also with YouTube) and Facebook (also with WhatsApp and Instagram) (Walraven, 2022). It is difficult to prevent such concentration of online platforms, because the Consumers and Markets Authority (ACM) does not have special legislation for media; thus, its potential to enforce more competition in this domain is limited. Besides the lacking legislation, the influence of anti-trust actions are further inhibited, because the major players (Google and Facebook) are non-domestic corporations of which the advertising revenues are difficult to tax. Although these online services of the Big-Tech companies are not per se used for news consumption, their online dominance still has major repercussions for the news industry, not in the least causing more concentration of the news media sector. After all, they are emptying a large share of the total bucket of advertising spending that otherwise could have been earned by the Dutch media organizations. For instance, only half of the news website visitors access online news via the outlets’ own homepage (48%), a lot of other traffic originates from other sources, such as social media (23%, see Digital News
Report Nederland 2021). The subsequent quest for scale to compete with the big platforms—large audiences are necessary to have advertising as a profitable source of income—is one of the driving forces in the further concentration of the Dutch media landscape. In July 2021, negotiations were announced between the U.S. tech giants and Dutch media organizations (commercial and public; TV, print and online) about a fairer distribution of advertising revenues on online platforms generated by journalistic content (RTL, 2021); this negotiation process is still in progress. The implementation of the Copyright directive is followed up by the ACM. At the same time, Dutch government is exploring the possibilities to more effectively tax the advertising incomes generated by the tech giants (ESB, 2019).

**Media viability (56%)**: News sustainability is an important prerequisite for diversity and pluralism. Whereas Media Viability was still assessed as a high risk in the preceding report (78% in 2020), this indicator has evolved to a medium risk in 2021; many news outlets succeeded in increasing their profits after the COVID-19 period in which advertising revenues generally decreased. For TV, mixed results were found: The commercial RTL experienced a decrease in revenue, whereas the public broadcaster increased its profits due to higher incomes via its streaming platform NPO Plus. Radio channels’ advertising revenue witnessed a strong recovery in 2021 (+64%, see RAB, 2021). Also the print media performed well. The figures for DPG Media (the numbers for Mediahuis are not yet published at the time of writing) showed a steady increase in readership, with a 5% growth in subscriptions; most of these were digital subscriptions where a 15% increase was found (Adformatie, 2022). For the largest digital native news outlet, Nu.nl, also, a strong increase in revenue profit was accomplished in 2021 (+28%). These increases are said to be the result of a new advertising platform that was introduced by DPG Media, “Trusted Web” (Adformatie, 2022). Local news media are still facing small budgets, but extra state funding has been made available to support them, moreover, government plans are announced in which this funding is made structurally higher. In 2021, there was also an interesting pilot project "Journalistieke Professionalisering Lokale Publieke Mediadiensten", the intention of which was to professionalize local media, including the offering of more budget to do so. In 2021 and 2022 4,85 million euros have been set aside for the pilot scheme. The first results are positive. The organization, Stimuleringsfonds voor de Journalistiek (SvdJ), has researched whether this pilot made any difference in 2021 and found that the news media increased their quantity and quality of products. Notwithstanding the different positive developments, advertising expenses are generally decreasing in the news industry on the long term with more revenues flowing to the big-tech platforms rather than the Dutch news media. Regarding the working conditions of individual journalists, we see that the number of unemployed journalists decreased (Villamedia 2021) while the economic conditions for freelance journalists remained harsh and much disputed; tiny improvements are made, such as 2% increases for the articles they write in DPG Media outlets (Villamedia, 2022).

**Commercial & owner influence over editorial content (3%)**: There are few risks in the Dutch media landscape that commercial interests or owners have a direct influence on editorial content. Little to no changes occurred on this indicator of media plurality in the past year. The media law (Media Act 2008, Art. 3) has clear rules that prohibit an influence of advertising, sponsoring or product placement on the content of public broadcasters. The commercial outlets, moreover, are generally following the journalistic guidelines regarding independence as laid out by the Dutch Association of Journalists (NVJ, 2008). No evidence of concrete cases suggesting a ‘common practice’ of commercial/owner influence on editorial content has been found over the past years.
3.3. Political Independence (25% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.

The indicator Political independence of media scores 52%. With regards to the existence and effective implementation of regulatory safeguards against media control by government and politicians the risk level is medium and almost identical with the previous year (50%). The risk level for this category is higher compared to the other categories mainly due to the fact that legal regulatory safeguards that would formally regulate conflicts of interest between owners of media and political parties, partisan groups and politicians still do not exist. However, despite this lack of formal regulation, in practice there is no evidence for actual political control that would threaten media independence. Political control over the audiovisual media and newspapers can be considered to be low. Regarding political control over the radio, the Dutch Media Authority (CvdM) recently started an investigation regarding the political influence of prime minister Mark Rutte on Radio 1 because of an in-depth interview with a journalist who is his friend (RTL, 2021). For digital native media there currently is no indication of any sort of political control. The same is true for news agencies even though there currently is no formal regulation to safeguard their independence from political influence (Het Financieele Dagblad, 2021; NOS.nl, 2021).

The indicator Editorial autonomy scores 25%. With regards to regulatory and self-regulatory measures that guarantee freedom from interference in editorial decisions the risk level is generally low and unchanged compared to the previous year. Editorial autonomy is protected by editorial statute and respected by Dutch news organizations. The Dutch Press Council (Raad voor de Journalistiek) stresses journalistic...
independence in their Code for Journalists (Leidraad van de Raad voor de Journalistiek, 2021, 2). However, there have been some discussions regarding editorial autonomy and the connections of individual journalists with political parties that reached public attention. The Dutch Media Authority, Commissariaat voor de Media (CvdM), started an investigation on the political independence of Dutch media and journalists (Het Parool, 2021). This followed two specific incidents: First, public criticism of a VPRO documentary about politician Sigrid Kaag (D66), broadcast shortly before the 2021 elections, concerned with the alleged influence of her party (D66) on the content of the documentary (CvdM, 2021a); and, second, the role of journalist Jort Kelder who admitted to having co-financed campaign videos of political party Forum voor Democratie (FvD) back in 2017 (CvdM, 2021b). The results of this report are not yet available.

The indicator **Audiovisual media, online platforms and elections** scores 20%. With regards to the existence and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints, especially during election campaigns, and the regulation of political advertising, the risk level is generally low and almost identical with the previous year (18%). The Dutch Media Act (Mediawet, 2008) effectively guarantees impartiality in news and informational programmes and access to public service media channels for political actors. The Dutch Media Authority (CvdM) safeguards a fair division of broadcasting time for every political party per year on public service media. As a result public service media in the Netherlands can be considered to provide fair representation of political actors and viewpoints. Regarding election campaigns, there is no evidence of relevant structural bias in the representation of political actors and viewpoints (NRC, 2021). Political advertisement needs to be presented clearly as a paid ad, mainly by being part of a clearly delineated commercial advertisement time block. In the renewed Media Act (Mediawet, 2020), this regulation also applies to online video platforms. Regarding equal opportunities and transparency of political advertising in online media and on online platforms during electoral campaigns there has been a code of conduct for the Dutch elections in March 2021 but there are no official laws or regulations in the Netherlands.

The indicator **State regulation of resources and support to media sector** scores 25%. With regards to the existence and implementation of regulations that ensure fair and transparent distribution of state advertisements and subsidies the risk level is generally low. The Telecommunications Act (Telecommunicatiewet, 2019) lays down in detail the rules for spectrum allocation (chapter 3) and guarantees fair and transparent rules. Most direct state subsidies come from Stimuleringsfonds voor de Journalistiek (SVDJ). To support local media that coped with reduced advertising revenues due to the corona pandemic, the government announced a financial support package on 21 January 2021 which included € 5,5 million euro support for local media via the Temporary Support Fund Local Information Provision (Tijdelijk Steunfonds Lokale Informatievoorziening) (SVDJ, 2021). When it comes to the distribution of state advertising to media outlets there are no clear, specific rules or laws when it comes to airtime or advertising. However, all government campaigns with a budget over 150.000 euro are presented and evaluated in a yearly report (Annual Report Governmental Campaigns 2020, 2021). Moreover, the government provides detailed guidelines on how these campaigns are made and which media (including social media) are used under which circumstances.

The indicator **Independence of PSM governance and funding** scores 3%. With regards to appointment procedures and funding mechanisms and procedures in the public service media (PSM) the risk level is considered very low and unchanged compared to the previous year. The Media Act (Mediawet, 2008) guarantees transparent and fair funding of the Dutch public service media (NPO Budget, 2021) and transparent appointment procedures for public service media. There is no evidence of political influence on appointing candidates for management, Board or general director positions in the Dutch public service.
The Dutch Media Authority, Commissariaat voor de Media (CvdM), evaluated the budget plan of the public service media positively in their advice to the Dutch Ministry of Education, Culture and Science (OCW) and also explicitly addressed the particular financial challenges related to the Corona pandemic such as reduced advertising revenues and the cancellation of big public events (such as the Olympic Games 2021, the European Football Championship 2021 and the Eurovision Song Festival 2021 which was scheduled to take place in the Netherlands) (CvdM, 2021c).

3.4. Social Inclusiveness (26% - low risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country’s media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.

Social Inclusiveness scores a low risk of 26%.

The indicator Access to media for minorities is associated to a low risk, with 18%. Considering legal minorities among the Dutch population, the Frysians have substantial access to airtime. They even have their own regional broadcaster: Omrop Frylân, which is evolving towards a multi-media company, providing content through many platforms, including television, radio and social media (Omrop Frylân, 2022). With respect to the minorities that are not recognized by law, medium risk is indicated. However, compared to last year’s medium risk indication, there have been some positive tendencies. In 2021, the NPO announced to start working with a quotient to grant more access to minorities to be in their programmes because they are currently not satisfied. In concrete terms, 15 percent of the programme makers should have a bicultural background (Villamedia, 2021). Additionally, as of January 2022, two new broadcasters are officially recognized as public broadcaster. This includes Omroep Zwart – a broadcaster which says to ‘see everyone and hear everyone’, and Ongehoord Nederland – a populist broadcaster which claims to be there for those who do not have access to media attention and cannot get their voices heard. Although it has signed the
journalistic code of NPO, it has repeatedly been accused of spreading misinformation and failing its journalistic duties (Hart van Nederland, 2022). In addition to minorities in terms of language, this indicator also includes people with a disability and their access to media, for which, overall, a medium risk is indicated. Regulations usually do not go beyond subtitles, signing, and sound descriptions. There are only slight developments, such as the prospect of new rules for Dutch influencers on social media platforms for making their content available to people with disabilities (given that they would fall under the Media Law) (Van den Branden, 2022). However, the rules imposed by the Commissariaat voor de Media are again mainly focused on subtitles. With respect to people with visual disabilities, audio descriptions are still not available for all NPO programmes, and only for a small number of programmes broadcasted by Talpa and RTL. Regarding the visibility of people with a disability, NPO will boost efforts to increase it, and the efforts will be independently monitored along with other forms of representation of minorities from 2021 onwards.

The indicator **Access to media for local/regional communities and for community media** scores a low risk of 8%. While in many countries, community media are recognized as separate from public service broadcasting, in the Netherlands it is recognized as a part of it (Media Act, 2008, Art. 2.61 - 2.71). In the past year, there have been positive tendencies in terms of budget allocation for local media and the risk for local media has thus improved in comparison to last year. While the funding is still relatively limited, the Raad voor het Openbaar Bestuur (ROB) en the Raad voor Cultuur (RvC) have advised the Minister of Media to revise the funding procedure, as it is outdated (Jansen, 2021). The pilot “professionalisering lokale media” has already shown increased subsidies to have a positive effect on the quality and quantity of local media (SvdJ, n.d.). Low risk is especially indicated because of the proper access of local media to media platforms, fair distribution of subsidies by the transparent organization Stimuleringsfonds voor de Journalistiek (SvdJ, 2021), and the collaboration between the national broadcasting service NOS and local and regional broadcasters (NOS, 2021).

The indicator **Access to media for women** scores a medium risk of 60%. There is still no gender equality when it comes to leadership positions. The share of women on PSM management boards is currently 33 percent, as a third of the people on the management board of the NOS are women (NPO, 2022). The share of women among executives of PSM is even lower, with a total of 18 percent (NPO, 2022; NOS, 2022; NTR, 2022). However, within private TV companies the inequality is even more significant, as the share of women among members of the management boards, as well as among executives is zero (Vlugt, 2020). In terms of the leading news media, the share of women among editors-in-chief is 38 percent (RTL Nieuws, 2021; BM, 2020; Jansen, 2021). In non-fiction broadcast media productions, women are also not always invited in news and talkshows to the same extent as male experts. On average, the share of women that is invited as experts is 23.3 percent (CvdM, 2021). However, in comparison to last year, there has been a significant improvement. The risk has declined from 80% to 60%. This is mainly due to the fact that the overall visibility of women on television has slightly increased. However, according to study from the CvdM (2021), it is still highly disproportionate: 37.8 percent, in comparison to 62.2 percent for men.

The indicator **Media literacy** scores a low risk of 4%. The Netherlands has a well-developed policy on media literacy, and a myriad of organisations trying to improve it (Netwerk Mediawijsheid, 2022). The Dutch education curriculum is updated on an annual basis in order to improve (digital) media literacy from a young age (SLO, 2021). In total, 79 percent of the Dutch population has basic or above basic digital skills (EuroStat, 2019).

The indicator **Protection against illegal and harmful speech** scores a medium risk of 42%. Since the advent of COVID-19, the spread of disinformation has become a bigger issue. The majority of Dutch citizens
indicates worry about the influence of fake news (Netwerk Mediawijsheid, 2021). While there are several codes of conduct to protect the public from disinformation (like the Code of Practice signed by the social media platforms), there are no laws that aim at countering disinformation (Ministry of the Interior and Kingdom Relations, 2021; ICT&Health, 2021). With respect to hate speech, the Dutch Constitution states that it is not allowed in any form. This is however oftentimes in contradiction with Freedom of Speech (Dutch Constitution, Art. 1 about Discrimination and Art. 7 about Freedom of Speech). As long as statements do not directly encourage violence or discrimination, it is difficult to start a process of prosecution. While in 2021, many politicians in the Tweede Kamer advocated for a better process of prosecution and punishment in the realm of hate speech, no improvement has yet been made (RTL Nieuws, 2021). Also the Committee on the Elimination of Racial Discrimination (CERD) of the UN concluded that there is a polarization of the public debate in the Netherlands, triggering the use of hate speech by certain parties and politicians. The CERD has several recommendations to strengthen the Dutch policies regarding hate speech, for example by strengthening the government's MiND initiative (Meldpunt Internet Discriminatie), giving it more power to act better and quicker upon notifications of instances of hate speech (CERD, 2021).
4. Pluralism in the online environment: assessment of the risks

In the area of **Fundamental protection**, several indicators were assessed. The indicator **Protection of freedom of expression** overall has a low risk in the Netherlands. There are no laws that explicitly restrict online expression. The State does not arbitrarily block access to websites or online services. However, the state is allowed to filter online content according to the revised Audiovisual Media Services Directive (2018/1808). The revised Mediawet (CVDM, 2020) also includes video platforms. These platforms must protect minors from harmful content. Moreover, they must protect the public from hatred and violent images. Measures include allowing users to report harmful content. Additionally, the revised Mediawet (Media Law, 2008, Art. 2.99, changes made in the law of 10 February 2021) clarified the composition of the Ster (Stichting Etherreclame - Foundation for Broadcast advertising) and its position in the public media order.

There is a medium risk of online platforms filtering or blocking specific content. The platform YouTube blocked and filtered some videos on COVID-19, but this was ruled as rightful since the platform has the right to determine its own rules on filtering content in the Netherlands. Moreover, Twitter blocked the accounts of prominent Dutch users in 2021, namely Thierry Baudet and Willem Engel, due to harmful Tweets concerning the COVID-19 crisis (Den Hartog, 2021; NOS, 2021). The social media platforms are obliged to report on their takedowns and their motivations for them. However, this is not completely transparent since individuals do not have any insight on what was exactly flagged or taken down. Lastly, the Dutch Data Protection Authority (DPA) has imposed a fine on TikTok for using the data of young Dutch children, while the privacy statement of the app was offered in English (Autoriteit Persoonsgegevens, 2021). The indicator **Digital safety** has a medium risk. According to a report by PersVeilig (Van Hal & Klein Kranenburg, 2021), political journalism is in danger, with online threats increasing. However, specific numbers are unavailable. Data protection in journalism (indicator **Journalism and Data Protection**) is not a risk indicator due to the Law on police data and the Law of judicial and penal procedural data for the implementation of European regulation on the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties (revised in 2018). The European GDPR derogations are implemented through national legislation.
The universal reach of traditional media and access to the Internet has a low risk. 98.3% of the population is covered by broadband, and the internet speed is 107.30. Moreover, the safeguards regarding net neutrality are implemented and have a low risk in the Netherlands.

On the topic of Market Plurality, the national law does not contain specific provisions requiring the disclosure of ownership details in the digital news media sector. The Media Act (2008) does mention that commercial broadcasting organizations must provide the public with easy, direct and permanent access to a minimum of information, based on title 7.2 of the Media Act (art. 3.5a). Every year, the Mediamonitor provides a list of the ownership of online media in the country (Mediamonitor, 2021). However, the national law does not contain specific provisions about transparently disclosing information on the ultimate owners of digital media, which is a high risk. Additionally, the owners can be found in the yearly reports by MediaMonitor (2021), but is not made clear for all digital native news media, such as GeenStijl. Regulatory safeguards to avoid concentration in the media sector are not clearly installed when it comes to digital news media, hence a high risk. Additionally, there are no media legislations for limitations on cross-media ownership. In the Netherlands, four media companies form the majority of the Dutch commercial online media brands: Bertelsmann, DPG Media, Mediahuis, and Talpa. Talpa Networks and RTL Nederland have announced a merger in 2021, but this has not yet been approved by the ACM (Autoriteit Consument en Markt) (ACM, 2022). The Mediamonitor notes a serious increase in media concentration, including the issue of the ever increasing share of the online advertisement market by the big platforms (Mediamonitor, 2021). The Dutch State has not yet implemented a form of taxation of digital services, but a proposal for transparency on the earning of digital advertising was done in 2021 (Ministerie van Financiën, 2021). Most political parties in the parliament agree on the necessity of such a legislation. Expenditure for online advertising on news media websites has decreased in 2021 (CBS, 2021), which is a high risk. Online newspapers use the same types of paywalls and subscriptions as in previous years. The NOS does have a YouTube channel, but makes money through a traditional source of revenue: online advertising. The Dutch public support scheme for news media SvdJ (Fund for Journalism) has helped launch Blendle and de Correspondent, but no new platforms in 2021 (SVDJ, 2020). Moreover, in 2021 no evidence has been found of commercial influence on editorial content. There is a separation of editorial and commercial responsibilities in practice (Evers & Groenhart, 2011, p.122-123).

The assessment of the Political independence of online media in the Netherlands brought to light the following insights. There is no indication of national or foreign political control over digital native media. The code of conduct for online political ads has been updated for the elections of 2021, stating that political parties should mention the costs of an ad along with the ad on social media and that they are not allowed to accept payments from non-European countries. Following this code is voluntary for political parties, but it was signed by Facebook, Twitter, Microsoft, Snapchat, Google and TikTok (Parlement.com, 2021). Since following the code of conduct is still voluntary, this is a medium risk for the Netherlands in 2021. Additionally, the Dutch data protection authority Autoriteit Persoonsgegevens monitors the use of personal data of individuals by political parties for electoral campaigning purposes, according to privacy laws. Their official guidelines for political parties were published in 2021 (Autoriteit Persoonsgegevens, 2021). There are no new risks when it comes to the funding of online public service missions of the PSM, since the Mediawet 2008 adequately covers this.

In the Social Inclusiveness area, the population in the Netherlands has very good digital competencies. The vast majority of citizens have basic or above basic overall digital skills (79%) (EUROSTAT, 2019), and the Netherlands supports the active promotion of digital literacy (SLO, 2022), resulting in a low risk. Disinformation does seem to be an increasing risk in the Netherlands in 2021. 7 out of 10 citizens is
worried about the impact of fake news (Netwerk Mediawijsheid, 2021). This is a medium risk, because the government only implemented a code of conduct to combat fake news in political advertisements due to the increase during the COVID-19 crisis and the upcoming elections (Rijksoverheid, 2021). However, it seems that the spread of these fake messages is not reaching all Dutch citizens, but only a select group (HUMAN, 2021; NOS, 2021). As described elsewhere in this report, in 2021, several cases were seen in which social media platforms took down online content because it was not in line with their policy on misinformation or avoiding causing harm. This includes YouTube videos and Twitter messages from the Forum voor Democratie, and Dutch court rulings supported the removal of the contested content (but note that in the Van Haga/LinkedIn-case it was ruled that while problematic content needs to be removed, that does not necessarily mean the whole profile can be removed). As discussed elsewhere in this report, the Dutch constitution (Art. 1 and Art. 7) prohibits hate speech and discrimination, while at the same time protecting freedom of speech, which leads to occasional debates, nowadays often in the context of social media posts (and their removal).
5. Conclusions

Regarding **Fundamental Protection**, the risk marginally decreased. Possible areas for improvement are the access to government information (where progress was made with the new law – WOO, but so far without resolving all existing issues in this matter), the safety of journalists (with increasing violence against them) and the economic position of journalism, and freelancers in particular.

- The Dutch government should closely follow and implement European initiatives for Anti-SLAPP legislation, which is currently still lacking in the Netherlands.
- The Dutch government and media companies should actively seek and support ways to fight the increasing violence against journalists, and more in particular female journalists.
- Media companies and journalists/unions should proceed negotiations in order to assure freelance journalists a decent remuneration. The risk on this area is particularly high in 2022 with the expectations of high inflation.
- The Dutch government should ensure that the European Directive protecting Whistleblowers is implemented in more depth than initially planned. It is key that also in smaller work environments, employees would be able safely expose alleged wrongdoings without fearing repercussions or ending up in tedious and expensive procedures. So the protection for whistleblowers should be maximized, while the complexity of the procedures should be minimized.

**Market plurality** typically holds the highest risk in the Netherlands, and media concentration and media viability are the main concerns in this regard. Substantive (extra) support for local media can be seen as a positive evolution.

- Media ownership should be made more transparent, especially also for online media, and proper taxation of online media could be considered.
- The path of support for local media should be continued.

**Political independence** in the Netherlands remained stable compared to last year. For the 2021 elections, progress was made in transparency of online advertisement. While in practice, no problems seems to occur, and some actors believe legal safeguards would have no use or would be difficult to instate, a risk area remains the lack of regulatory safeguards for political independence in the form of laws and regulations.

- It should be an ambition to have more legal ground to ensure political independence, even if there are no major issues in practice at this moment
- Where possible, actual legislation could ensure the anchoring of codes of conducts and good practices in the Netherlands.
Social inclusiveness has a low risk in the Netherlands, with great results in terms of media literacy, but still a poor record when it comes to access for women and to a lesser (or lesser known) degree minorities.

- Access to media and visibility from minorities, people with disabilities and women in the media in a qualitative manner, should be monitored and stimulated.
- Presence of women and minority groups in managerial positions in media companies and regulatory bodies should be actively stimulated and ensured.
6. Notes

[1] "CBS is currently reconsidering the categorization of people with an immigration background, including the definition of “non-Western" https://www.cbs.nl/nl-nl/uitgelicht/het-gebruik-van-westers-niet-westers-door-het-cbs “


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The authors of the report would like to thank the experts who have provided valuable feedback on a number of questions from the Media Pluralism Monitor. The authors take responsibility for any mistakes made in the report.
## ANNEXE I. COUNTRY TEAM

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## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being subjective, and, therefore, to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

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