

Full title of law or regulation	Various. This document sets out Sponsorship rules in Netherlands Public AV programmes
Title of relevant sections	<ul style="list-style-type: none"> - Section 2.5.3. Media Act 2008: Sponsorship (Arts 2.106 – 2.108) NL: http://wetten.overheid.nl/BWBR0025028/2017-02-01 EN: http://www.gregsregs.com/downloads/NLMediaAct2008d.pdf - The Dutch Media Authority regulations of 17 May 2016 containing policy rules regarding sponsorship of public media institutions and rules regarding title sponsoring (Regulation sponsoring public media institutions 2016) NL: http://www.gregsregs.com/downloads/NL_CvdM_Regulation_Sponsorship_PublicMediaServices_2016_NL.pdf
Clauses	<p><i>Sponsoring/ sponsorship</i>: the provision of financial contributions or other contributions¹ by a company or a natural person who does not usually engage in the provision of media services or media offerings, for the creation or procurement of media offerings, in order to promote or facilitate (make possible) its dissemination to the general public or a part of it (Article 1.1(1) Media Act</p> <p style="text-align: center;">OTHER CONTRIBUTIONS</p> <p style="text-align: center;">Loan or Contribution of Minor Significance</p> <ul style="list-style-type: none"> • Not regarded as “other contributions” (or sponsorship contributions) within the definition of ‘sponsorship’ above: unidentifiable² non-financial contributions which: <ul style="list-style-type: none"> ○ Have been provided on loan by 3rd parties³, or ○ Have a value of minor significance in relation to the overall costs for creating / procuring the media offer – with the proviso that the value of the contribution is not higher than €1,000 per contribution per TV programme or €200 per contribution per Radio programme⁴. (Art. 2 CvdM Regulation: Sponsoring) • Legislative history has shown that the intention of the legislature was not to include non-financial contributions of minor significance (without which the media offer would have still been made and broadcast) in the legal definition of sponsorship contributions (Parliamentary Paper II 1994/95, 23 752, no. 5, p. 5) (See page 8 CvdM Reg: Sponsoring) • Provision of the name, logo/ brand, or other distinctive sign of the party who has provided the contribution described above (not deemed a “sponsorship contribution”) – may be regarded as an avoidable expression under Art. 2.89(1b) Media Act (p. 8 CvdM Reg: Sponsoring) • Implication: non-financial contributions which have a value over €1,000 and €200 for TV/ Radio respectively will be considered as “other contributions” within the definition of “sponsorship” and rules for sponsorship will apply. • 3rd parties who have provided non-sponsorship contributions (i.e. unidentifiable non-financial loans or contributions of minor significance) can be named if: <ul style="list-style-type: none"> ○ The reference consists of no more than the words: “with thanks to / met dank aan” followed by the name of the contributing party – mentioned or displayed in a

¹ This means “non-financial contributions” (see page 8 CvdM Regulation: Sponsoring) – certain non-financial contributions are not considered as sponsorship within the meaning of Art. 1.1(1) Media Act.

² Unidentifiable contributions = contributions which are not identifiable whether mentioned/ displayed or not. (Art. 2 CvdM Reg: Sponsoring). Note: Literal translation of Art. 2: There are no other contributions as referred to in the definition of sponsorship in Article 1.1, first paragraph, of the Act insofar as the contribution is non-financial, and not identifiable irrespective of whether or not it is shown or mentioned <https://forum.wordreference.com/threads/niet-of-niet-identificeerbaar-wordt-getoond-of-vermeld.3414573/>

³ For products or other contributions to a programme on loan, no maximum amount applies to the value. The contribution to the program may not be identifiable to the public (page 8 – CvdM Reg: Sponsoring)

⁴ Examples of non-identifiable contributions that will be of minor importance in relation to the total costs of the programme or the series of video or audio

neutral manner at the beginning or end of the video or audio part of the media offer

- o Within the text section or graphic part of the media offer, the mention or display consists of no more than the words: “with thanks to / met dank aan” and does not take place in an exaggerated or excessive manner. (Art. 3 CvdM Regulation allowed avoidable expressions - public media institutions 2016 - [NL](#) and referenced page 7 CvdM Reg: Sponsorship)

Financial Contributions

Regardless of the amount, financial contributions are always regarded as ‘sponsorship’ under the definition in Media Act – see p.8 CvdM Reg: Sponsoring)

Recognisability

- Sponsored programmes must be recognisable as such (Art. 2.88b (1) Media Act)
- Subliminal techniques must NOT be used in sponsored programmes (Art. 2.88b (2))

Permitted Sponsored programmes

- Public Media Service programmes may not be sponsored unless they:
 - o Are of a cultural⁵ or educational⁶ nature
 - o Consist of the coverage or presentation of one or more sports events⁷ or sports competitions.⁸
 - o Consist of the coverage or presentation of events for idealistic/ humanitarian ends⁹ i.e. non-profit / charitable purposes (Art. 2.106 (1) and (2) (a-d) Media Act)
- Such programmes referred to above cannot be sponsored if they:
 - o Consist wholly or partly of news, current affairs¹⁰ or political information¹¹; or
 - o Specifically target children younger than twelve years old (Art. 2.106 (3) (a&b) Media Act)

Sponsor Reference/ Notification

- The public must be clearly informed when a programme is sponsored¹² and it must be
-

⁵ Under cross-media content classification system ([here](#)) a programme of a cultural nature is understood as: a media offer in various forms that exclusively or predominantly consists of or relates to: a) Manifestations and media offerings about creativity, originating from the human imagination, including art or popular culture b) Norms/ standards, values, traditions and customs and thereby related lifestyles and everyday culture c) Worldviews /ideology and religion (Art. 4.1 CvdM Regulation – Sponsoring)

⁶ Under cross-media content classification system ([here](#)), a programme of an educational nature = media offer in various forms that exclusively or predominantly consists of the transfer of knowledge and promoting interest in various fields including - but not exclusively - technology, history, products, services, nature and environment and personal development. (Art. 4.2 CvdM Regulation – Sponsoring)

⁷ Sport event = a combination of sports competitions, in which the public is present and which is not primarily intended to be broadcast as a media offer (Art. 4.3 CvdM Reg – Sponsoring)

⁸ Sports competition (as defined Art. 1.1 Media Act): competition or lead-up/ build-up to a competition, organized by or under the auspices of the national sports organizations and their departments recognized by the NOC * NSF, or by comparable international sports organizations, whether or not umbrella organizations, or another competition or lead-up to a competition for a sport that has been designated as a sport by the NOC * NSF. [NCO*NSF](#): The Dutch Olympic Committee*Dutch Sports Federation

⁹ An event for the benefit of idealistic ends = an event as defined in Art. 1.1 Media Act (i.e. event = publicly accessible event/ occasion in the field of sport or culture) in which the public is present, whose main purpose is to promote an idealistic goal is primarily intended to be broadcast as a media offer. (Art. 4.4 CvdM Regulation – Sponsoring)

¹⁰ News or current affairs = media offer that is broadcast frequently, at least once a week, and whose report is on events no more than 7 days old. Does not include: weather reports or traffic bulletins. (Art. 5.1 CvdM Reg. Sponsoring)

¹¹ a media offer that reports about politicians, political parties and the political decision-making process (Art. 5.2 CvdM Reg. Sponsoring)

clearly stated by whom the programme is sponsored (Art. 2.107 (1) MA)

- Sponsorship notification/ reference must be made by mentioning or displaying – in a neutral way¹³ - the name,¹⁴ logo¹⁵ or brand, or other distinctive sign of the sponsor at the start or end of the programme; and this reference can also occur at the start or end of the commercial/advertising break in the programme (Art. 2.107(2/3) MA) Note: re the notification/ reference to the sponsor – no more than one name, logo or other distinctive sign of the sponsor can be mentioned or shown (Art. 9.1 CvdM Guidelines: Sponsoring)
- Such a sponsorship notification/ reference must:
 - Not last any longer than 5 seconds,
 - Consist exclusively of still/static images - insofar as this does not take place during the opening or end credits (i.e. whilst the programme credits start rolling), and
 - Not fill the whole TV screen.¹⁶ (Art. 2.107 (4a-c) MA)
- The public is deemed to be informed (as referenced in 1st bullet point) if the sponsor mention/ reference is clearly visible or audible at the beginning or at the end of the video or audio part of the media offer. This means, prior to mentioning the name, logo or brand, or other distinctive sign of the sponsor, one of the following statements is clearly legible or audible:
 - *"This programme is (partly) made possible by / dit programma is (mede) mogelijk gemaakt door";*
 - *"This media offer is (partly) made possible by / dit media-aanbod is (mede) mogelijk gemaakt door";*
 - *"This program is sponsored by / dit programma is gesponsord door";* or
 - *"This media offer is sponsored by / dit media-aanbod is gesponsord door"* (Arts 7.1 and 7.2a-d CvdM Reg: Sponsoring)
- When sponsoring graphical parts or sections of text in the media offer, the reference must not be made in an exaggerated or excessive manner (Art. 7.5 CvdM Reg: Sponsoring – NB – mis-numbered as 7.4)

Sponsor Products or Services

- In sponsored programmes, the products or services of a sponsor may be shown or mentioned, provided the inclusion of such products or services is not in return for money (product placement is prohibited under Art 2.88b (3b)) (Art. 2.108(1) Media Act)
- The Media Authority can grant permission for mentioning or showing/ displaying the name, the logo/ brand, products or services of sponsors in the title of a sponsored programme, on the understanding that the audience is not directly encouraged via special promotional references to purchase or rent products or to purchase services from the sponsors (Art. 2.108(2) Media Act)¹⁷

Unauthorised sponsorship reference/ notification (Art. 10(a-h) CvdM Regulation: Sponsoring)

A notification as referred to in Article 2.107(1) of the Media Act does not meet the

¹³ neutral indication or display of name or (image) mark (i.e. logo) or other distinctive sign of the sponsor is understood to mean: an indication or representation solely consisting of the name, the (image) mark or another distinctive sign of the sponsor, whose display only takes place in a still image (Art. 6.2 CvdM Reg: Sponsoring)

¹⁴ Name = registered name or trade name of the sponsor as stated in the trade register/ company register (Art. 6.1a CvdM Regulation: Sponsoring)

¹⁵ (*lit.* (pictorial) trademark/ brand): names, drawings, prints, stamps, letters, numbers, moulds/ shapes of goods or packaging and any other graphic signs capable of distinguishing the sponsor or event sponsor (Art. 6.1b CvdM Regulation: Sponsoring)

¹⁶ The mention of sponsors in programmes is not full-screen as referred to in Article 2.107(1c) of the Act if the depiction of the name, the logo or brand, or another distinctive sign provided it is not a full page visual and has been supplemented by a clearly legible notification as referred to in Art.7.1/7.2 CvdM Policy (Art. 7.3 CvdM Reg: Sponsoring)

¹⁷ The Media Authority may consent for the mention or display of a name, logo / brand, product or service of a sponsor in the title of sponsored media offer, if: a. the name, logo / brand, product or the service of the sponsor is shown or mentioned neutrally in the title of the media offer; and b. the title is shown or

conditions set out in these articles if for the purposes of the notification:

- A product, service or consumer packaging of a product is mentioned or displayed in full or in part, noticeable/ visible and identifiable;
 - Using images or sound, directly or indirectly, reference is made to a product, service or consumer packaging of a product;
 - Qualifications are given to a name, logo or other distinctive sign;
 - A slogan, in whole or in part, is mentioned or shown;
 - A theme tune/ signature tune is played in whole or in part;
 - An (internet) address, telephone number or fax number is mentioned or shown;
 - Company/ office buildings or resources are mentioned or shown in full or in part;
 - The design of the product has clear similarities with the design of a product of the sponsor or of the consumer packaging of a product of the sponsor.
-