

## Mark Buijsters

---

**Van:** [REDACTED]@icloud.com>  
**Verzonden:** dinsdag 11 december 2018 08:39  
**Aan:** [REDACTED]  
**CC:** [REDACTED]  
**Onderwerp:** application batch 2  
**Bijlagen:** Updated Statutes Discovery Communications Benelux B.V.\_1402798\_1.PDF; 009801\_Deed\_of\_Incorporation.pdf; uittreksel\_handelsregister\_33295591.pdf; Discovery Communications Benelux B.V. application letter - batch 2.pdf; Appendix European Works batch 2 .pdf; Information for licenses and exemptions batch 2.xlsx

Dear [REDACTED]

Please find attached the following documents:

- Application letter batch 2;
- Excel sheet Information for licenses and exemptions batch 2;
- Appendix European Works batch 2;
- Certificate of registration in the register of companies of the Dutch Chamber of Commerce for Discovery Communications Benelux B.V.;
- Statutes of establishment of Discovery Communications Benelux B.V.;
- Updated statutes of Discovery Communications Benelux B.V. 2015.

**Please note:**

- The Appendix European Works batch 2 starts with a further explanation "Regarding all channels" on the topic of "new regulatory framework" as a ground for exemption. This explanation is applicable to all Discoveries channels, so also to the channels in batch 1 and 1a;
- The excel sheet has an extra column regarding the current licensees; reference to this extra column is made in the application letter;
- We are sending this email and all attachments to you strictly on a private and confidential basis as they contain sensitive business information.

If you have any questions, feel free to call. Happy to discuss this further tomorrow in Hilversum,

Best, [REDACTED]



**Sensitive and confidential business information**

Dear Sir/Madam,

**Permission**

On behalf of Discovery Communications Benelux B.V., a commercial audiovisual media service provider established in the Netherlands, we would like to apply for permission from the Commissariaat voor de Media (CVDM), pursuant to article 3.1, paragraph 1, of the Media Act 2008, to provide per 30th of March 2019 commercial television broadcasting services under the names and its different language versions as specified in the attached document.

**Exemptions**

We would also like to apply for several exemptions from the required minimum percentage of original Dutch or Frysian works, as laid down in article 3.24, paragraph 1, of the Media Act 2008, and for several exemptions from the required minimum percentage of original European works, as laid down in article 3.20, paragraph 1, of the Media Act.

Unless no exemption is required, the grounds for exemptions have been specified per channel in the attached document. Grounds are equal to those mentioned in the Policy Rules of the CVDM on Program Quota, as applied by the CVDM in its decisions. If applicable, a more extensive substantiation can be found in the appendix for either Dutch/Frysian or European original works.

**Discovery Communications Benelux B.V.**

Discovery Communications Benelux is a Private Limited Liability Company, located at Kraanspoor 32, 1033 SE, in Amsterdam. It is registered at the Netherlands Chamber of Commerce under registration number 33295591.

From 30th of March 2019 Discovery Communications Benelux B.V. will be the broadcaster exercising editorial responsibility for the media services as described in the attached document. From the 30th onwards all editorial decisions for these media services will be taken at the head office's address.

For further corporate information please find attached the following documents:

- Certificate of registration in the register of companies of the Dutch Chamber of Commerce for Discovery Communications Benelux B.V.;
- Statutes of establishment of Discovery Communications Benelux B.V.;
- Updated statutes of Discovery Communications Benelux B.V. 2015.

**Sensitive and confidential business information**



**Sensitive and confidential business information**

**Ofcom**

Either Discovery Corporate Services Limited (DCS) or Scripps Networks International (UK) Limited (SNI) are currently the Ofcom licensees for the services where licence numbers are indicated in the attached document. In the document we have specified which one is the current licensee.

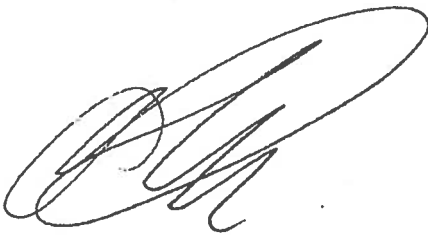
We will ensure that those licenses are surrendered in time. We are currently aiming for the 29th March 2019 end of day, one day before the Dutch licenses should come into effect. We will inform Ofcom in time, to avoid cases of double licensing and jurisdiction.

**Compliance**

We are fully committed to comply with the complete Dutch regulatory framework regarding audio-visual media-services. As a consequence, we are in close contact with the CVDM, the Netherlands Institute for the Classification of Audiovisual Media (NICAM) and the Stichting Reclame Code (SRC). Also, Discovery has a clear set of compliance processes led by the Compliance team, and all relevant business groups are trained in the regulations. Discovery also has a team of trained coders that have completed the Kijkwijzer training.

We are willing to answer all questions regarding this application.

Yours sincerely,



**[Redacted]** on behalf of:  
Discovery Communications Benelux B.V

Amsterdam, 5th December 2018

**Sensitive and confidential business information**

## **Sensitive and confidential business information**

### **Regarding all channels**

The Audiovisual Media Services Directive (AVMSD) allows considerable flexibility in the implementation of Articles 13, 16 and 17, since Member States must ensure the promotion of European and independent works “where practicable”, “by appropriate means”, and “on the basis of suitable criteria”.

Discovery’s channels have thus far been subject to the UK regulatory framework, and Ofcom’s supervision and oversight practices. Ofcom has no process to request an exemption with regard to European works during the licence application process. Rather, Discovery has to report after each year per channel about its performance regarding European works. During this annual reporting process, Ofcom has shown a flexible approach, and has found ground in the “where practicable” exemption to accept the lower percentages achieved by Discovery’s channels.

In the Netherlands, on the other hand, there is a system in which partial and temporary exemptions can be granted by the CVDM *a priori*, during the licensing process. The CVDM has Policy Rules on European quota, which contain specific grounds for exemptions. In this system, the CVDM appears to have less room retroactively to apply the flexible “where practicable” exemption as applied in the UK.

Discovery’s channels will now be subject to the new, stricter regulatory framework in the Netherlands. Discovery is fully committed to comply within this framework. However, this will be a gradual process for all its channels.

### **Appendix European Works**

#### *Par. 1 - Fine Living Network – Pan-Regional*

This channel currently features a vast amount of typical American style series: these series are situated in America, in its typical landscapes, and are about the lives of American families or people, and/or presented by American television personalities.

One example is, “Hawaii Life”, where Americans abandon their hectic nine-to-five lives in the mainland USA to buy their dream home on the paradise islands of Hawaii. Another example is “Beachfront Bargain Hunt”, a programme which sees coastal home seekers discover some of the most surprisingly affordable American beachfront locales, proving that it doesn’t take millions to live on the water. “Giada at Home” is another example, where viewers can follow Giada De Laurentiis (an Italian-born American chef, writer, and television personality) as she shares her love for entertaining California-style, as she puts together unique meals for gatherings with friends and family. Another example is “Mega Decks”, a programme showcasing the work of an innovative Colorado deck and landscape company who create amazing decks and patios that add a touch of luxury to back gardens.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn’t equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues

were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par. II Food Network – Pan-Regional*

This channel currently features a vast amount of typical American style series: these series are hosted by American television personalities and/or chefs, and about typical American topics like Halloween.

One example is, "Chopped", an American reality-based cooking television programme, hosted by Ted Allen, an American author and television personality. It is about four aspiring chefs as they compete before a panel of three expert judges in a cooking competition using mystery ingredients that tests their speed and ingenuity. Another example is "The Kitchen", a fun and relaxed cooking show featuring a group of American professional chefs sharing some of their favourite recipes and cooking tips over jokes and conversation. "Beat Bobby Flay", is a programme where two talented chefs go head-to-head in a battle for the chance to put their culinary skills to the test against American celebrity chef, Bobby Flay. "Guy's Grocery Games" is another example where Guy Fieri (an American restaurateur, author, game show host, and television personality) sends four talented chefs running through the aisles in a high-stakes, high skills, grocery store cooking competition. Another example is "Halloween Baking Champions", a programme where viewers can watch as America's top bakers battle it out to create Halloween's spookiest and most irresistible treats, from creepy-crawly desserts to towering confections of terror.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par. III Food Network – Polish Feed*

This channel currently features a vast amount of typical American style series, situated in American places, and presented by American chefs, actors or TV-personalities.

One example is, "Man v's Food", where food enthusiast Adam Richman, American actor and television personality, travels across America looking for the best local restaurants and diners, trying all their mouth-watering specialities and tackling the nation's greatest eating challenges. Another example is "Iron Chef", where a team of intrepid challengers take on the mighty Iron Chefs, in a cookery battle overseen by The Chairman, master of the kitchen. "Mystery Diners" is a programme where Mystery Diners are sent into American restaurants when the owners suspect employees of not doing their jobs, or generally doing their work to a poor standard. "Pioneer Woman" is another example about award winning blogger and bestselling cookbook author Ree Drummond (an

American blogger, author, food writer, photographer and television personality) as she shares her unique brand of home cooking, from throw-together suppers to elegant celebrations. Another example is "Guy's Big Bite", where American chef Guy Fieri cooks his spin on a variety of dishes, from home grown American style to the cuisine of the far East.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par. IV Travel Channel – Pan-Regional*

This channel currently features a vast amount of American series presented by American television personalities.

One example is "Mysteries at the Museum", where Don Wildman, an American Actor, television host, and narrator, embarks on a quest to solve the world's greatest mysteries. From historical institutions to unexplored archives, Don unearths extraordinary relics and sinister artefacts. "Hotel Impossible" is another example, where Anthony Melchiorri, an American hospitality expert and television personality, advises struggling hotels all over the world to try and put them back on the road to success. "Bizarre Foods" is a programme that follows renowned chef and food writer Andrew Zimmern, an American culinary expert, and television personality, as he embarks on a mission to explore and share local delicacies from around the world, hoping to gain an understanding of the local cultures through their cooking.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par. V Travel Channel – Polish Feed*

This channel currently features a vast amount of American series presented by American television personalities or situated in America.

One example is "Bizarre Foods" - a programme that follows renowned chef and food writer Andrew Zimmern, an American culinary expert, and television personality, as he embarks on a mission to explore and share local delicacies from around the world, hoping to gain an understanding of the local cultures through their cooking. Another example is "Bizarre Foods: Delicious Destinations", where chef Andrew Zimmern, explores the iconic foods that define a location as he travels the world and discovers the secrets and stories behind legendary local cuisine. "Extreme RV's" is a programme

that takes a look into million-dollar motor homes, from the futuristic to the classic, with incredibly themed designs and luxurious interiors that would put most real homes to shame. "Big time Rv's" is another example, where viewers are given an all-access pass inside America's largest and most prestigious RV dealership. Based in Tampa, Florida, and Tucson, Arizona, where the expert sales force work hard to satisfy the demands of customers.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par IV ID: Investigation Discovery – Pan-Regional*

ID: Investigation Discovery is a so-called special interest channel that includes fiction and non-fiction documentary and docudrama programming relating to crime, forensic and paranormal investigations and the science behind them. This channel currently features a vast amount of typical American style series.

A typical example for the programming on this channel is "People Magazine Investigates", in which America's most popular weekly magazine, People, seeks to uncover the truth behind some of the country's most infamous characters and iconic stories of crime that transcended news and became part of popular culture. Another example is "American Murder Mystery", featuring stories of high profile murders and murderers that shocked America and captured the imagination of the public. With expert testimony, interviews with those close to the case, and details from the trial. Also featuring on this channel is "Murder Chose Me", in which homicide detective Rod Demery has a personal connection to crime, as his mother was murdered, and his brother is a murderer. For this reason, he became the best detective that Louisiana has ever seen with a remarkable success rate at solving cases. "Evil Lives Here" is a programme that tells the gripping stories of ordinary people connected to a killer. Did they see signs that something was amiss? Did they turn a blind eye? Or did they choose to dig deeper, and realise the horrible truth that the person they trusted was a monster? Another example is "Your Worst Nightmare", a 60-minute narrated true American crime show blending reenactments of key events with commentary from law enforcement, criminal justice professionals, and friends and family of the victims. These are the real-life stories of people who have been the victims of violent crimes. With interviews with investigators and those close to the case.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par VII ID: Investigation Discovery – French Feed*

ID: Investigation Discovery is a so-called special interest channel that includes fiction and non-fiction documentary and docudrama programming relating to crime, forensic and paranormal investigations and the science behind them. This channel currently features a vast amount of typical American style series.

An example is "Murder Chose Me, in which homicide detective Rod Demery has a personal connection to crime, as his mother was murdered, and his brother is a murderer. For this reason, he became the best detective that Louisiana has ever seen with a remarkable success rate at solving cases. Another example is "American Murder Mystery", featuring stories of high profile murders and murderers that shocked America and captured the imagination of the public. With expert testimony, interviews with those close to the case, and details from the trial.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American-style series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.

#### *Par VIII Animal Planet – Pan-Regional*

This channel currently features a vast amount of typical American style series: these series are situated in American places and/or presented by well know American television personalities.

One example is, "The Vet Life" where we follow three charismatic veterinarians who moved to Houston, Texas to open a full-service veterinarian hospital and animal shelter together while managing their busy home lives. Another example is "North Woods Law" - from the Appalachian mountains to the rocky shores of the Atlantic Ocean, the conservation officers of New Hampshire's fish and game agency work protect the region's natural resources. "Extinct or Alive" is a programme asking what if extinct animals weren't really extinct? Forrest Galante, a wildlife biologist (the American equivalent of Freek Vonk) scours the globe using cutting edge technology on his mission to find species that the world believes no longer exist. "Pitbulls & Paroles" is a programme that sees Pit bull trainer Tia Maria Torres. An American animal rescue specialist, on a mission to rehabilitate and retrain pit bulls to be rehomed. Tia pairs those misunderstood animals with ex-convicts on parole to provide both of them a chance at redemption.

These types of series are by nature hardly available as European original works. As a consequence of the current prominence of these American series, the 3-year average percentage on European works doesn't equal the set percentage in the Directive. Under Ofcom jurisdiction, inventory issues were accepted as a ground for not meeting the required percentage.

While Discovery is fully committed to increase this channel's performance in the future to meet its obligations within the new regulatory framework in the Netherlands, this will be a gradual process.



## Mark Buijsters

---

**Van:** [REDACTED]  
**Verzonden:** donderdag 13 december 2018 08:53  
**Aan:** [REDACTED] Eric Eljon; Jan Buné  
**CC:** [REDACTED]  
**Onderwerp:** Re: Update Discovery: nieuwe melding binnen

dank voor bericht! begreep gisteren op de Bloomberg receptie (ter ere van het verdubbelen van hun aanwezigheid in Nederland) dat Discovery overweegt voor de kerst iets naar buiten te brengen. [REDACTED] heeft een persbericht klaar staan. @ [REDACTED] hou jij bij Discovery even de vinger aan de pols?

Met vriendelijke groet,

**Prof. mr. dr. Madeleine de Cock Buning**  
Voorzitter

Commissariaat voor de Media  
Hoge Naarderweg 78, 1217 AH Hilversum  
T [REDACTED]  
M.deCockBuning@CVDM.NL, [www.cvdm.nl](http://www.cvdm.nl)  
*Aan dit bericht kunnen geen rechten worden ontleend*

---

**Van:** [REDACTED]  
**Verzonden:** donderdag 13 december 2018 8:50  
**Aan:** Madeleine de Cock Buning; Eric Eljon; Jan Buné  
**CC:** [REDACTED]  
**Onderwerp:** Update Discovery: nieuwe melding binnen

Beste Madeleine, Eric en Jan,

Bij deze laat ik jullie weten dat Discovery gisteren een tweede melding heeft gedaan, met daarin een aanvraag voor toestemming van 87 lineaire zenders.

De verwachting is dat voor de kerst de laatste batch met lineaire zenders wordt aangeboden. Schatting is dat het om 12 zenders zal gaan.

In totaal komen we dan op 190 voor te bereiden toestemmingen en evenveel besluiten voor ontheffing (EU/NL).

[REDACTED]

Met vriendelijke groet,

[REDACTED]  
Afdelingsmanager Onderzoek & Toegang

Commissariaat voor de Media  
Hoge Naarderweg 78, 1217 AH Hilversum  
T [REDACTED] M [REDACTED]  
[REDACTED]@cvdm.nl, [www.cvdm.nl](http://www.cvdm.nl)  
*Aan dit bericht kunnen geen rechten worden ontleend*

COMMISSARIAAT VOOR DE MEDIA