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Regulation relating to broadcasting and audiovisual on-demand services

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Ch. 1. General provisions

Section 1-1. Jurisdiction – relationship to international rules

A media service provider shall comply with the Norwegian regulations relating to audiovisual media services if the company is under Norwegian jurisdiction according to this Section.

A media service provider is under Norwegian jurisdiction if the company is established in Norway in accordance with the Audiovisual Media Services Directive, that is to say in the following cases:

- a) where the media service provider has its head office in Norway, and editorial decisions about programme schedules are made in Norway, or
- b) where the media service provider has its head office in another EEA State but editorial decisions on programme schedules are made in Norway provided a significant part of the workforce involved in the activity operates in Norway, or
- c) where the media service provider has its head office in Norway but editorial decisions on programme schedules are made in another EEA State provided a significant part of the workforce involved in the activity operates in Norway, or
- d) where a significant part of the workforce involved in the activity operates in Norway as well as in another EEA State but the broadcaster's head office is in Norway, or

e) where a significant part of the workforce involved in the activity does not operate in Norway or in another EEA State under litra b) to d) but where the media service provider first began his activity in Norway in accordance with Norwegian legislation and maintains a stable and genuine link with the Norwegian economy, or

f) where a media service provider has its head office in Norway but editorial decisions on programme schedules are made in a non-EEA State, or vice-versa, provided a significant part of the workforce involved in the activity operates in Norway.

A media service provider not subject to the provisions of the second paragraph shall be deemed to be under Norwegian jurisdiction in cases where the media service provider:

- a) uses a satellite connection/satellite ground station situated in Norwegian territory, or
- b) uses a satellite capacity appertaining to Norway.

A media service provider not subject to the provisions of the second or third paragraph shall moreover be deemed to be under Norwegian jurisdiction if the media service provider is deemed to be established in Norway according to the EEA Agreement, Article 31 et seq., and is not under the jurisdiction of another EEA State according to the provisions of Directive 2010/13/EU, Article No. 2 3 or Article 2 No. 4.

If the first to fourth paragraphs are not applicable, and a media service provider registered in Norway is responsible for transmissions through an unbroken chain to a satellite from States which are party to neither the EEA Agreement's Directive 2010/13/EU, or the Council of Europe's Convention of 5 May 1989 No. 1 on Transfrontier Television, the transmissions shall be in accordance with Norwegian broadcasting legislation. This paragraph applies to television transmissions by way of satellite which can be received in States party to the Council of Europe's Convention on Transfrontier Television.

Section 1-2. Advertising broadcasts directed at States party to the Council of Europe's Convention on Transfrontier Television

Television transmissions from Norwegian territory which contain advertising specifically and regularly directed at a State party to the Council of Europe's Convention on Transfrontier Television shall comply with the rules of the receiving country relating to television advertising, insofar as the receiving country is entitled to demand such compliance under Article 16 of the Convention.

In the assessment of whether broadcasts fall within the scope of the first paragraph, importance shall be attached to the following factors, among others:

- whether the broadcast is actually received in one or more countries,
- whether the goods and/or services advertised are available in the receiving country,
- whether the language of the receiving country is used in the advertisements, or whether they specifically address viewers in the receiving country by other means,
- whether points of sale in the receiving country are referred to or mentioned in the advertisements.

Section 1-3. Duty to register

The Norwegian Media Authority maintains a register of broadcasters and local broadcasters which are required to register under the Broadcasting Act, Section 2-1, third paragraph.

Broadcasting or local broadcasting activity shall be registered with the Norwegian Media Authority using the prescribed form. The registration form shall contain the information necessary to enable the Norwegian Media Authority to carry out its functions pursuant to law and regulations.

Broadcasting may not take place until the Norwegian Media Authority confirms that it has received a correctly completed registration form.

In the event of changes to the information provided upon registration, the broadcaster shall immediately report the changes to the Norwegian Media Authority. The broadcaster shall immediately report its cessation of broadcasting.

Entities subject to registration under section 1-3 of the Regulations who hold a licence pursuant to earlier Regulations are obliged to register upon expiry of the licence, but no later than one year after these Regulations enter into force.

Section 1-4. (Annulled 1 January 2017 by Regulations of 28. October 2016, No. 1257)**Section 1-5. Facilities for broadcasting and retransmission of broadcasts**

The Norwegian Media Authority may grant a licence for the establishment or operation of wireless, ground-based transmitting facilities which will mainly be used for broadcasting or retransmission of broadcasts, cf. Section 2-2 of the Act. The licence shall be granted for a specific period of time.

Section 1-6. (Annulled 1 Jan. 2013 by Regulations of 14 December 2012, No. 1246)**Section 1-7. Announcement issued by government authorities**

A ministry or the government authority empowered by the ministry may demand that an announcement be broadcast nationally and/or locally and/or by way of cable networks when life or health is threatened and it is of great importance that the announcement be made public by such broadcast.

The ministry may lay down further provisions for the implementation of the provision of the first paragraph.

Section 1-8. Supervisory agency

The Consumer Ombudsman shall oversee advertising in accordance with rules set out in Section 3-1, second paragraph of the Act and Section 3-4, second paragraph and Section 3-6 of the Regulations. The administrative agency responsible for overseeing compliance with the advertising prohibition pursuant to other provisions of Norwegian law shall oversee compliance with Section 3-4, first paragraph of the Regulations.

The Norwegian Media Authority shall oversee compliance with other provisions of the Act and the Regulations and provisions issued pursuant thereto. The Norwegian Media Authority is empowered under Section 1-1, seventh paragraph, second sentence of the Act to exempt a service entirely or in part from the provisions of the Act in special cases.

Decisions made by the Norwegian Media Authority in matters regarding supervision of licence conditions for national broadcasting, cf. Section 2-1 of the Act, or national facilities for broadcasting or retransmission of broadcasts, cf. Section 2-2 of the Act, may be appealed to the Ministry. Other individual decisions made by the Norwegian Media Authority in pursuance of the broadcasting legislation may be appealed to the Media Appeals Board.

Ch. 2. European programme material on television and protection of minors, etc.

Section 2-1. Proportion of European programmes on television

The broadcaster shall ensure that at least 50 per cent of its television transmission time, excluding the time appointed to news, sporting events, entertainment programmes with competitive elements, advertising or teletext services, is reserved for broadcasts of European works, cf. Section 2-3.

The Ministry may issue further rules concerning implementation of the provision of the first paragraph, including transitional provisions.

This section does not apply to television broadcasts intended for local viewers, provided that such broadcasts do not form part of a nationwide network.

Section 2-1a. Proportion of European programmes in audiovisual on-demand services

Providers of audiovisual on-demand services must promote the production of and access to European works when practicable and with appropriate means.

Providers of audiovisual on-demand services must keep statistics showing the proportion of European works in their programme catalogues. The statistics, together with an account of how the provider has promoted the production of and access to European works, must be submitted to the Norwegian Media Authority by 1 April 2015 and then by 1 April every fourth year.

Section 2-2. Television programmes produced by independent producers

At least 10 per cent of the television transmission time, excluding the time appointed to news, sport, entertainment programmes with competitive elements, advertising or teletext services, shall be reserved for broadcasts of European works produced by producers who are independent of the television company. An appropriate proportion of transmission time shall be reserved for programmes transmitted no more than five years after they were produced.

Section 2-1 second and third paragraphs apply correspondingly.

A producer is to be regarded as an independent producer in relation to the first paragraph if:

- a) A broadcaster does not own shares or interests in the production company representing more than 25 per cent of the votes in the company. Where several broadcasters are coowners of a production company, the broadcasters' shares must not constitute more than 50 per cent of the votes in the production company. The same applies where a production company owns shares or interests in a broadcaster.
- b) The producer does not sell more than 90 per cent of its production over a three-year period to a single broadcaster, unless the producer produces only one programme or a series in the course of this period.
- c) The producer holds secondary rights to its productions.

Section 2-3. Definition of European works

European works means works originating in States party to the EEA Agreement or in States party to the Council of Europe's Convention on Transfrontier Television. The works must be produced with the participation of authors and workers residing in one or more of the said States.

Furthermore, the works must meet at least one of the following three conditions:

- a) they must be produced by one or more producers established in the said States, or
- b) production must be actually monitored and controlled by one or more producers established in the said States, or
- c) co-producers in the said States must supply a majority share of the total cost of the coproduction. The co-production shall not be controlled by one or more producers established outside the territory of the said States.

Works mainly produced with the assistance of originators and workers residing in one or more States party to the EEA Agreement, but to which the first and second paragraphs do not apply, shall be regarded as European works to an extent corresponding to the proportion of the contribution of co-producers in the States party to the EEA Agreement to the total production costs.

"European works" also means works originating in European States other than States party to the EEA Agreement or the Council of Europe's Convention on Transfrontier Television. For such works it is a condition that the works are mainly produced with the assistance of originators or workers residing in one or more European States and that:

- d) the works are either exclusively produced by or in co-production with producers established in one or more of the States party to the EEA Agreement, or
- e) the works are produced by producers established in other European states and the necessary agreements have been concluded between States party to the EEA Agreement and the state in question.

The first to fourth paragraphs apply on the condition that works originating in States party to the EEA Agreement are not subjected to discriminatory measures in the European third States in question.

Works produced within the framework of bilateral agreements on co-production concluded by States party to the EEA Agreement and other States, but to which the preceding paragraphs do not apply, shall be deemed to be European works provided that co-producers in States party to the EEA Agreement supply a majority share of the total production costs, and that production is not controlled by one or more producers established outside the member States' territories.

Section 2-4. Statistics on European works

Broadcasters shall keep annual statistics showing the proportion of European works televised, including recent productions, cf. Sections 2-1, 2-2 and 2-3.

Annual statistics shall be sent to the Norwegian Media Authority by 1 March of the following year.

The Ministry may issue further provisions concerning the compilation of statistics.

Section 2-5. (Annulled 1 July. 2015 by Regulations of 12 June. 2015, No. 633.)

Section 2-6. (Annulled 1 July. 2015 by Regulations of 12 June. 2015, No. 633.)

Section 2-7. Compliance with rules established in the EEA Agreement's Audiovisual Media Services Directive

Any directly affected natural or legal person residing or established in a State party to the EEA Agreement shall be entitled to approach the Norwegian Media Authority and administrative agencies in whom authority is vested under Section 3-14 of these Regulations if such person deems that a Norwegian media service provider is in breach of the rules transposing directive 2010/13/EU. Such cases shall be dealt with under the Public Administration Act or relevant special legislation insofar as it is appropriate.

Ch. 3. Advertising, sponsorships, supervision

Section 3-1. Duration

Advertisements shall in aggregate not exceed 20 per cent per clock hour.

Advertisements in the form of teleshopping or similar direct offerings to viewers relating to the sale, purchase or rental of products or services may not, however, in aggregate exceed one hour of daily transmission time. No advertisements may be broadcast outside the advertising blocks with the exception of live broadcast from sports events.

Section 3-2. Language

Advertising messages shall mainly be presented in Norwegian or other language used in programmes produced by the broadcaster itself.

Section 3-3. Days on which advertising is not permitted

The broadcasting of advertisements on Good Friday, Easter Sunday, Whit Sunday and Christmas Day is prohibited.

Section 3-4. Content

No advertisements may be broadcast containing a trademark or logo that is used in the promotion of a product or service which is prohibited from advertising under Norwegian legislation.

No advertisements for weapons, models of weapons or toy versions of weapons may be broadcast.

No advertisements using subliminal techniques may be broadcast.

Section 3-5. (Annulled 1 July 2008, cf. Regulations No. 525 of 30 May 2008)

Section 3-6. Advertising and its relationship to children and young people under the age of 18

Account must be taken of the fact that all advertising may be seen or heard by children, and particular care must be shown in respect of children's and young people's susceptibility and lack of experience.

No advertisements may be broadcast for products or services of special interest to children and young people that involve the participation of persons or figures who in the preceding 12 months have featured regularly or over a long period of time as important elements in

programmes for children or young people on a radio or television channel received in Norway.

No advertisements specifically directed at children may be broadcast, cf. Section 3-1 of the Act. In the assessment of whether advertising is specifically directed at children, importance shall be attached, inter alia, to the following factors:

- whether the advertisement concerns a product or a service of particular interest to children,
- the time at which the advertisement is broadcast,
- whether children under the age of 13 are participants,
- whether animation or other form of presentation which particularly appeals to children is used.

No advertisements may be broadcast ten minutes immediately before or after a children's programme.

A programme is to be regarded as a children's programme when children are deemed to be the primary target group for the programme. In the assessment of whether a programme is to be regarded as a children's programme, importance shall be attached, inter alia, to the following factors:

- the content and format of the programme,
- whether children under the age of 13 are participants,
- when the programme is broadcast,
- who are potential viewers in relation to the time of broadcast,
- actual viewers,
- the use of language in the programme.

Teletext pages whose target group are children shall not contain advertising.

Section 3-7. Insertion of television advertisements

Broadcasts of religious services may not be interrupted by advertisements.

Other programmes may be interrupted by advertisements if the interruption is inserted in such a way that the value and integrity of the programme are not prejudiced. In this assessment, particular importance shall be given to natural breaks in and the duration and nature of the programme.

Feature films or films made for television, fiction-based series and programmes, as well as news programmes may be interrupted by advertisements once for each programme period of at least 30 minutes.

Section 3-7a. Advertisements on split-screen

Advertisements on split-screen are allowed in live broadcast from events with no breaks.

Self-promotion on split-screen is allowed in all programme categories, with the exception of children's programmes and broadcasts of religious services.

By advertisements on split-screen means broadcast of advertisements simultaneously with the broadcast of a programme.

Advertisements on split-screen shall be clearly distinguished from other content in the interface.

Advertisements on split-screen shall be clearly identified as commercial communication.

Section 3-8. Programme workers and their relationship to television advertisements

No advertisements may be broadcast involving the participation of workers who regularly appear on the broadcaster's news programmes, current affairs programmes or weather forecasts.

Section 3-9. Radio advertising

Radio advertisements shall be clearly distinguished from the ordinary programme schedule by a special acoustic signal.

Section 3-10. Sponsorship of programmes in broadcasting and audiovisual on-demand services – identification

Sponsors may not be identified in programme trailers.

Sponsor identification may not contain slogans, statements, images, sound or other form of additional information that can be linked to a sponsor's name, trademark, logo, product or service. Slogans, statements or the like may not be used even if these elements are a part of the sponsor's name, trademark, activity, logo, product or service. Elements from the sponsor's advertising campaigns may not be used for identification purposes. Nor may trademarks, logos, advertising figures and the like be used to promote products or services where advertising is prohibited under Norwegian legislation.

The sponsor identification can still contain a non-moving image or moving images of the sponsor's product or service in addition to the name of the sponsor's product or service assuming the purpose of the identification is to inform the viewer of the sponsorship.

Identification of an individual sponsor may last for a maximum of 10 seconds. If a programme has three or more sponsors, sponsor identification may have a total duration of 30 seconds.

The Norwegian Media Authority may issue regulations setting a monetary threshold to identify when a programme is sponsored.

Section 3-11. Prohibition against sponsoring of broadcasting programmes

Programmes for children and young people may not be sponsored by natural or legal persons whose purpose is to pursue business activity.

Political party organizations may not sponsor broadcasting programmes.

Section 3-12. (Annulled 1 July 2008, cf. Regulations No. 525 of 30 May 2008)

Section 3-13. Special rules concerning the Norwegian Broadcasting Corporation

Pages in the Norwegian Broadcasting Corporation's teletext services containing programme overviews shall not contain advertising. As regards identification of sponsors in the Norwegian Broadcasting Corporation's broadcasts and audiovisual on-demand services, Section 3-10 is supplemented by a requirement to the effect that a sponsor may only be identified verbally and/or by a non-moving image. The sponsor identification cannot contain still images or moving images of the sponsor's product or service. Sponsor may not be identified within a programme or in programme trailers in the broadcasts of the Norwegian Broadcasting Corporation.

The Norwegian Broadcasting Corporation may accept contributions from sponsors for:

- a) production and transmission of live or recorded broadcasts of sporting events. The Norwegian Broadcasting Corporation may not accept contributions in respect of other sports programmes which are not purely broadcasts of sporting events.
- b) production from events where the production in whole or in part takes place under the Norwegian Broadcasting Corporation's auspices and the programme is to be broadcast to more than one country or is of social interest or cultural significance; principally productions from important national events.
- c) production of educational programmes. Section 3-11, first paragraph applies correspondingly to educational programmes directed at children and/or young people. In the assessment of whether an educational programme is directed at children and/or young people, Section 3-6 is applicable insofar as it is appropriate.

The Norwegian Broadcasting Corporation may not accept contributions from sponsors for types of programmes other than those set out in the second paragraph.

Section 3-14. Relationship to teletext services and poster advertising on local television

With the exception of Section 3-4, Section 3-6 and Section 3-13, first paragraph, the provisions of this Chapter shall not apply to teletext services and poster advertising on local television.

Section 3-15. Sponsorships and advertising directed at minors in audiovisual on-demand services

Section 3-6, Section 3-11, first paragraph and Section 3-13, second paragraph, litra c apply correspondingly for audiovisual on-demand services.

Ch. 4. Cable broadcasts, etc.

Section 4-1. Definition

In these Regulations *cable owner* means the entity that owns or operates the cable network.

Subscriber means the entity that has entered into an agreement with the cable owner concerning the reception of cable television broadcasts. The subscriber may be a private individual, a housing co-operative, a co-ownership, a public or private institution, etc.

Section 4-2. Duty to transmit

Cable owners have a duty to transmit the television broadcasts of the Norwegian Broadcasting Corporation and the Free Channel.

Each broadcast to which the transmission duty applies shall have the disposal of one channel in the cable network.

Programmes to which the transmission duty apply shall be transmitted via channels available to all subscribers to the network.

Entities who own or manage a network with a small channel capacity can apply to the Norwegian Media Authority for exemption from the transmission duty according to this provision.

Section 4-3. Choice of cable broadcasts

Cable owners shall investigate which broadcasts the subscribers wish to have transmitted via the cable network, and are obliged to implement the subscribers' choice of broadcasts in accordance with the subscribers' priorities.

Subscribers who do not wish to receive a broadcast that is not subject to the transmission duty may demand that they be shielded from the broadcast, but must themselves cover the costs of the shielding.

If there are unutilized channels in a cable network after the subscribers have chosen broadcasts, the cable owner may use these channels, but must notify the subscribers of his proposed use two months before transmission starts. If a majority of the subscribers oppose the proposal, the proposal may nevertheless be implemented provided the cable owner ensures shielding at no cost to those subscribers who do not wish to receive the broadcasts.

Section 4-4. Exemptions from the prohibition against retransmission

Section 4-5, first paragraph litra a) of the Act does not apply to television channels covered by the EEA Agreement's Television Directive or the Council of Europe's Convention on Transfrontier Television.

The provisions of Section 4-5 first paragraph, litra a) of the Act nevertheless apply to television channels which are only covered by the Council of Europe's Convention on

Transfrontier Television if the channel shows advertising that is specifically and regularly directed at Norwegian viewers.

Section 4-5. Procedures related to the imposition of a prohibition against retransmission according to the Act, Section 4-5, first paragraph, litras a to d

If Norwegian authorities intend to refuse to permit the retransmission of a foreign television channel under Section 4-5, first paragraph, litras a to d of the Act, and the television channel has on at least two prior occasions during the previous 12 months infringed the same provision of Section 4-5, first paragraph, litras a to d of the Act, the broadcaster in question and the authorities of the broadcasting country shall be notified in writing of the infringement and of the fact that the Norwegian authorities intend to halt retransmission of the channel if the infringement should occur again.

If the transmitting country is party to the EEA Agreement, a prohibition may not be imposed until the EFTA Surveillance Authority has received written notification of the infringement, and Norwegian authorities have initiated consultations with the authorities of the transmitting country and the surveillance authority with a view to eliminating the basis for refusing to allow retransmission.

If grounds for refusing to allow retransmission under Section 4-5, first paragraph litras a to d of the Act persist fifteen days after the matter has been addressed in accordance with the first paragraph, and the second paragraph where this is necessary, the Norwegian Media Authority may impose a prohibition against retransmission.

In the assessment of whether a prohibition shall be imposed against retransmission of television channels which specifically and regularly show advertising targeting Norwegian viewers, cf. Section 4-4, second paragraph, importance shall be attached, inter alia, to the following factors:

- whether the broadcast is in fact only received in Norway,
- whether the goods and/or services advertised are available in Norway,
- whether the Norwegian language is used in the advertisements, or whether they in another manner particularly target Norwegian viewers,
- whether points of sale in Norway are referred to or mentioned in the advertisements.

When dealing with cases concerning Section 4-5, first paragraph, litras a to d of the Act, the Norwegian Media Authority shall request bodies with expertise in the fields in question to assess whether the advertisement is incompatible with the rules in force.

Section 4-6. Procedures for imposing a prohibition against retransmission according to Section 4-5, first paragraph, litra e of the Act

The Norwegian Media Authority may issue regulations or administrative decisions prohibiting television broadcasts according to Section 4-5, first paragraph, litra e of the Act if the following conditions are met:

- a) broadcasts are entirely or mainly directed towards Norway
- b) the Norwegian Media Authority has contacted the member State where the broadcaster is

established with the aim of achieving a mutually satisfactory solution,

c) the inquiry has not lead to satisfactory results or has not been responded to within two months,

d) the Norwegian rules are stipulated in the general public's interest and the measures are objectively necessary, applied in a manner which ensures equal treatment and do not go further than necessary to achieve these goals,

e) Norway has informed the EFTA Surveillance Authority and the member State where the broadcaster is established that the Norwegian Media Authority has the intention of imposing a prohibition against retransmission and the reason for this, and

f) the EFTA Surveillance Authority has ruled that the prohibition is consistent with EEA law, and in particular that the measures are well-founded.

When assessing whether the transmission is entirely or mainly directed towards Norway according to litra a, emphasis must be placed on the language in the transmission, the general origin of advertisement and subscription income and whether there are programmes and/or advertisements specifically intended for Norwegian viewers.

Ch. 5. Utilization of rights to broadcast events of major importance for society

Section 5-1. Events of major importance for society

The following events are considered events of major importance for society:

a) Olympics, Summer and Winter Olympics in their entirety, organized by the International Olympic Committee (IOC).

b) FIFA World Cup for men in its entirety, including qualification matches with Norwegian participation, organized by the Fédération Internationale de Football Association (FIFA).

c) UEFA European Championship in its entirety, including qualification matches with Norwegian participation, organized by the Union of European Football Associations (UEFA).

d) IHF World Women's Handball Championship in its entirety, organized by the International Handball Federation (IHF).

e) European Women's Handball Championship in its entirety, organized by the European Handball Federation (EHF).

f) Norwegian Men's Football Cup, organized by the Football Association of Norway (NFF).

g) FIS Nordic World Ski Championships, organized by the International Ski Federation (FIS)

h) FIS World Alpine Ski Championship in its entirety organized by the International Ski Federation (FIS).

i) Holmenkollen FIS World Cup Nordic.

j) Biathlon World Championship organized by the International Biathlon Union (IBU).

Section 5-2. Television channel received by a substantial proportion of viewers on free television

A television channel is received by a substantial proportion of viewers on free television if it can be received by at least 90 per cent of viewers without additional payment, apart from an annual licence fee and/or basic package fee.

Section 5-3. Procedure and determination of market price

- a) A television channel that does not meet the conditions in Section 5-2 and that has purchased exclusive rights to broadcast an event as listed in Section 5-1, is required to provide a television channel which meets the conditions in Section 5-2, and that requests the right to broadcast the event, a written quotation for compensation for transfer of the right to broadcast from the event.
- b) An offer as mentioned in litra a must be submitted no later than one month after the inquiry from a television channel fulfilling the conditions in Section 5-2 is received.
- c) A television channel fulfilling the conditions in Section 5-2 which has received an offer in compliance with litra a must, no later than one month after the offer is received, provide an answer as to whether the offer is accepted.
- d) If the parties do not reach agreement on compensation for transmission rights for the event as mentioned in Section 5-1, each of the parties, no later than six months before the event takes place, may ask the Norwegian Media Authority to determine a compensation for the rights for the events. The compensation for transmission rights must be determined in line with commercial principles. The Norwegian Media Authority adopts guidelines for determining compensation for reselling of rights for events in Section 5-1 in accordance with commercial principles.
- e) A television channel that does not fulfil the criteria in Section 5-2 can only utilize exclusive rights for an event as mentioned in Section 5-1 if the television channel has not received inquiries in accordance with litra a within ten months before the event takes place or no television channels which fulfil the criteria in Section 5-2 wish to acquire transmission rights from the event at market price.
- f) The deadlines in this provision do not apply if exclusive rights for broadcasting an event as mentioned in the list in Section 5-1 are transferred from a licensee to a broadcaster later than ten months before the event takes place.

Section 5-4. Terms for broadcasting the event with deferred coverage

A television channel which has purchased transmission rights for an event of major importance for society in accordance with Section 5-3, must broadcast the entire event with live coverage.

However, the television channel can still broadcast parts of the event with live coverage, or all or parts of the event with deferred coverage, with the following conditions:

- a) The event takes place at night between 2400 and 0600 hours Norwegian time,
- b) The event consists of several parallel events or
- c) Other conditions in the general public's interest call for broadcasting the event partially with live coverage or fully or partially with deferred coverage.

Section 5-5. Reporting of purchase

A broadcaster who purchases exclusive rights to entire events or parts thereof that are on this list or in other EEA states' lists of important events approved by the EU Commission or EFTA's Surveillance Authority and published in the Official Journal of the European Union shall immediately report the purchase to the Norwegian Media Authority.

Section 5-6. Broadcaster's obligations in relation to other EEA states' lists of important events

Broadcasters may only utilize broadcasting rights in another EEA state in accordance with the rules that this EEA state has notified to, and for which it has obtained approval from, the European Commission or EFTA's Surveillance Authority.

Ch. 6. Ex ante approval of new services in the Norwegian Broadcasting Corporation's public broadcasting remit

Section 6-1. Services which must be approved

The King in Council decides whether permission is granted to incorporate new services into the Norwegian Broadcasting Corporation's public broadcasting assignment. This includes services that would constitute a significant change in the existing offering of public broadcasting services.

When assessing whether a service requires ex ante approval, emphasis must e.g. be placed on whether the new service is significantly different from other services already offered within the offering of public broadcasting services, what effect the service will have on the market as such and the costs associated with providing the service.

Start-up of temporary services to meet the information need in connection with unforeseen changes in the news scenario due to emergency situations or other corresponding circumstances, do not require advance approval. The corresponding applies for temporary services of an innovative nature. A service scheduled to last more than four months will not be considered temporary.

In the event of disputes, the Norwegian Media Authority will decide whether a new service requires advance approval.

Section 6-2. Evaluation aspects

Only services fulfilling democratic, social and cultural needs in society can be approved.

When assessing whether a service can be incorporated in the public broadcasting remit, emphasis must be placed on whether the service will constitute a fulfilment of the public broadcasting remit as it is laid down in the Norwegian Broadcasting Corporation's bylaws and whether the service will provide additional value beyond what is already offered in the

market. This must be weighed against the potential competition-restricting effects of providing the service.

Section 6-3. Procedures

A justified application for advance approval must be submitted to the Norwegian Media Authority. The Norwegian Media Authority must determine whether the criteria in Section 6-1 are fulfilled within two weeks.

If the service requires ex ante approval, the Norwegian Media Authority must issue an advisory statement to the Ministry no later than 12 weeks after receiving the application from the Norwegian Broadcasting Corporation.

The Norwegian Media Authority must present all applications from the Norwegian Broadcasting Corporation requiring ex ante approval to the Norwegian Competition Authority. The Norwegian Competition Authority normally has a deadline of eight weeks after submission to issue a statement.

The Norwegian Media Authority must appropriately announce the Norwegian Broadcasting Corporation's application to incorporate a new service in the public broadcasting remit to the general public. Before issuing an advisory statement, the Norwegian Media Authority must accept comments from other stakeholders. They must have a deadline of at least three weeks to comment.

The Norwegian Media Authority can extend the procedural deadlines if the Norwegian Broadcasting Corporation accepts this, or with a maximum of four weeks if special considerations necessitate this.

If the service can be incorporated in the public broadcasting remit, the decision must express the purpose and scope of the service. The King can stipulate further conditions for approval.

Ch. 7. Special provisions relating to local broadcasting

Section 7-1. Licences for the operation of local broadcasting services

The Norwegian Media Authority shall grant licences for the operation of local broadcasting services.

Licences for the operation of local broadcasting services may not be transferred without the Norwegian Media Authority's approval. The same applies to purchase of shares or ownership interests that give control over an enterprise, association or other organization with a local broadcasting licence.

Section 7-2. Allocation of licences for the operation of analogue local radio services

Three types of licences may be granted:

1. General local radio
2. 24/7 local radio

3. Community radio.

In licence areas with one transmission network, licences can only be granted according to first paragraph No. 1 and 3. In licence areas with two transmission networks, licences can only be granted according to first paragraph No. 2 and 3. In licence areas with three or more transmission networks, licences can only be granted according to first paragraph No. 1, 2 and 3. The Norwegian Media Authority may in special cases make exemptions from this paragraph 1., 2. and 3. sentence.

Short-term licences may be granted in special cases for local radio broadcasts to cover local events in delimited areas. The duration of a short-term licence shall be fixed in relation to the duration of the event.

As part of the licence award decision, the Norwegian Media Authority will determine the distribution of transmission networks between licence types as mentioned in the first paragraph.

The Norwegian Media Authority will issue regulations establishing licence areas for local radio services.

Section 7-3. Allocation of licences for the operation of digital local television services

A licence for the operation of digital local television services shall be granted following application to the Norwegian Media Authority for a period of ten years. Licences are allocated continuously. The licence period is counted from the time of allocation.

Temporary licences may be allocated in special cases for digital local television broadcasts for coverage of local events in delimited areas. The length of the temporary licence is stipulated in relation to the length of the event.

Licences for digital local television must be allocated according to objective, transparent, nondiscriminatory and proportionate criteria.

When processing applications according to the first paragraph relating to a licence for digital local television, the Norwegian Media Authority must place emphasis on the applicants' technical and financial preconditions.

When processing applications emphasis can also be placed on whether the applicant has complied with statutes, regulations and licence conditions for local television.

Section 7-4. Application for a licence to operate analogue local broadcasting services

The Norwegian Media Authority will consider new applications for licences for analogue local broadcasting in areas where there are not awarded any licences, and for distribution networks where there is transmission time that has not yet been allocated. The applicants must use a prescribed form.

For the licence period from 1 January 2017 – 31 December 2021 the licences will be awarded directly to the applicant in cases where the Norwegian Media Authority has only received one application. In cases of excess demand, the award of the licence will be determined by drawing lots.

Section 7-5. (Annulled 1 Jan. 2017 by Regulations No. 1257 of 28 Oct. 2016.)

Section 7-6. (Annulled 1 Jan. 2014 by Regulations No. 1333 of 22 Nov. 2013.)

Section 7-7. (Annulled 1 Jan. 2017 by Regulations No. 1257 of 28 Oct. 2016.)

Section 7-8. Responsible editor, responsibility for broadcasts

Broadcasts may only take place when the Norwegian Media Authority has been notified of the name of the editor responsible for the broadcast.

The licensee shall, at the start and the end of the broadcast or at least twice per day, state who is transmitting the broadcast and who is the editor responsible for the broadcast.

Section 7-9. Allocation of transmission time in analogue local radio

Local radio with a licence according to Section 7-2, No. 1 must, as a minimum, have the use of 12 consecutive hours on weekdays. Local radio with a licence according to Section 7-2, No. 2 must have the use of all transmission time on one transmission network. In licence areas where local radio with a licence according to Section 7-2, No. 1 and/or No. 3 share a transmission network, the licensees in the transmission network will determine the allocation of transmission time.

The allocation of transmission time shall be reported to the Norwegian Media Authority without undue delay. All of the licensees must agree in order to change the allocation of the transmission time that has been reported to the Norwegian Media Authority.

Transmission time that not yet has been allocated, may be allocated among the licensees on the transmission network. All of the licensees must agree in order for them to enter into such an agreement.

The transmission time cannot be used until its allocated according to Section 7-9 second or third paragraph.

Section 7-10. Local analogue broadcasting facilities

When awarding licences under Section 2-2 of the Act for the establishment or operation of facilities for local broadcasting services or the retransmission of local broadcasting services, the Norwegian Media Authority shall stipulate that the licensee shall, as soon as possible, make the facilities available to all parties holding a local broadcasting licence on the licence facility in question. As soon as possible in this context is understood as no later than within the start-up deadline for each local broadcasting licence. The Norwegian Media Authority shall also stipulate that the parties shall enter into a written agreement concerning the use of the facilities and any remuneration to be paid for such use.

Section 7-11. Annual report

Using the prescribed form, the licensees for analogue local broadcasting and digital local television services shall, by 1 April each year, submit to the Norwegian Media Authority a report on their activity during the preceding year.

Ch. 8. Sale of equipment, taxes and charges, collection, etc.

Section 8-1. Sale of receivers, etc.

Sale of receivers etc. as mentioned in Chapter 8 of the Act shall be carried out in accordance with the rules governing the enforcement of security interests in chattels as laid down in the Enforcement Act (No. 86 of 26 June 1992).

Section 8-2. Appeals authority in licence fee cases

The Norwegian Media Authority is the appeals authority in respect of decisions made by the Norwegian Broadcasting Corporation pursuant to Section 8-3, third paragraph of the Act and in respect of individual decisions made by the Norwegian Broadcasting Corporation pursuant to regulations issued under Section 8-3 of the Act.

Ch. 9. Illegal broadcasting from ships and aircraft operating in international territory, etc.

Section 9-1. Prohibition against assistance

It is prohibited in Norwegian territory – including sea and air territory – to assist in broadcasting in international waters or in the airspace above international waters.

It is also prohibited to assist in such activity outside Norwegian territory insofar as it falls within the scope of Section 9-1 of the Act.

Assistance in broadcasting is deemed to comprise the following:

1. establishing or helping to establish, operate or manage an office with a view to broadcasting activity,
2. providing services relating to advertising for the benefit of such activity,
3. advertising, engaging in or transmitting advertisements or commissioning a transmission or the like from a broadcasting station,
4. providing financial assistance for broadcasting activity by other means,
5. preparing, announcing or managing a broadcast from such a station or providing technical assistance,
6. supplying equipment, technical aids, audio tapes or the like for use in such activity, and maintaining and repairing the equipment,

7. making vessels available, providing personal services for vessels or stations, transporting crew, personnel or the like, or delivering or transporting supplies and equipment for use in broadcasting activity,
8. commissioning or producing programme material of any kind, including delivering news copy for use in broadcasting. This provision shall nevertheless not apply to the performances of performing artists when such performances are given at a place other than the station or facility intended for broadcasting activity as mentioned in Section 9-1 of the Act.

Ch. 10. Sanctions

Section 10-1. Financial penalty based on listening/viewing figures

In the event of infringement of Section 3-1 first paragraph concerning the broadcasting of advertisements in connection with children's programmes, Section 3-2 first paragraph of the Act or Section 3-1, Section 3-3, Section 3-4 third paragraph, Section 3-6 fourth paragraph, Section 3-7, or Section 3-9 of these Regulations, the Norwegian Media Authority may impose financial penalties in accordance with the following rules:

1. The financial penalty shall be determined on the basis of a basic amount multiplied by the broadcaster's listening or viewing figures during the time the infringement took place. The financial penalty is calculated per started 30-second interval in which the infringement took place.
2. For broadcasting companies which have or have been given permission under Section 2-1 of the Act to operate national television services, the basic amount is NOK 0.25 per viewer. For broadcasting companies which have or have been given permission under Section 2-1 of the Act to operate local television services, the basic amount is NOK 0.12 per viewer. For broadcasting companies which have or have been given permission under Section 2-1 of the Act to operate local radio or national radio broadcasts the basic amount is NOK 0.06 per listener.
3. In cases where no listening or viewing figures are available for the time at which the infringement took place, the broadcasting company's average number of listeners or viewers at the equivalent time of broadcast during the month in which the infringement took place shall be used. For broadcasting companies not covered by ordinary listener and viewer surveys, an estimate of listening or viewing figures shall be obtained by other means.
4. According to this provision, the fee cannot be set lower than 2R, and is limited upwards to NOK 2 000 000. R is the current court fee.
5. The Norwegian Media Authority or appeals authority may in special cases depart from the method of calculation specified in this provision.

Section 10-2. Financial penalty – discretionary determination

In the event of infringement of other provisions in Chapter 3 of the Act or rules laid down in pursuance of Chapter 3 other than those mentioned in Section 10-1 of these Regulations,

infringement of Section 2-11, Section 6-4 of the Act or Sections 1-4, 2-5, 2-6, 5-3, 5-4, 5-5 and 7-6, No. 1 of the Regulations, the Norwegian Media Authority may impose a financial penalty determined by discretionary assessment. The same applies to infringement of licence terms that contain clearly defined obligations laid down in pursuance of Section 2-1, second paragraph of the Broadcasting Act.

When the penalty is determined, importance shall be attached to the nature of the infringement, its seriousness, etc. Furthermore, with regard to broadcasters, emphasis is placed on what the broadcaster earned from the infringement and the broadcaster's degree of coverage. In the event of infringement of the sponsorship rules, emphasis is placed on the size of the sponsor's contribution to the production. Fees according to this provision are limited upwards to NOK 2 000 000.

Section 10-3. Financial penalty – standardised determination

In the event of infringement of Section 2-1, first and third paragraph, Section 2-2, first paragraph of the Act and conditions stipulated in pursuance of Section 2-2, second paragraph, Sections 2-4, 2-5 of the Act, or Sections 1-3, 1-7, 2-1, 2-2, 2-4, 7-1, second paragraph, Section 7-6, No. 2 and 4, Sections 7-7, 7-8, 7-9, second and third paragraph, Sections 7-10 and 7-11 of these regulations, the Norwegian Media Authority can impose financial penalties according to the following rules:

1. The fee is determined based on the broadcaster's or transmission facility's degree of coverage. For broadcasting companies who have a licence to operate local broadcasting according to Section 2-1 of the Act or companies with a licence to operate transmission facilities for local broadcasting according to Section 2-2 of the Act, the degree of coverage is the number of residents in the licence area the licence applies to. For other broadcasters and transmission facilities, actual figures regarding the degree of coverage are obtained from the communications authority that calculates this. If reliable figures relating to the degree of coverage are unavailable, the fee is determined according to the maximum amount in No. 3.
2. The fee is determined according to the following rates, where R is the current court fee:
 - a) More than 2 million listeners/viewers: 200R
 - b) 500,000-2 million listeners/viewers: 70R
 - c) 50,000-499,999 listeners/viewers: 20R
 - d) 10,000-49,999 listeners/viewers: 8R
 - e) Less than 10,000 listeners/viewers: 4R.
3. The fee still cannot exceed 0.5 per cent of the broadcaster's or transmission facility's overall sales for the last accounting year, but the minimum fee must still constitute 2R in accordance with this provision.
4. The Norwegian Media Authority or appeals authority may in special cases depart from the method of calculation in this provision.

Section 10-4. Increased financial penalty

In the event of repeated infringement of the rules, the penalties under Sections 10-1 and 10-2 may be increased. Repeated infringement shall mean more than one infringement of the rules

within a 36-month period, consisting either of more than one infringement of the same provision or infringements of different provisions.

Section 10-5. Imposition of a financial penalty

In the event of infringement of provisions administered by administrative agencies other than the Norwegian Media Authority under these Regulations, a final decision in the case must have been made before a financial penalty may be imposed.

Section 10-6. Payment of a financial penalty

A financial penalty is payable three weeks after notification of the final decision has reached the broadcasting company, in a case concerning imposition of a financial penalty.

In the event of late payment of a financial penalty, interest shall accrue as provided by the Act related to interest on overdue payments, etc. (No. 100 of 17 December 1976).

If the financial penalty is not paid by the due date in accordance with the first paragraph, action to recover the penalty and interest may be taken 14 days after notice of collection has reached the broadcasting company.

Section 10-7. Time-limited prohibition against the broadcasting of advertisements

In the event of infringement of provisions in Chapter 3 of the Act or of Regulations laid down in pursuance of Chapter 3, the Norwegian Media Authority can prohibit the company from broadcasting advertisements for a period of one or more days.

Section 10-8. Revocation of licence

When a licence is revoked, the Norwegian Media Authority shall determine the duration of the period of revocation.

When an appeal is lodged against a decision to revoke a licence, revocation shall be postponed until the appeal has been decided.

Section 10-9. Sanctioning of infringement of provisions relating to audiovisual on demand services

Sections 10-1 up to and including Section 10-7 apply insofar they are correspondingly applicable for audiovisual on-demand services.

Ch. 11. Entry into force, etc.

Section 11-1. Entry into force, etc.

These Regulations shall enter into force immediately.

From the same date the following shall be repealed:

- Regulations No. 8630 of 29 May 1981 relating to broadcasting, etc.
- Regulations No. 3953 of 28 September 1988 relating to the right of the Norwegian Broadcasting Foundation to acquire and sell real property and to contract loans
- Regulations No. 773 of 7 October 1988 relating to cable transmissions
- Regulations No. 1220 of 22 December 1988 relating to charges on equipment for the recording and reproduction of sound or images, etc.
- Regulations No. 1338 of 18 December 1989 relating to charges on radio and television equipment, etc.
- Regulations No. 229 of 19 April 1991 relating to sponsorship, etc. of broadcasting programmes
- Regulations No. 1068 of 26 November 1993 issued in pursuance of the Broadcasting Act
- Regulations No. 10 of 5 January 1996 relating to local broadcasting