

REGULATIONS ON THE PROTECTION OF MINORS AGAINST HARMFUL AUDIOVISUAL PROGRAMMES

UNOFFICIAL TRANSLATION BY THE NORWEGIAN MEDIA AUTHORITY, 8 JUNE 2017

LEGAL AUTHENTICITY REMAINS WITH ORIGINAL NORWEGIAN VERSION

Legal authority: Issued by the Ministry of Culture on 1 July 2015 pursuant to section 5, section 8, section 16, section 19 and section 20 of the Act of 6 February 2015 No. 7 relating to the protection of minors against harmful audiovisual programmes.

Section 1 Prior review of cinema films

Cinema films screened at member events organised by non-commercial film clubs shall be exempt from the prior review requirement in section 5, first paragraph, of the Act relating to the protection of minors against harmful audiovisual programmes etc (hereafter "the Act"). In such cases, the applicable age limit shall be set by the audiovisual programme distributor in accordance with the rules in section 6 of the Act.

Section 2 Exemption from the obligation to set age limits on audiovisual programs

The obligation to set an age limit on an audiovisual program according to section 4 of the Act, does not apply to screenings incorporated in exhibitions in institutions for exhibiting visual arts.

Section 3 Film review fee

The Norwegian Media Authority charges a fee for the prior review of audiovisual programmes, which is intended to cover the costs of the scheme; see section 5, fourth paragraph, of the Act. The fee is a percentage of the net revenue generated by the screening of the relevant audiovisual programme during the fee period. The Ministry sets the percentage and the minimum and maximum fees. The fee period is 30 days from the date of the premiere.

The revenue shall be reported to the Norwegian Media Authority immediately after the end of the fee period.

The fee shall be paid irrespective of the outcome of the Norwegian Media Authority's decision.

Section 4 Exemptions from the requirement to pay a film review fee

The following audiovisual programmes shall be exempt from the requirement to pay a fee for the prior review of cinema films pursuant to section 5, fourth paragraph, of the Act:

- a) cinema short films
- b) short-film packages distributed to cinemas free of charge by the Norwegian Film Institute
- c) relaunches of previously screened cinema films
- d) films which are shown exclusively as school screenings and not as ordinary cinema screenings.

In this context, “short films” means short films which are not part of the main programme.

Section 5 Scheduling rules for television

Unless technical measures are implemented to protect minors against audiovisual programmes and related material with harmful content pursuant to section 9, second paragraph of the Act, service providers shall schedule programmes in accordance with the following scheduling rules:

- a) audiovisual programmes with the age limits “Permitted for all”, “6 years” and “9 years”, may be broadcast at any time
- b) audiovisual programmes with the age limit “12 years” may be broadcast from 19:00 to 05:30
- c) audiovisual programmes and related material with the age limit “15 years” and “18 years”, may be broadcast from 21:00 to 05:30

News and current affairs programmes shall be exempt from the scheduling rules in the first paragraph. Audiovisual programmes without an age limit according to Section 4, third and fourth paragraph and related material, shall be scheduled according to the principles in first paragraph.

Section 6 Protective measures in connection with on-demand audiovisual media services

Service providers shall employ a system of PIN codes, passwords or other solutions which adequately ensure that minors normally cannot gain access to seriously harmful content.

Section 7 “Baby cinema” screenings

Parents or guardians may take children aged under one year to screenings which are specially adapted for this purpose (“baby cinema”) even if the audiovisual programme being screened has a higher age limit.

Section 8 Exemption from the obligation to implement protecting measures at public screenings

The obligation to implement protective measures according to sections 8 and 11 of the Act, does not apply to screenings incorporated in exhibitions in institutions for exhibiting visual arts.

Section 9 Composition of the Norwegian Media Appeals Board

When considering complaints against individual decisions by the Norwegian Media Authority under the Act, the Norwegian Media Appeals Board shall be composed of members with child development, media and legal expertise.

The Norwegian Media Appeals Board has a quorum when at least three members of the Board are present. Decisions are made by simple majority. In cases of equality of votes, the Chair of the Board has a casting vote.

Section 10 Financial penalty

In the event of infringement of section 5, section 6, section 7, section 8, section 9, section 10, section 11, section 12, section 14 and section 15 of the Act, of section 2, second paragraph, section 4 and section 5 of the Regulations, or of an individual decision made pursuant to these provisions, the Norwegian Media Authority may impose a financial penalty on the responsible party, determined by discretionary assessment.

When the penalty is determined, importance shall be attached to factors such as the seriousness of the infringement, any financial benefit obtained through the infringement and the financial capacity of the responsible party.

When assessing the seriousness of the infringement, importance shall be attached to factors such as the severity of the breach, including whether a single provision has been infringed repeatedly or whether the same act entails infringements of several provisions.

When assessing the financial capacity of a responsible party which is an enterprise, the starting point shall be the enterprise's most recent annual accounts.

No financial penalty under this provision shall exceed NOK 2,000,000.

Section 11 Increased financial penalty

In the event of repeated infringements of the rules, the penalty under section 8 may be increased. "Repeated infringements" shall mean more than one infringement of the rules within an 18-month period, consisting either of more than one infringement of the same provision or infringements of different provisions.

Section 12 Payment of financial penalties

A financial penalty is payable three weeks after the responsible party receives notice of the final decision in the matter concerning the imposition of the financial penalty.

In the event of late payment of a financial penalty, penalty interest shall accrue pursuant to the Act of 17 December 1976 No. 100 relating to interest on overdue payments, etc.

If a financial penalty is not paid on the due date pursuant to the first paragraph, the fee and interest may be referred for collection 14 days after the responsible party receives a debt collection notice.

Section 13 Coercive fine

In the event of an infringement of section 6, section 7, section 8, section 9, section 10, section 11, section 12, section 14 and section 15 of the Act, of section 2, second paragraph, section 4 and section 5 of these regulations, or of an individual decision made pursuant to these provisions, the Norwegian Media Authority may impose a coercive fine on the responsible party.

The coercive fine shall be set in accordance with a discretionary assessment. In relevant cases, the Norwegian Media Authority may take into consideration the saving made by the responsible party by not complying with the duty in time.

In the event of late payment of a coercive fine, penalty interest shall accrue pursuant to the Act of 17 December 1976 No. 100 relating to interest on overdue payments, etc.

If a coercive fine is not paid on the due date, the fine and interest may be referred for collection 14 days after the responsible party receives a debt collection notice.

Section 14 Entry into force, etc.

These regulations shall enter into force on 1 July 2015.

Section 4-2, first and second paragraphs, section 4-3, section 4-4, section 4-5, section 5-1, section 5-2, section 5-3, section 6-1, section 6-2, section 6-3, section 7-6, section 8-2, section 8-3 and section 10-3 of the Regulations of 20 December 1999 No. 1515 relating to film and videogram, shall be repealed as of the same date.

For audiovisual programmes made available as on-demand audiovisual services before 1 July 2015, the duty to age classify and to provide information about the new age limits according to the Act Section 4, section 6 and section 7, second paragraph litra b shall enter into force from 1 July 2016.

The duty to implement technical protective measures for harmful and seriously harmful content according to section 10 of the Act shall enter into force on 1 January 2016.

Videograms made available for the public before July 1st 2015 in compliance with the regulations according to The Film and Video Act, may be made available to the public - including sold, rented or screened - without the obligation to reclassify the videograms with new age limits.