

1 Main content of the Proposition to the Storting (bill)

The Ministry of Culture hereby presents its proposal for a new act with the express purpose of protecting minors against the harmful effects of exposure to moving images. One of the primary objectives of the proposal is to obtain more platform-neutral regulation in this field. The proposal therefore entails updating, coordinating and simplifying the rules currently found in the Film and Videogram Act and the Broadcasting Act. The draft bill also implements the rules of protection in accordance with the EU Directive on audiovisual media services (the AVMS Directive).

The UN Convention on the Rights of the Child provides that society has a responsibility to ensure that children and young people have access to media content of social and cultural benefit to them. On the other hand, children and young people are entitled to protection against harmful content. The AVMS Directive also imposes concrete obligations on Norway relating to the protection of minors appearing in television broadcasting and in on-demand audiovisual media services.

The main elements in the draft bill

The Act will cover the most important platforms for the making available of moving images, i.e.:

- television
- on-demand audiovisual media services (video on demand, including some TV services offered by online newspapers)
- screenings at public gatherings (including cinema screenings), and
- the making available of videograms (including by sale, free distribution or rental of DVDs/Blu-ray disks).

The new Act will thus replace the current protective rules in the Act of 4 December 1992 No. 127 relating to broadcasting and on-demand audiovisual services (the Broadcasting Act) and the Act of 15 May 1987 No. 21 relating to film and videogram (the Film and Videogram Act).

It is not proposed that the Act should apply to computer games, primarily because the PEGI (Pan-European Game Information) voluntary age

rating system in practice covers the entire European market for the sale of games stored on physical storage media.¹ See further discussion in section 6.2.3.

In the draft bill, the Ministry proposes three statutory measures:

1. A duty to set age limits for audiovisual programmes falling within the scope of the Act.
2. A duty to notify age limits.
3. A duty to implement protective measures, including to ensure compliance with specified age limits.

Age limits must be set for all audiovisual programmes covered by the Act, irrespective of whether they are made available at a cinema, on television, on DVD or in the form of an on-demand audiovisual service. A general duty to set age limits is combined with various exemptions for content which is deemed unproblematic or which for other reasons are considered inappropriate to subject to a duty to classify.

The age limit categories are being amended to introduce a more natural classification reflecting children's development and schooling.

In the case of cinema films which are to be shown at screenings to which minors have access, the age limit should – as at present – be set by the Norwegian Media Authority following mandatory review. The set age limit shall then follow the audiovisual programme through all subsequent screening and sale stages. This will ensure uniform practice across all platforms.

As regards audiovisual programmes which are not subjected to prior review by the Norwegian Media Authority in connection with cinema screening, etc., the age limit is set by the industry. The Norwegian Media Authority will develop guidelines for age-classification to be used by the industry.

A statutory duty to notify the set age limit will be introduced. The detailed requirements regarding the communication or presentation of the information will be adapted to each individual communication platform.

The age limit must be accessible to the public prior to screening or before the purchase or order

¹ All games for Microsoft, Nintendo and Sony games consoles and all PC games from the largest European and US publishers are PEGI-labelled.

decision is made.

Any person who makes available an audiovisual programme for which an age limit has been set in accordance with the Act has a duty to implement appropriate measures to ensure compliance with the set age limit. In the case of television and on-demand audiovisual services, protective measures are proposed that will also apply to content which is not subject to age classification.

All protective measures are based on the standards of harmfulness defined in the Act, either directly or via age limits set on the basis of these standards. Nevertheless, the detailed requirements must be adapted to the different communication platforms. It is proposed that certain minimum requirements should be statutory; the details will be set by regulation.

The relevant measure for screenings at public gatherings and the sale of videograms is actual age control, while the most relevant measure for television will be “watershed rules” providing that the time of transmission must be adjusted in view of the programme’s harmfulness. In the case of on-demand audiovisual services, parental control systems are mandatory (e.g. PIN code protection enabling the restriction of certain types of content).

The Ministry proposes that decisions by the Norwegian Media Authority under the Act should be appealable to the Norwegian Media Complaints Board, which currently hears appeals under the Broadcasting Act, for example. The proposal entails the dissolution of the appeal board for films and videograms (*Filmklagenemnda*).

To enforce the mandatory rules under the Act, the Ministry has proposed granting the Norwegian Media Authority power to impose penalties for contraventions.

The adoption of the new Act will necessitate the repeal of current rules on the protection of minors in the Film and Videogram Act and the Broadcasting Act. Further, the correction of errors in two provisions of the Broadcasting Act resulting from implementation of the AVMS Directive in Norwegian law (see the bill Prop. 9 L (2012–2013)) is also proposed. These amendments are discussed further in special comments.