[DK] Publication of National List on Events of Major Importance for Society

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Denmark has implemented the provisions of the "Television without Frontiers" Directive concerning the access of the public to major sports events. This makes Denmark the first Member State to take national measures pursuant to Article 3A of the Directive which ensures that broadcasters under its jurisdiction do not broadcast on an exclusive basis any events which are regarded by Denmark as being of major importance for society in such a way as to deprive a substantial proportion of the Danish public of the possibility of following such events via live coverage or deferred coverage on free television.

In accordance with Article 3A, paragraph 2 of the Directive, Denmark has notified the Commission of the measures taken and the Commission, pursuant to Article 23A of the Directive, has sought the opinion of the "contact committee" composed of representatives of all Member States concerning the compatibility of the national measures with European Community law.

In a Ministerial Order (no. 809 of 19 November 1998) the Danish Minister of Cultural Affairs published the list of sports events of national importance in Denmark accepted by the Commission. The list consists of the following events: 1) the summer and winter Olympic Games in their entirety; 2) the World Cup and European championship in soccer (all matches with Danish participation, the semi-finals, and finals); 3) world championships and European championships in men's and women's handball (all matches with Danish participation, semi-finals, and finals); 4) qualifying matches for the World Cup and the European championship in men's soccer; 5) qualifying matches for the world championship and European championship in women's handball.

The Ministerial Order also states that a substantial proportion of the public is deemed deprived of being able to follow the events listed above if they are broadcast on a channel received by less than 90% of the Danish public. At present only the Danish public service stations - DR1 and TV2 - fulfil these terms. All other channels must abide by the provisions of the legislation.

The broadcasters are not under a direct obligation to broadcast the events on the list; they merely have the right to demand that such events be broadcast on their channel. The party extending a written offer concerning the rights to a major

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event must receive written notification of the broadcaster's interest within 14 days of the offer being made.

In the event of the broadcasters not deciding on a price for the transmission rights either party - or the courts

- may ask the Danish competition authorities for their opinion based on conditions in a competitive market. The order is effective as of 1 December 1998 and applies to agreements concerning the use of exclusive rights entered into after 30 July 1997 and which concern events taking place after 1 December 1998.

Bekendtgørelse om udnyttelse af tv-rettigheder til begivenheder av væsentlig samfundsmæssig intresse.

Order on the use of TV rights to events of major importance for society, Official Journal C 14/6 of 19 January 1999.

http://europa.eu.int/comm/dg10/avpolicy//twf/3bis/implement_en.html

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