[DK] Development of the Broadcasting Legislation

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Radio and television broadcasting is organised at three levels in Denmark. "Danmarks Radio" (DR) and "TV2" are public service stations with nation-wide range. TV2 also has a particular obligation to serve regional interests. Furthermore, regional communication is undertaken by regional broadcasters connected to DR and TV2, as well as other (licensed) radio- and TV stations, such as independent satellite or cable broadcasters. Finally, the local interests are served by about 50 local TV stations and 300 radio stations.

Radio and TV broadcasting is subject to the Broadcasting Act 1992, which since then has been amended several times. The rules actually in force are laid down in the consolidated Bekendtgørelse af lov om radio- og fjernsynsvirksomhed (Broadcasting Act - BA) no. 208 of 6 April 1999. The EU regulation on harmonization laid down in the "Television without Frontiers" Directive and other EU legislation has been currently implemented by the Broadcasting Act and executive orders.

The obligations of DR and TV2 to broadcast public service programmes are described in the Executive Orders of 21 January 1999 on Statutes for DR (Order no. 38) and for TV2 (Order no. 37) respectively. The orders are issued on the basis of the BA § 10 (4) and § 19 (5).

DR is financed mainly through licence fees (BA § 8), and does not broadcast TV-advertising. TV2 and associated regional stations are supported partly by licence fees, partly by advertising and other income, cf. BA § 18 (3). Independent commercial regional and local enterprises subject to Danish jurisdiction normally are financed by advertising and user payment.

The most important amendments since the passing of the 1992 Act concern the liberalization of the telecommunications sector: cable systems may cross the borders of one municipality, and users of cable systems may influence programme selection, actually exercised by voting procedures (BA § 5). Local broadcasting entities have been permitted to exercise certain networking activities (BA § 44 (4)-(6) and § 50 - § 50a). The freedom for DR and TV2 to dispose of licence fees and advertising income in the exercise of its activities has been broadened, cf. BA § 14. Another innovation is the implementation of the European ruling on the exercise of exclusive rights to TV broadcasting which may not be exercised in such a way that a substantial proportion of the public is

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deprived of following events of major importance to society via live coverage or deferred coverage on free television (BA § 75). It also provides that pirate decoders are not permitted (BA § 75a).

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Act to amend the Broadcasting Act no. 208 of 6 April 1999.

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Executive order no. 37 of 21 January 1999 on Statutes for TV2

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Executive order no. 38 of 21 January 1999 on Statutes for DR

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