[NO] Green Paper Envisages One Common Law for Broadcasting and IT

IRIS 1999-7:1/1

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The Green Paper on Konvergens Sammensmelting av tele-, data- og mediesektorene ("Convergence: Fusion of the Telecom, Data and Broadcasting Sectors") was presented to the Ministries of Communications and Culture on 18 June 1999. In the short term the Green Paper advocates amending the current Law on Telecommunications (Lov om telekommunikasjon, of 23 June 1995, no. 39) to regulate distribution, while the Broadcasting Law (Lov om kringkasting of 4 December 1992, no 127) should be amended to some extent to regulate content. In the longer term the Green Paper argues the need to collect all regulation for the IBT (IT, broadcasting and telecoms) sector into one law. Such legislation should enter into force when all these sectors are operating on common digital technology. Conversely, one Ministry should be in charge of converged media, and the current Media Authority and Post and Telecoms Authority should be merged. Norway should make representations on these principles to the European Commission, in regard to the future regulation of communications infrastructure and supporting services, the Green Paper urges.

The government-appointed committee, chaired by Supreme Court judge Karin M. Bruzelius, has been reviewing the implications of convergence, in particular with regard to legislation. The committee envisages abandoning the requirement of licensing broadcasters when digitalisation has been implemented, since scarcity of spectrum resources will no longer be a consideration. This will also bring broadcasting more into line with regulations in other media.

A majority of the committee proposes to terminate the current requirement on cable operators to provide access to public service broadcasting, and to exercise control over certain categories of programmes. Instead, the stipulations on editorial responsibility of the Penal Code should be applied to all media in which a legal person can be identified as exercising the role of editor.

Equally, the Law on Media Ownership (Lov om tilsyn med erverv i dagspresse og kringkasting of 13 June 1997, no. 53) should be applied to electronic media, in order to regulate cross-ownership and concentration. Legislation on conditional access must be based on non-specific technological solutions, to avoid discriminatory practices and allow competition. The committee finds the current EU Directive insufficient in this regard and proposes a dialogue with the European

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Commission with a view to amendment. The committee considers that the increase in available programme through digitalisation will decrease the need to impose contents requirements on commercial broadcasters. To further public service functions, the authorities will instead have to apply incentives and to stimulate public service. The committee strongly argues the need to provide financial resources for the government-owned broadcaster NRK (Norsk Rikskringkasting AS), which should remain a non-commercial actor, while being allowed to benefit from the increased revenues expected from digitalisation of radio and television broadcasting. As to government-owned telecom Telenor, the committee proposes to lift the ban on ownership in contents-providing companies.

The Green Paper has already had one topical fall-out. Shortly before the publication of the Paper, the Ministry of Culture announced that it was withdrawing amendments to the Law on Film and Video, due to come into force on 1 July. The Ministry cited the Green Paper's statement that legislation on video distribution should take into account digitalised delivery of videos, as the reason for its action.

Konvergens. Sammensmelting av tele-, data- og mediesektorene.

Green Paper on "Convergence: Fusion of the Telecom, Data and Broadcasting Sectors".

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