

[IS] New Broadcasting Act

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Due to an obligation imposed under the Agreement on the European Economic Area (EEA) to implement Directive 97/36/EC, a new Broadcasting Act has been adopted in Iceland. The new Act no. 53/2000, with effect from 17 May 2000, covers all types of broadcasting, both public and private, radio and television. The chapters of the previous Broadcasting Act, which related to Ríkisútvarpi (the public broadcaster), have been assembled in a separate Act (no. 122/2000) without any change in substance. A revision of the legal framework for public broadcasting is planned, particularly as regards its means of financing.

The Broadcasting Act reflects in detail the obligations under Directive 89/552/EEC as amended by Directive 97/36/EC on jurisdiction, major events, teleshopping etc. It authorises the Minister of Culture to draw up a list of important events not to be broadcast on an exclusive basis. The Minister of Culture announced, when introducing the proposed Act in Parliament, that such a list would only be drawn up after careful consideration of the experience in other States of implementing their lists.

The new law authorises the Minister of Culture to start preparing for the introduction of digital broadcasting. Any new or renewed broadcasting licence shall include a clause where the authorities reserve a right to impose on broadcasters the switchover to digital after reasonable notice.

The Broadcasting Act increases the role of the Útvarpsréttarnefnd (Broadcasting Commission), which was already responsible for granting licences and monitoring compliance with conditions stipulated therein. In future, it will be responsible for both the private and public broadcasting sectors, in the latter case mainly with regard to respect for the EEA rules. Emphasising the independence of the Commission, the law stipulates that its decisions are final at the administrative level, whereas they may still be challenged before the courts. The Minister of Culture will no longer appoint the Chairperson and the Vice-Chair of the Commission; the Commission itself will elect them. The Act does not change the existing rules on the composition of the Commission, whose seven members are elected by Parliament.

Finally, the new Act abolishes the controversial Menningarsjó ur útvarpsstö va (Broadcasting Culture Fund) that had been criticised for only serving the purpose

of transferring money from one broadcasting organisation to another.

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<http://www.althingi.is/lagas/125b/2000053.html>

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