[DK] Media Agreement Implemented into the Radio/TV Legislation

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The political Media Agreement concluded on 28 March 2000, for the period 2001 - 2004 between the Danish government and the political parties Socialistisk Folkeparti (Socialist Popular Party) and Centrum-Demokraterne (Centre-Democrats) has been codified by the Lov om ændring af lov om radio- og fjernsynsvirksomhed og lov om indkomstbeskatning af aktieselskaber m.v. (Act no. 1272 of 20 December 2000 amending the Broadcasting Act and the Act on Income Taxation of Limited Companies). The Act entered into force on 1 January 2001.

The principal amendments to the Broadcasting Act are as follows: 1. Public Service: The fundamental rules are laid down in a new Chapter 3a. Art. 6a defines public service activities as a broad selection of programmes and services concerning news, information, education, art and entertainment. The selection offered has to be qualified and manifold. Freedom of expression has to be strongly respected, and the information broadcast has to be objective and impartial. Special attention has to be paid to the Danish language and Danish culture.

The public service actors are Danmarks Radio (DR), TV2 and the planned fourth and fifth radio channels which have to be allocated on the basis of offers.

According to Art. 6c, the fourth radio channel shall be a public service orientated channel with classical music supplemented by rhythmic music, jazz, Danish music, cultural programmes and programmes dealing with social problems and debate. The fifth radio channel shall deal with public service news (Art. 6d).

Besides the public service activities the channel has to offer a broad selection of programmes. According to Art. 6e, the DR and TV2 may be permitted to exercise other programme activities. Art. 6a provides for the DR activities to be financed through license fees and other income, cf. Art. 8.

According to the Introduction of the Bill no. 79 the public service activities are no longer restricted to definite institutions or medias. The on-line activities of DR and TV2 shall be part of the public service activities.

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The 1 of March 2001 was the deadline for applications for the allocation of the fourth radio channel.

Among the applicants is Danmarks Radio. 2. Directors: Chapter 4 of the Act has been revised. It lays down provisions on the board of directors of DR, composed of 13 members, and of TV2, composed of 12 members. Some of these members are appointed by the Minister of Culture and by the Folketing (Danish Parliament). A Member of the Folketing may not be a member of the board of directors. Art. 13 provides that a programme council is established for each of the regional programme enterprises of the DR. 3. The Radio and TV Board: A new Chapter 4a provides for a new Radio and TV Board called Radio og tv-nævnet.

The rules thereon are laid down in the Articles 33a33e. The Board is composed of 7 members. The members have to represent legal, economic, administrative, business and media/cultural expert knowledge.

The Board grants broadcasting permission on a local level to carry out programme activities based on satellite or cable broadcasting within an area exceeding one local area only, and on regional and national level to carry out programme activities made by terrestrial broadcasting. The Board assumes control functions and decides about complaints, for example concerning the refusal of the local board to grant permission to broadcast local programming activities.

Diffusion of national and regional programmes through terrestrial transmitting networks requires a license granted by the Radio and TV Board, except in the case of the public service activities of the DR and the TV2 broadcasters and other activities accomplished through analogous transmitting networks. The license is granted by the Board on the basis of offers. So the Board has to decide on the allocation of the fourth and the fifth radio channels.

According to Art. 60b the Radio and TV Board is competent to grant subventions to non-commercial radioand TV broadcasters based on proposals from the local boards in accordance with rules laid down by the

Minister of Culture.

Furthermore, the Board decides on the content of radio and TV advertising, Art. 33e. According to art. 34, paragraph 1, cf. art. 71 and 72, the former board called Satellit- og Kabelnævnet is abolished. 4. Advertising: Advertising may be broadcast as before in blocs placed between the broadcast programmes. Medicines, tobacco and alcoholic beverages with an alcohol content of 2.8 % or more may not be advertised. Likewise, economic interest groups and religious and political groups are not permitted to advertise their opinions. These rules, applicable to all broadcasters, are now gathered together in Art. 65. In regard to radio, advertising may be placed anywhere within the transmission area, except

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advertising for medicines, tobacco and the above-mentioned alcoholic beverages.

Advertising may constitute a maximum of 15 % of the licensed daily transmission time. The rules are now contained in Art. 69.

The prohibitions against the transmission of programmes sponsored by trade unions and religious movements have been removed, see the Introduction to the Bill.

It is left to the Minister of Culture to establish further rules on restricting advertising directed towards children and advertising of products for children. This rule is laid down in a new paragraph 2 added to Article 70.

The rules are intended to be applied only when voluntary measures have been proved insufficient. 5. Financial control of public service: A Public Service Council has been established. Its function is to control the public service accounts of the DR, TV2, the fourth radio channel and the news coverage broadcast on the fifth radio channel, Arts. 73b - 73c. 6. Record filing: As a general rule laid down in Art. 73d the DR, TV2 and the holders of licences for programme activities have to keep copies of the transmitted programmes for 3 months after the broadcast.

Lov om ændring af lov om radio- og fjernsynsvirksomhed og lov om indkomstbeskatning af aktieselskaber .v.

http://www.retsinfo.dk/DELFIN/HTML/A2000/0127230.htm

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Medieaftale 2001-2004

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