[DK] Privatisation of the Danish National Broadcaster TV2

IRIS 2003-7:1/14

Søren Sandfeld Jakobsen
Aalborg University

Following a political agreement of June 2002 (see IRIS 2002-7: 9), the Danish Parliament, in May 2003, adopted an Act that establishes the legal basis for the impending privatisation of the national broadcaster TV2. TV2 is one of two national public service broadcasters in Denmark, the other being DR. While DR is entirely financed through public funds, this is only partly the case for TV2, which is predominantly financed through advertisements and other commercial means.

According to the political agreement, the privatisation of TV2 must be subject to a number of conditions. The privatised TV2 must, inter alia, still abide by certain public service obligations. Moreover, the programme supply of the privatised entity must still aim at quality, versatility and diversity, and the programme planning must take into account the fundamental rights of freedom of information and speech.

Pursuant to the Act, the privatisation will legally be carried out in two steps: First, TV2, which is currently a public fund, will be converted into a private limited company with the Danish State as the only shareholder. This will be effected by transferring all of TV2' s assets and liabilities to a simultaneously founded private limited company. Second, the Act authorises the Minister of Culture to sell the State's shares in the private limited company to a third party. The sale must be submitted to the Danish Parliament for approval.

There is still an amount of preparatory political and legal-technical work to be completed before the privatisation of TV2 can take place. Consequently, the Act does not stipulate a time frame for the privatisation. Instead, the Act authorises the Minister of Culture to determine the precise time of entry into force of the Act.

The decision to privatise TV2 has been and still issubject to intense political and public debate in Denmark. Whether privatisation will lead to an enrichment or impoverishment of the Danish media remains to be seen.

Lov om TV2/Danmark A/S - Lov nr. 438 af 10. juni 2003

http://www.kum.dk/sw6295.asp

Act no. 438 of 10 June 2003 on TV2/Denmark A/S

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