

[NO] Proposed Amendments to the Norwegian Media Ownership Act

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The purpose of the Norwegian Media Ownership Act of 1997 is to promote freedom of expression, genuine opportunities to express one's opinions and a comprehensive range of media. The Act applies to enterprises publishing newspapers or engaging in broadcasting, and to enterprises, which, as owners, have influence over such enterprises. The competent supervisory authority pursuant to the Act is the Media Ownership Authority. This independent body carries out continuous supervision of market conditions and ownership in the newspaper and broadcasting sectors. If necessary it intervenes in situations of acquisition of ownership interests within the said sectors, in order to avoid accumulation in the hands of any one entity of "significant ownership positions" in the national, regional or local markets. Such intervention may entail prohibiting the acquisition, ordering the divestment of ownership interests or allowing the acquisition on certain conditions.

The Ministry of Culture and Church Affairs has recently proposed rather extensive amendments to the Act. The proposal was adopted by the Government this summer and currently awaits hearing in the Norwegian Parliament. A summary of the proposed amendments is given below.

It is proposed to remove the legal basis for intervention on the local level, while on the regional and national levels the authority to intervene is upheld. However, the abovementioned criterion for intervention ("significant ownership position") will be replaced with exact statutory ownership limits.

On the regional level, the Ministry proposes a statutory ownership limit at 60 percent of the regional newspaper supply. Within the broadcasting sector, there shall be no separate limits on the regional but only on the national level.

On the national level, the Ministry proposes to establish a statutory ownership limit at 40 percent within each of the three markets of daily press, radio and television. If this 40 percent limit is exceeded within any one of the said markets, intervention shall be the main rule. The existing regulation limiting cross-ownership between large corporations in the daily press market is upheld, and it is proposed that this be extended to apply also to the broadcasting markets (radio and television).

In addition, on the national level, the Ministry proposes a separate regulation of multimedia concentration. The ownership limits applying to multimedia corporations shall vary depending on how many markets the actor is involved in. For ownership within two markets, the limits shall be 20 percent for one and 30 percent for the other market the actor is involved in. For ownership within three markets, the limits shall be 20 percent for each of the markets the actor is involved in.

It is further proposed to extend the scope of the Act hence also the supervisory tasks of the Media Ownership Authority to electronic media. However, for the present, no separate ownership limits shall apply in this respect and no authority is granted to intervene in relation to acquisition of electronic media.

Finally, it is proposed to grant the supervisory body authority to intervene in relation to co-operative agreements that leave a party with an influence over the editorial product equivalent to a full acquisition.

The Ministry also considered proposing a regulation of vertical integration within the media sector, but decided not to propose this.

