[NO] Amendments to the Act on Film and Video

IRIS 2006-6:1/30

Lars Winsvold
Attorney at Law, Fredrikstad

On 5 May 2006, the Norwegian Government tabled a legal proposal allowing for substantial amendments to the *Lov om Film- og Videogram* (the Act on Film and Video - AFV).

Abolishing censorship of cinema films aimed at adults is one of the crucial changes. Accordingly, only films with an audience including children (below 18 years) intended for public showing at cinemas need approval by the Media Authority. The Media Authority is authorized to determine age classifications, which remain at four levels in Norway: ”for all”, above 7 years, above 11 years and above 15 years (in the event that an adult accompanies the child, the age limit approved for children will automatically be 3 years below the limit set). There is currently no obligation for approval of films and other audiovisual content on distribution platforms other than cinema. The film distributors may nevertheless on a voluntary basis request guidance from the Media Authority on suitable age classification of videos, DVDs, etc... as well as on the subject of lawfulness of films targeting adults.

The proposal was introduced as a result of recent changes in the Norwegian constitution (2004) regarding the protection of freedom of expression (see IRIS 2005-3: 17). *Stortinget* (the Norwegian Parliament) has approved a new constitutional provision, which now reads: “Pre-publication censorship and other preventive measures may not be exercised, except with the aim of protecting children and young people from the harmful effects of moving pictures” (unofficial translation of the fourth sentence of the amended Article 100).The Media Authority introduced the said principle ahead of the changes proposed on this matter in the AFV.

Another proposed amendment to the AFV is the establishment of a ban on all public exhibition of films containing explicit pornography. According to the traditional interpretation of the General Penal Code (Article 204), there has until recently been such a ban on explicit pornography both with respect to the public showing and the sale of films and video films, etc... However, this spring (12 March 2006) *Klagenemda for film og videogram* (the Complaints Council for Film and Video) decided to brush aside this traditional interpretation which warranted a ban on video films containing explicit pornography (so-called hard-core pornography). In doing so, it followed a recent Supreme Court decision (7 December 2005), by which the Norwegian Supreme Court broadened the

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traditional interpretation regarding explicit pornography by excluding magazine pictures from the ban. The proposed ban in the AFV will be limited to public showing at cinemas (and the like). Distribution of video films and the exploitation of audiovisual content on other platforms than those meant for public exhibition will remain subject to more permissive rules in accordance with the newly formulated interpretation of the Penal Code's provisions. A Parliamentary vote on the proposed amendments is expected later this year.

Lov om Film- og Videogram

Act on Film and Video (unofficial English translation)

http://www.ub.uio.no/ujur/ulovdata/lov-19870515-021-eng.pdf

Odelstingsproposisjon no. 72 (2005-2006) Om lov om endringar i lov 15. mai 1987 nr. 21 om film og videogram

http://odin.dep.no/kkd/norsk/dok/regpubl/otprp/043001-050023/dok-bn.html

Legal Proposal on Amendments to the Act on Film and Video

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