# [NO] Media Authority Gets More Independence

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A proposal to amend the Broadcasting Act with provisions intended to grant the Media Authority a more independent role in the broadcasting area was sent to *Stortinget* (the Norwegian Parliament) on 22 October 2010. The proposal includes the establishment of an independent complaints board with a mandate to handle complaints on decisions made by the authority.

The Media Authority is an administrative body placed under the Ministry of Cultural Affairs and is responsible for handling cases relating to the Broadcasting Act, the Media Ownership Act and the Act on Film and Videograms. The Authority is in addition, among other things, responsible for allocating grants to press and local broadcasters. Decisions in single cases are taken administratively and not by an appointed board.

Today the issue of independence is solved in a different fashion with respect to each of three Acts: in the field of broadcasting, no formal independence exists. Due to the general governmental legal system in Norway, the Ministry may instruct the Authority both in general matters and in single cases, although such instructions are rare. The Ministry also handles complaints against the Authority's decisions and the Ministry may in theory also make reversals of the Authority's decisions in the absence of an appeal. The situation is quite the opposite due to the Media Ownership Act, where the Authority is granted full independence in its handling of cases and where complaints are handled by an independent board. The Act on Film and Videograms has a system somewhere in between: the Ministry does not handle complaints on age classification - this is also done by an independent board - but the Act does not restrict the Ministry's right to instruct, although this possibility has never been used.

The proposed model for independence in the field of broadcasting is rather complex and, although a major step forward, it will not give the Media Authority full independence. The first change to be brought about concerns the establishment of a new independent complaints board. According to the proposed §2-14 in the Broadcasting Act the complaints board will handle complaints on decisions made by the Authority based on the Act. One important exception is made for the Authority's decisions concerning the assessment of public service broadcasters' content conditions. In these cases, the provision states that complaints should still be handled by the Ministry of Cultural Affairs. The reason

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for this is that the Government considers such conditions as important media policy tools in society and consequently wants to keep control over how such conditions are interpreted. The Government suggests that the existing media ownership complaints board be converged into a new media complaints board with a mandate to handle complaints both related to broadcasting and to media ownerships issues.

The second change concerns the Ministry's right to instruct the Authority and to revise decisions in the absence of an appeal. The proposed §2-15 makes it clear that the Ministry as a general rule may no longer instruct the Authority in single cases or reverse its decisions, except for cases concerning the assessment of public service conditions. The Ministry may, however, still direct the Authority to take on a specific case and, when it comes to general instructions, no limitations are proposed. The Ministry has also opted for a safety valve in the provision to ensure the need for political governance in particular cases of principle or major social interest. In such cases, the King in Council may reverse the Media Authority's or the complaint board's decision.

The proposal is scheduled to be handled by *Stortinget* in February. Since the Government has the majority of the seats, the amendments are likely to be adopted.

### *Prop. 7 L (2010-2011) Endringar i kringkastingsloven og medieeierskapsloven*

http://www.regjeringen.no/pages/14411658/PDFS/PRP201020110007000DDDPDFS.pdf

*Proposition to amend the Broadcasting Act and the Media Ownership Act*

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