

[IS] New Media Law in Iceland

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On 15 April 2011 the Icelandic Parliament adopted a new media act, marking an end to a seven-year long struggle to have such an act enacted. In 2004 the President had vetoed a media law that foresaw ownership restrictions. Since then many different versions of media law bills have been presented in Parliament, but with no result until now.

The Act implements the Audiovisual Media Services Directive. It includes many other important changes to the existing legal framework for the media. The Act replaces the 2000 broadcasting act, as well as the 1956 press act. It introduces an obligation for all media in Iceland to be registered with a new media authority, the Media Committee. The term “media” is defined as any medium that delivers edited content to the public on a regular basis whose main purpose is to provide media content. This includes broadcasting media, press media and certain types of electronic media, but excludes blogs and social media. Broadcasting media that use frequencies granted by the Post and Telecoms Authority will require a media license for their operation. The new Media Committee has 5 members, appointed by the Minister of Culture and Education. Of these, one is appointed without nomination, two are nominated by the Supreme Court, one by the Universities and one by the Union of Journalists. Members must have expertise related to media and mass communication, journalism, media law or other relevant expertise, while the Chair of the Media Committee must have the same qualifications as District Court Judges.

Media service providers will have to provide the Media Committee with information on their ownership composition and any changes thereto. This information is then published on the Media Committee's website. Furthermore, broadcasting companies have to provide the Media Committee with information on their services and how obligations arising from the Audiovisual Media Services Directive are met. In addition, media companies will have to provide information on how men and women are represented in news and news-related content, the composition of their staff from a gender perspective and what the media service provider is doing to fight against gender stereotyping.

The content obligations of the media are now more stringent than before, applying also for the first time to print and electronic media. Thus, it is stipulated

that media service providers have to respect human rights and equality. They must be objective and accurate in news and news-related programmes. They must take care that different points of view are represented, both those of men and women.

The protection of journalistic sources of information has been strengthened and provisions on the right of reply and on liability for unlawful content are harmonised across all media.

The new Act introduces for the first time in Icelandic law must-carry and must-offer provisions in television broadcasting, thus regulating the relationship between media service providers and network operators. There are exceptions: for example a network operator is not obliged to carry a TV broadcast if it takes up more than a third of the operator's capacity. Parties are obliged to make sure that future agreements with rightsholders reflect those provisions. If there is disagreement over payments between the parties the Post and Telecoms Authority will rule on the matter, subject to court review.

Lög um fjölmiðla - Lög nr. 38 20. apríl 2011

<http://www.althingi.is/altext/139/s/1324.html>

Media Act n. 38 of 20 April 2011

