

[NO] Government Wants to Adopt Regulation on Listed Events

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On 24 June the Ministry of Culture circulated for public consultation a proposal to amend the Broadcasting Regulation to include a list of sporting events that are considered to be of major importance for society and which accordingly should be available on free-to-air television.

The need for such a regulation has constituted an ongoing debate in Norway for years and the Government has consulted the public on the matter at least twice before. However, this is the first time the Government has actually drafted a list of events that should be available on a non-exclusive basis. The Government considers that the increase in costs for television rights, and in particular sporting events, over the last few years now requires the establishment of a list. In Norway, as elsewhere, exclusive sports rights are increasingly being acquired by pay-TV channels, thus preventing a large section of the public from viewing these events.

The proposed regulation means that rightsholders of the listed events will be obliged to offer their exclusive rights to broadcasters that are accessible for free and that provide a service that is being received by at least 90 per cent of all viewers. According to the proposed definition of a qualified broadcaster, a broadcaster is free-to-air if it can be received by viewers without additional costs, excluding license fee, basic tier fee or basic fee. What services are considered to be received by a substantial proportion of the public may vary from time to time and the Norwegian Media Authority (NMA) will accordingly be obliged to present a list of qualified services from time to time on the Authority's webpage. All broadcasters not on the list may request an individual assessment.

The regulation establishes a detailed procedure for dealing with listed events. A qualified broadcaster interested in a particular event on the list must at the latest 10 months before the event takes place request the non-qualified broadcaster holding the rights for an acquisition. A written quotation concerning remuneration for transferring in part or in their entirety the rights to the event concerned must be submitted to the qualified broadcaster at the latest one month after the request has been received. If the broadcasters involved cannot agree on the remuneration, it is proposed that they ask the NMA for an advisory opinion on what should be considered the market-price for the event. The opinion of the NMA

would be due at the latest six months before the event is to take place. It is suggested that the NMA draw up guidelines for the assessment of prices, modeled on the system adopted by the UK regulator Ofcom. In the consultation paper the Ministry of Culture explicitly solicits, however, viewpoints on whether the NMA should be given a more active role, for example in resolving disputes and/or in ordering non-qualified broadcasters to sell television rights to qualified broadcasters.

The events that are included on the proposed list should, as a general rule, be transmitted via live coverage. An obligation for broadcasters to report acquisitions of rights to listed events to the NMA in order to enforce the regulation effectively is also established.

The proposed list includes the Olympic Summer and Winter Games, the Football World Cup and European Football Championship for men, the World and European Handball Championship for women, the Norwegian Football Cup final for men and the World Ski Championship, Nordic disciplines, the Alpine Skiing World Championships, the Holmenkollen Ski Festival and the Biathlon World Championship.

Consultation on a proposal for amendments to the Broadcasting regulations - listing of events of major importance for society

<http://www.regjeringen.no/en/dep/kkd/Documents/hoeringer/hoeringsdok/2011/consultation-on-a-proposal-for-amendment/consultation-on-a-proposal-for-amendment.html?id=649937# EN>

