[NO] Broadcasting Act Harmonised with the AVMS Directive

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On 19 October 2012 the Government submitted a proposal to implement the AVMS Directive into Norwegian law by amending *kringkastingsloven* (the Norwegian Broadcasting Act). The amendment was enacted by Parliament on 10 December 2012 with effect from 1 January 2013. This means that the scope of the Broadcasting Act has been extended to include audiovisual on-demand services, but is limited to on-demand services that are competing with traditional television broadcasts.

One of the other main changes to the Act is that it inserts certain exceptions to the previous prohibition against product placement in Norwegian audiovisual productions. Product placement is now allowed in certain categories of programmes, but it is still prohibited in programmes directed at children and in programmes that are produced or commissioned by the State-owned Norwegian public service broadcaster Norsk Rikskringkasting AS (NRK). The rules concerning sponsoring have been liberalised, and now allow a sponsor to be identified by a product or service. This comes as an addition to the former criteria of identification by a sponsor’s name, trademark or logo.

The revised Act also establishes obligations to provide subtitling for certain programmes for all nation-wide television channels with more than 5 per cent market share, as well as an increase in the level of required subtitling for NRK.

Norway has an absolute prohibition against alcohol advertising in all media. Broadcasters or other media service providers that are situated in countries that allow alcohol advertising may direct their transmissions at Norway. Previously, Norway had an explicit right to impose on these broadcasters from other EEA-countries an order to use a censor strip to prevent the showing of alcohol advertising. This special rule is not maintained. However, the Government has stated that the Norwegian prohibition on alcohol advertising can remain, and that this must apply to such advertising in foreign transmissions directed at Norway. It is assumed that the new procedure for consultation and implementation of appropriate measures concerning directed media services that breach Norwegian law, can be applied in such circumstances.

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Furthermore the Norwegian Copyright Act (*åndsverkloven*) has been amended by provisions that regulate the right for television broadcasters to broadcast short news reports of events, where other broadcasters hold exclusive rights to report such events.

The amendments mean that the Norwegian Broadcasting Act has been brought into alignment with EU/EEA law, but prepares the way for stricter regulation than the minimum requirements arising from the AVMS Directive in certain areas, especially regarding advertising in broadcasting and on-demand services directed at children.

Prop. 9 L (2012-2013) Proposisjon til Stortinget (forslag til lovvedtak) Endringer i kringkastingsloven, åndsverkloven og film- og videogramlova (gjennomføring av direktiv 2010/13/EU om audiovisuelle medietjenester mv.)

http://www.regjeringen.no/nb/dep/kud/dok/regpubl/prop/2012-2013/prop-9-l-20122013.html?id=705231

Proposal to Parliament to amend the Broadcasting Act, the Copyright Act and the Act relating to Films and Videograms (implementation of Directive 2010/13/EU on audiovisual media services etc.), 19 October 2012

Lovvedtak 27 (2012-2013), 10 December 2012, Vedtak til lov om endringer i kringkastingsloven, åndsverkloven og film og videogramlova (gjennomføring av direktiv 2010/13/EU om audiovisuelle medietjenester mv.)

http://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Lovvedtak/2012-2013/vedtak-201213-027/

Enactment of Act 27 (2012-2013), Enactment of Act on amendments to the Broadcasting Act, the Copyright Act and the Act relating to Films and Videograms (implementation of Directive 2010/13/EU on audiovisual media services, etc.), 10 December 2012

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