

[NO] Tender on commercial public service broadcasting

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On 23 June 2017, the Norwegian Ministry of Culture announced a tender on an agreement with the State to deliver commercial public service broadcasting in Norway. The announcement stated that the state would compensate the contractor for the net costs associated with the assignment, and that the grants would be up to NOK 135 million (EUR 15 million) a year for five years. It is the first time in the Norwegian context that the state has been prepared to give direct financial support in exchange for the delivery of public service content by a commercial broadcaster. The arrangement will be organised in line with the group exemption for services of general economic interest (under European Commission Decision 2012/21/EU). The announcement listed a set of required qualifications that the applicants have to fulfil to be considered in the tender. These requirements implied that the applicant must base its programme offers on the principles of public service broadcasting; have a broad programme profile (regarding audiovisual variation in themes and genres); offer programmes for both broad and narrow groups; and ensure that at least 50% of the transmission time consists of programmes in the Norwegian language, using both forms of the Norwegian language. In addition, the announcement stated that the TV channel must have its main editorial office and its main news desk in Norway, and at least 100 km outside Oslo. The term 'main editorial office' is defined as the place where the majority of the TV channel's editorial decisions are made and the majority of the TV channel's editorial employees have their workplace. The majority of the editorial decisions concerning the TV channel's newscasts must be made at the main news desk, the news editor in chief must have his or her workplace there, and the majority of the editorial employees engaged in the newscasts must also have their workplace at the main news desk.

The public service broadcasting remit will primarily include requirements to provide nationwide newscasts, youth and children's programmes, and to invest in Norwegian film and television drama that will be viewed for the first time on the TV channel. The agreement will be made with the applicant who has the best plans for these requirements. The applicant's plans for the public service broadcasting requirements, including the planned level of financial resources, will be binding throughout the term of the agreement, and will be part of the overall broadcasting assignment.

It is a prerequisite that the content is offered on one linear television channel with a minimum of 95% coverage of all households in Norway. In addition, the public broadcasting content must be made available as an on-demand audiovisual service (on the Internet).

By the deadline for entering the tender on 23 September 2017, the Ministry of Culture had received one application, from TV2 AS. TV 2 is a Norwegian commercial TV channel owned by the Danish media corporation Egmont. TV 2 started its first TV broadcasts in Norway in 1992, and since its establishment has held a position as a commercial public service broadcaster, except in 2010, which was the first year after the digitisation of the terrestrial television network in Norway. After this, TV 2 entered into a new agreement with the state to obtain the status of public service broadcaster in exchange for a must-carry obligation. This agreement expired on 31 December 2016.

The Ministry of Culture has stated that a commercial public service broadcaster on television constitutes an important alternative to NRK, which is the state-owned public service media provider in Norway. The Ministry will consider the application from TV2 AS as quickly as possible with an aim to entering into an agreement by December 2017. The agreement will then enter into force no later than eight months after this.

Kulturdepartementet, Lyser ut avtale for kommersiell allmennkringkasting, 23.06.2017

<https://www.regjeringen.no/no/aktuelt/lyser-ut-avtale-for-kommersiell-allmennkringkasting/id2558692/>

Ministry of Culture, tender announcement on public service broadcasting, the announcement documents, 23 June 2017

Kulturdepartementet, TV2 AS søker avtale om å drive kommersiell allmennkringkasting, 23.09.2017

<https://www.regjeringen.no/no/aktuelt/tv2-as-soker-avtale-om-a-drive-kommersiell-allmennkringkasting/id2572817/>

Ministry of Culture, TV2 AS seeks agreement to conduct commercial public broadcasting, 29 September 2017

Meld. St. 14 (2016-2017) Kommersiell allmennkringkasting

<https://www.regjeringen.no/no/dokumenter/meld.-st.-14-20162017/id2524407/>

White Paper to Parliament on Commercial Public Service Broadcasting, 16 December 2016

