[NO] Norwegian Media Authority is given competence to take action against advertising for gambling without a licence in Norway

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In May 2020, the *kringkastingsloven* (Broadcasting Act) was amended in order to give *Medietilsynet* (Norwegian Media Authority, NMA) competence to take measures against illegal advertising for gambling. The amendment enters into force on 1 January 2021.

Gambling and lotteries are strictly regulated in Norway. There is an absolute ban on advertising, with the exception of a few companies. Lotteritilsynet (Norwegian Gaming Authority) is responsible for supervising the ban. However, there has been a massive, and until last year, increasing volume of advertising for gambling on TV channels under foreign jurisdiction operated by companies without a licence in Norway. The advertisements are directed towards a Norwegian audience using the Norwegian language, Norwegian celebrities and other Norwegian references.

The new sections 4-7 of the Broadcasting Act give the NMA competence to take measures to prevent or hinder access to commercial communications for gambling schemes and lotteries on TV and on-demand audiovisual media services. The order can be given to Norwegian network providers distributing audiovisual media services. The order cannot prevent or hinder access to an audiovisual media service as such, just the actual unlawful commercial communication. The provision applies to all providers of networks, regardless of the technology used to distribute the audiovisual media services, including providers of DTT networks, satellite, cable, fibre, broadband, etc.

The decision by the NMA shall be based on an assessment carried out by the Norwegian Gaming Authority on whether the commercial communication is in violation of legislation regulating gambling in Norway, namely, the *pengespilloven* (Gambling Scheme Act), section 2; the *lotteriloven* (Lottery Act), section 11; or regulations issued pursuant to the *totalisatorloven* (Totalizator Act). The starting point should be that orders are given in cases where there is no doubt that a commercial communication for gambling or lotteries has been disseminated by a company that is not licensed in Norway. The NMA will then have to carry out a concrete assessment, including whether such an order would be disproportionate.

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Individual decisions taken by the NMA can be appealed to Medieklagenemnda (Media Appeals Board) or taken to the courts.

The aim of the existing and the new provisions is to reduce the negative consequences of gambling and to protect people with gambling problems.

Lov om endringer i kringkastingsloven mv. (tiltak mot markedsføring av pengespill som ikke har tillatelse i Norge).

https://lovdata.no/dokument/NL/lov/2020-05-20-43?q=kringkasting

Act on amendments to the Broadcasting Act, etc. (Measures against marketing gambling not authorized in Norway).

Lov om pengespill m.v. (pengespilloven)

https://lovdata.no/dokument/NL/lov/1992-08-28-103?q=pengespill

Gaming Scheme Act

https://lottstift.no/wp-content/uploads/2015/11/Gaming-schemes-act.pdf

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