[DK] Danish Bill on TV-rights to Important Sports Events

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On 29 October 1997 a Bill on TV-rights to important sports events was proposed to the Danish Parliament (Folketinget). The Bill was drafted to transpose Article 3a of the revised "Television without Frontiers" Directive into Danish law. The Bill gives the Minister of Culture the power to lay down rules in accordance with Art. 3a, 1. These rules will be issued after the enacment of the Bill by Parliament, by means of an Executive Order containing the list of important events as well as special arrangements in connection with the list (regarding live or deferred transmission etc.). It is proposed that the new law enters into force on 1 January 1998.

For the inclusion on the list, the event must be of genuine importance to society and not just of interest to those who ordinarily follow the particular event on TV. Also, the event should normally be followed by many viewers. Furthermore, the event must concern a sport which traditionally has a central position in Danish sports culture. This means, inter alia, that the importance of the event must not depend on the success of a single (Danish) sports star. According to the Directive, free television must be available to the public without payment in addition to the modes of funding of broadcasting that are widely prevailing in the Member State (such as a licence fee and/or the basic tier subscription fee to a cable network/systems, in the USA reffered to as "cable system"). The Bill proposes to regard as pay-TV only channels costing more than DKK 25 per month.

Only channels that are broadcast terrestrially cover the whole population. Denmark has been allocated three terrestrial frequencies, of which two are used by the public service broadcasters DR and TV 2. The third is partially used by DR to cover "difficult" areas, but has been reserved for digital terrestrial broadcasting. About 60% of the Danish households are connected to cable networks/systems, and about 10% are estimated to have their own dish-antenna. This means that about 30% of the households at the moment would be unable to follow important events broadcast only via satellite and/or cable. The Danish Government regards this proportion as too high. It therefore proposes for the time being to regard only DR and TV 2 as offering a sufficient proportion of the public access to listed events. The Government follows technological developments closely with a view to revising the situation. The list contains at the moment the following events: Olympic Games, summer and winter games, World and European championships in football (men) including all matches with Danish

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participation plus all semifinals and finals, World and European championships in handball (men and women) including all matches with Danish participation plus all semifinals and finals, Danish qualification matches for the world and European championships in football (men), Danish qualification matches for the world and European championships in handball (women). The listed events must be available for whole and live coverage. The broadcaster may choose to defer coverage of the event for objective reasons - e.g. if the event takes place in a different time zone (during the night, Danish time), or if live coverage would force the broadcaster to defer another programme of great importance. In such cases the listed event in question may be covered live by other broadcasters.

There is no obligation for the eligible broadcasters to broadcast listed events. In order to allow the rights holders enough time to exploit their rights, special rules will be set up regarding the broadcasters' obligation to announce in due time whether or not they will broadcast the event, and whether they will do it live or deferred. In case of a Danish dispute over the price of the TV-rights to a listed event between the rightsholder and the broadcaster, the Danish competition authorities will - if called upon - issue an opinion on the price. The competition rules on abuse of dominant position and on market-sharing agreements will apply.

The Ministry of Culture has consulted with Danish rights holders, television broadcasters, viewers associations and consumer organisations over the list (incl. measures concerning whole or partial, live or deferred coverage etc.). Any future changes will be subject to the same procedure.

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