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## **Act relating to broadcasting and audiovisual on-demand services (the Broadcasting Act).**

LOV-1992-12-04-127

Last amended by Act 2017-06-16-68

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### **Ch. 1. Definitions, scope of application, etc.**

#### **Section 1-1. Definitions**

The following definitions apply in this Act:

a) *Broadcasting*: the transmission of speech, music, images and the like via electronic communication networks, intended or suitable for direct and simultaneous reception by the public.

b) *Local broadcasting*: broadcasting within geographically delimited areas.

c) *Television*: a service that is provided by a media service provider where the primary purpose is providing audiovisual programmes that is intended or suitable for watching live and simultaneously on the basis of a programme schedule, and that is distributed to the general public via electronic communication networks.

d) *Audiovisual on-demand services*: a service provided by a media service provider where the primary purpose is providing audiovisual programmes that can be viewed at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes and that is distributed to the general public via electronic communication networks.

e) *Audiovisual programme*: a set of moving images, with or without sound, that constitutes an individual item.

f) *Media service provider/broadcaster*: a natural or legal person who, as a part of his economic activity, has editorial responsibility for the selection and organization of the audio- or audiovisual programmes.

g) *Advertising*: any form of marketing of a product, service, cause or idea in return for payment or similar consideration. Advertising also means any form of announcement on television or audiovisual on-demand services whose purpose is to promote the provider's own activity.

The King shall resolve cases of doubt under this Section. The King or whomever the King empowers may in special circumstances exempt a service entirely or in part from the provisions of the Act.

### **Section 1-2. *Scope of application***

This Act also applies to Svalbard, Jan Mayen and the Norwegian dependencies, as well as to facilities and installations on the Norwegian part of the Continental Shelf. The King can issue regulations prescribing exemptions and special rules as required by local conditions.

Broadcasting from international territory is governed by Chapter 9.

The King can issue regulations providing that this Act or parts of it shall apply to Norwegian vessels, aircraft, drilling platforms or other facilities or installations in international territory beyond what follows from the provisions of Section 9-1.

## **Ch. 2. General provisions**

### **Section 2-1. *Licensing requirement, licensing authority, registration requirement, etc.***

The Norwegian Broadcasting Corporation is authorised to conduct broadcasting activities. Parties other than the Norwegian Broadcasting Corporation must hold a licence in order to engage in broadcasting or local broadcasting via a transmitting facility that is subject to licensing under Section 2-2. Licences shall be time-limited.

The Ministry issues licences for broadcasting and local broadcasting. Conditions may be attached to such licences, including that a fee shall be payable for a licence to engage in nationwide, advertisement-financed broadcasting. The King can issue regulations concerning the allocation of licences and concerning the terms and conditions of licences, inter alia on the operation and revocation of licences, on licence areas and ownership restrictions and on the determination and collection of fees as mentioned in the second sentence above. The King can issue regulations concerning circumstances in which a broadcaster is required to comply with Norwegian broadcasting rules. The King can also issue regulations to fulfil Norway's international obligations.

In order to engage in broadcasting or local broadcasting which is not subject to licensing under the first paragraph, the broadcaster must be registered with the public authorities. The King can issue regulations setting out further rules on the duty to register.

The Norwegian Media Authority is the administrative agency for broadcasting and local broadcasting, etc. The Ministry may lay down further rules concerning the tasks of the Norwegian Media Authority.

The transmission of simple announcements does not require a licence.

### **Section 2-2. *Facilities for broadcasting and retransmission of broadcasts***

The establishment or operation of wireless, ground-based transmitting facilities which will mainly be used for broadcasting or local broadcasting or for the retransmission of broadcasts or local broadcasts requires a licence from the Ministry or from such party as the Ministry designates. Licences will be granted in conjunction with the allocation of frequency capacity pursuant to Act No. 83 of 4 July 2003 relating to electronic communications.

Conditions may be stipulated for allocating licences.

### **Section 2-3. *Prior assessment of programmes***

Persons who have not contributed to or who have no responsibility for programmes may not demand to view or listen to a programme before it is broadcast.

The first paragraph does not restrict the right to issue orders or to decide on and implement coercive measures in accordance with the Dispute Act.

### **Section 2-4. *Announcements by government authorities, etc.***

Broadcasters shall, in accordance with rules laid down by the King, transmit announcements from government authorities where such announcements are of major importance.

The King can issue regulations concerning the activities of broadcasters in time of civil emergency and war.

### **Section 2-5. *Recording of programmes***

Broadcasters shall retain programme recordings for a period of at least two months after transmission. If a complaint has been brought concerning programme content, etc. pursuant to Chapter 5, the programme shall be retained until the complaint has been decided. The programme shall also be retained if notice of legal action has been given.

Broadcasters are obliged to surrender recordings of programmes to the bodies who are responsible for the supervision of the provisions laid down in or pursuant to this Act.

### **Section 2-6. *European television programme material and audiovisual on-demand services***

The King can issue further rules concerning broadcasters' use of European programme material on television and audiovisual on-demand services, including rules concerning programme categories to which the rules apply, the definition of European programme material and the implementation of such rules.

### **Section 2-7. (Annulled by Act No. 7 of 6 February 2015 (entered into force 1 July 2015)).**

### **Section 2-8. Events of major importance**

A broadcaster who has purchased the exclusive right to broadcast events of major importance for society may not exercise such exclusive right in such a way as to deprive a substantial proportion of the public of the possibility of following such events on free television.

Where a broadcaster under Norwegian jurisdiction has purchased the exclusive right to broadcast events which a country that has acceded to the EEA Agreement has declared to be of major importance for society and which have been approved by the European Commission or EFTA's Surveillance Authority, the broadcaster may not exercise such exclusive right in such a way as to deprive a substantial proportion of the public in the relevant country of the possibility of following such events on free television.

The first paragraph includes agreements on the exercise of exclusive rights entered into after 30 July 1997 in respect of events taking place after the commencement of this Act. The second paragraph includes agreements on the exercise of exclusive rights entered into after 30 July 1997 in respect of events taking place after the commencement of this Act and after a country that has entered into the EEA Agreement has implemented provisions corresponding to the first paragraph of this Section.

The King can issue regulations containing further rules on the implementation of the first, second and third paragraphs, including drawing up a list of events that are of major importance for society and rules concerning the resolution of price conflicts.

### **Section 2-9. Compliance with rules established in accordance with the EEA Agreement's Television without Frontiers Directive**

Any directly affected natural or legal person who is a citizen of or established in a State party to the EEA Agreement may approach the relevant Norwegian authority concerned in matters concerning Norwegian broadcasters' compliance with provisions laid down to implement Council Directive 89/552/EEC and Parliament and Council Directive 97/36/EC.

The King can issue further regulations on the implementation of the first paragraph.

### **Section 2-10. Electronic programme guides**

The King can lay down further rules on the operation and design of electronic programme guides or similar navigation tools.

### **Section 2-11. Duty to provide information**

All persons are required to provide the Norwegian Media Authority with the information it requires to be able to perform its tasks in accordance with the Act or in order to fulfil Norway's commitments vis-à-vis a foreign State or an international organisation. The requirement may entail providing the information in written form or verbally within a set deadline.

The Ministry may issue regulations with further provisions on the duty to provide information, including who is covered by the duty to provide information and what information may be demanded.

### ***Section 2-12. The Norwegian Media Authority's powers in relation to transfrontier broadcasting***

The Norwegian Media Authority can require written confirmation from broadcasters under Norwegian jurisdiction that infringement of provisions as mentioned in Section 44, third paragraph of the Marketing Control Act must cease. Furthermore, the Norwegian Media Authority can prohibit the broadcaster from broadcasting such features if there is such an infringement in these features.

In the event of infringements as mentioned under the first paragraph, the Norwegian Media Authority can carry out an investigation and inspection on the site where the broadcaster performs his activities if this is necessary in order for the Norwegian Media Authority to perform its tasks in accordance with Section 47 of the Marketing Control Act.

The Norwegian Media Authority's competence in accordance with this provision only applies in relation to the provisions where the Norwegian Media Authority, in accordance with the Marketing Control Act Section 47, second paragraph, is appointed the relevant enforcing authority.

The Ministry can issue regulations setting further provisions relating to prohibition, including the approach during investigation.

### ***Section 2-13. Public service broadcasting report***

The Norwegian Media Authority must prepare an annual report relating to the broadcasters' fulfilment of public service broadcasting obligations. The Norwegian Media Authority cannot be instructed by the King or the Ministry when preparing such a public service broadcasting report.

### ***Section 2-14. Appeal authority***

Appeals of decisions made by the Norwegian Media Authority in accordance with the Act, or provisions issued pursuant thereto, are handled by the Media Appeals Board, with the exceptions that follow from the fourth paragraph. The Appeals Board cannot reverse the Norwegian Media Authority's decision on its own initiative. .

Any legal actions must be directed to the Norwegian State, represented by the Media Appeals Board.

The King determines who shall be the chair and deputy chair of the appeals board, and may issue regulations on the board's size, composition and tasks.

The Norwegian Media Authority's individual decisions in cases regarding supervision of licence terms for national broadcasting, cf. Section 2-1, or national broadcasting facilities or retransmission of broadcasting, cf. Section 2-2, are appealed to the Ministry.

### ***Section 2-15. Limitations on the power of reversal and the power to issue instructions***

The Ministry shall not be permitted to instruct the Norwegian Media Authority in individual cases, or reverse the Authority's decision in other matters than those mentioned in Section 2-14, fourth paragraph. The Ministry may order the Norwegian Media Authority to consider a case.

In cases of principal or major societal significance, the King in Council shall have the power to reverse the Norwegian Media Authority's or Media Appeal Board's decisions pursuant to the rules in Section 35, second, third and fifth paragraphs of the Public Administration Act.

**Section 2-16. *Identification of providers of television and audiovisual on-demand services***

Providers of television and audiovisual on-demand services must always ensure the viewers have access to the following information in an easy and direct manner:

- a) name, street address, postal address, electronic mail address and other information enabling viewers to establish direct contact with the service provider
- b) relevant regulatory authorities or supervisory authorities operating in the audiovisual field.

The King can issue detailed regulations for the identification requirements.

**Section 2-17. *Request to follow national law in other EEA States***

The Norwegian Media Authority must request other television companies falling under Norwegian jurisdiction to follow rules stipulated in pursuance with the EEA Agreement, Appendix XI, No. 5p (Directive 2010/13/EU) relating to coordination of certain provisions governing the introduction of audiovisual media services, stipulated by statute or regulations in the Member States and that are stricter or more detailed than corresponding Norwegian rules if:

- a) there is a justified request for this from relevant authorities in another EEA State,
- b) the rules are stipulated in accordance with the general public's interests,
- c) the transmission is entirely or mainly directed at the EEA State in question, and
- d) other Norwegian rules stipulated in statutes or regulations do not limit the compliance with the regulations in the EEA State in question.

When assessing whether the transmission is entirely or mainly directed at the EEA State in question according to the first paragraph, litra c, emphasis must be placed on the language in the transmission, the main origin of advertising and subscription income and whether there are programmes or advertisements specifically directed at viewers in the relevant EEA State.

Within two months after receiving a justified request according to the first paragraph, litra a, the Norwegian Media Authority must inform the relevant authority in the EEA State in question regarding the results of the request.

The King can issue further regulations regarding the implementation of the first paragraph.

**Section 2-18. *Certificate of good conduct issued by the police***

Broadcasters and audiovisual on-demand services must require that personnel with duties involving regular conduct with minors, present a certificate of good conduct issued by the police in accordance with Section 39 of the Police Records Act when they are offered a position or contract.

The same applies to personnel in production enterprises that produce programmes ordered by a broadcaster or provider of audiovisual on-demand services.

The Ministry may issue further regulations regarding presentation of a certificate of good conduct issued by the police.

### **Section 2-19. Facilitation for people with hearing disabilities in television**

The Norwegian Broadcasting Corporation's national television channels must provide closed captioning for the following programmes:

- a) all fully produced television programmes, and
- b) live television programmes between 1800 and 2300 hours if this is technically and practically possible.

Nationwide commercial television channels with a proportion of more than five per cent of the total television viewers, must provide closed captioning for the following programmes:

- a) all fully produced television programmes between 1800 and 2300 hours, and
- b) live television programmes between 1800 and 2300 hours if it is technically and practically possible.

The King can issue further regulations regarding facilitation for people with hearing disabilities.

## **Ch. 3. Advertising, sponsorships, etc.**

### **Section 3-1. Duration, content**

Advertisements may not be broadcast in connection with children's programmes, nor may advertisements on television or in audiovisual on-demand services specifically target children.

Broadcasters may not broadcast advertisements to promote belief systems or political ends on television. This also applies to teletext services.

The King can issue further rules on the transmission, content, scope and supervision of advertising.

Announcements by the broadcaster in connection with his own programmes and ancillary products derived directly from such programmes shall not be included in the maximum amount of daily transmission time reserved for advertising under the first paragraph. The same applies to public service announcements and charity appeals broadcast free of charge.

The King can issue regulations containing further rules on the duration of announcements and features under the fifth paragraph, as well as rules prohibiting the interruption of programmes to broadcast other announcements or abstracts from other programmes.

### ***Section 3-2. Special rules on television advertising***

Television advertisements shall as a rule be broadcast in blocks between programmes and shall be kept separate from the ordinary programme schedule by a special acoustic and visual signal. This provision does not prohibit television advertisements to be separated from the ordinary programme schedule by the use of split-screen.

The King can issue further regulations concerning the insertion of advertising spots.

### ***Section 3-3. Ban on surreptitious advertising and other forms of surreptitious marketing***

No forms of surreptitious advertising or other forms of surreptitious marketing are allowed on television or audiovisual on-demand services.

With surreptitious marketing means a verbal or visual presentation in programmes of a manufacturer's or service provider's goods, services, name, trademark or activity if the presentation is intentionally for advertising purposes and the audience may be misled with regard to the nature of the presentation. Such a presentation is considered intentional, in particular if it takes place in return for payment or similar remuneration.

Marketing using subliminal techniques is prohibited.

This provision applies insofar as it is applicable for radio.

### ***Section 3-4. Sponsorship in broadcasting and audiovisual on-demand services***

A sponsored programme must be clearly identified as such. Where a programme is sponsored, information to this effect shall be given prior to or after the announcement of the programme. Information about the sponsor may also be given during a sponsored programme, including in single sponsored features. Information about the sponsor may be given in the form of the name, trademark, logo, product or service of the sponsor.

Sponsorship means any contribution to the production or transmission of a programme from a natural or legal person who is not the provider of the programme or is not involved in the production, with the aim of promoting the sponsor's name, trademark, reputation, activity, product or service.

The content and form of presentation of a sponsored programme must be such as to maintain the full editorial integrity of the media service provider.

Sponsored programmes shall not encourage the purchase or rental of any of the sponsor's products or services or those of a third party, and may not contain specific promotional references to such products or services, cf. Section 3-5.



News and current affairs programmes may not be sponsored.

Broadcasting or audiovisual on-demand programmes may not be sponsored by natural or legal persons whose principal activity is to manufacture, sell or hire out products or services for which advertising is prohibited by Norwegian legislation or rules issued pursuant thereto. Political party organisations may not sponsor broadcasts.

The King may issue regulations containing detailed rules on the sponsorship of broadcasting and audiovisual on-demand programmes, including rules on sponsorship of programmes broadcast by the Norwegian Broadcasting Corporation Ltd.

**Section 3-5. (Annulled by Act No. 68 of 16 June 2017 (entered into force 1 July 2017).)**

**Section 3-6. *Product placement in broadcasts and audiovisual on-demand services***

Product placement in broadcasts and audiovisual on-demand services is prohibited with the exceptions that follow from the third paragraph.

Product placement means that a product, service or trademark is included in, or shown in a programme in return for payment or similar remuneration for direct or indirect promotion of goods, services or the reputation of a natural or legal person. Free delivery of goods or services that do not have a significant value is not considered product placement.

On the terms that follow from Section 3-7, product placement is permitted on television and audiovisual on-demand services in films, fictional series, sports programmes and light entertainment programmes with the exception of programmes particularly directed at children.

The right according to the third paragraph does not include programmes produced or ordered by NRK or associated enterprises.

The King can issue further regulations on product placement.

**Section 3-7. *Requirements for programmes containing product placement***

Programmes containing product placement must meet the following requirements:

- a) The content and scheduling of the programme cannot under any circumstances be influenced in such a manner as to affect the responsibility and the editorial independence of the media service provider.
- b) The product placement cannot directly encourage the purchase or rental of goods or services, in particular by making special sales-promoting references to such goods or services.
- c) Product placement shall not give the relevant product or service undue prominence

d) To prevent viewers from being misled, programmes containing product placement must be identified in a clear and neutral manner at the beginning and end of the programme, as well as when the programme resumes after an advertising break.

e) Programmes produced or ordered by media service providers subject to Norwegian jurisdiction or associated enterprises, cannot contain product placement of products or services of particular interest to children, or of weapons, model weapons or toy versions of weapons.

f) Programmes produced or ordered by television enterprises subject to Norwegian jurisdiction or associated enterprises, cannot contain product placement financed by political party organisations.

The requirement in littera d does not apply to programmes that have not been produced or ordered by the media service provider or associated enterprises.

## **Ch. 4. Retransmission via broadcasting networks, etc.**

### **Section 4-1. Scope of application**

The provisions of this chapter do not apply to cable networks limited to 25 buildings and/or 100 households.

### **Section 4-2. Right to transmit**

Transmission by way of broadcasting networks of broadcasts sanctioned by law does not require a special licence.

Agreements concerning the retransmission of satellite broadcasts shall contain a clause to the effect that Norwegian cable networks may join the agreement on equal terms.

The owner or operator of a network may transmit information concerning the operation of the network or the programme services offered.

### **Section 4-3. Duty to transmit, etc.**

The King can issue regulations to the effect that certain broadcasts shall be transmitted through networks able to transmit broadcasting.

Rules on the transmission obligation must be reasonable, proportional, transparent and necessary to achieve clearly set goals in the interest of the general public.

The King can issue rules on the further conditions for such transmissions. The Norwegian Media Authority may in special cases reduce the number of broadcasts subject to the transmission obligation.

The owner or operator of the cable network shall, in accordance with rules prescribed by the King, transmit announcements from government authorities when it is of major importance to do so.

#### **Section 4-4. Choice of broadcasting transmissions**

The subscribers may decide which broadcasts are to be retransmitted through the cable network in addition to broadcasts subject to the retransmission obligation under Section 4-3.

The owner or operator of the cable network shall inform the subscribers of available broadcasts and of the conditions governing the reception and transmission of such broadcasts.

The King can issue regulations concerning procedures, etc. to be followed when making a choice of broadcasts.

#### **Section 4-5. Prohibition against retransmission**

The Norwegian Media Authority may, by means of regulation or individual decision, prohibit the retransmission of television channels which

- a) broadcast advertising in breach of Norwegian law,
- b) broadcast programmes containing pornography or violence in breach of Norwegian law or other programmes which could seriously harm the physical, mental, or moral development of minors
- c) broadcast programmes which may cause harm to children or young people, when retransmission takes place at a time of day when children or young people constitute a substantial proportion of the viewers, or
- d) broadcast programmes which Norwegian courts have deemed to be in breach of Section 185 of the General Civil Penal Code, or
- e) are established in another EEA State to avoid provisions that would otherwise apply had the television company been established in Norway.

The Norwegian Media Authority can issue regulations or individual decisions prohibiting the sale, renting or marketing of facilities or services that have the purpose of providing access to television channels or programmes as mentioned in the first paragraph, litras b, d, or e.

The King can issue further regulations on rules for exemption from the prohibition in the first paragraph, litra a and on procedures, etc. in connection with imposing a prohibition according to the first and second paragraphs.

#### **Section 4-6. Right to appeal, appeal authority**

The subscribers and the owner or operator of the cable network may appeal decisions on retransmission of cable broadcasts pursuant to the provisions of this chapter, including decisions concerning the choice of broadcasts, to the Norwegian Media Authority

The parties shall comply with orders and decisions issued by the Norwegian Media Authority.

The King can issue further regulations concerning time limits for appeal, limitations in the right of appeal, the appeals authority and the procedure for appeals.

## **Ch. 5. Rectification**

### **Section 5-1.**

Any natural or legal person whose rightful interests have been infringed by factually incorrect information presented in a broadcast programme shall be entitled to rectify the assertions made. A claim regarding rectification must be presented to the broadcaster concerned not later than three months from the date on which the programme was broadcast. A claim for rectification may be rejected if endorsing the claim would entail a criminal act or involve the broadcaster in liability.

The right pursuant to the first paragraph applies to broadcasters under Norwegian jurisdiction.

## **Ch. 6. The Norwegian Broadcasting Corporation (Norsk Rikskringkasting AS)**

### **Section 6-1. *Organisation, ownership, purpose***

The Norwegian Broadcasting Corporation is a private limited liability company. Except as otherwise provided in this Act, the Private Limited Companies Act applies to the Norwegian Broadcasting Corporation.

The State shall hold all shares of the Norwegian Broadcasting Corporation.

The object of the Norwegian Broadcasting Corporation is to provide public service broadcasting and related activities. The Norwegian Broadcasting Corporation may participate in other activities through subsidiaries. The King can issue regulations containing further rules on accounting matters between the Norwegian Broadcasting Corporation and subsidiaries.

### **Section 6-1 a. *Ex ante approval of new services in the public broadcasting assignment***

The King in Council will determine whether approval is granted to incorporate new services into the Norwegian Broadcasting Corporation's public broadcasting remit. The Norwegian Media Authority is responsible for implementation of the approval scheme and will issue an advisory statement to the Ministry. The Norwegian Media Authority cannot be instructed by the King or Ministry when preparing the statement.

Only services fulfilling democratic, social and cultural needs in society can be approved.

The King can issue further rules on the scheme, including in which cases the approval requirement applies.

### **Section 6-2. *Board of Directors***

The Board of Directors has no authority in regard to current programme activities.

The members of the Board of Directors may participate in the deliberations of the Broadcasting Council.

### **Section 6-3. Director General of Broadcasting**

The Director General is the chief executive officer of the Norwegian Broadcasting Corporation and is responsible for current programme activities.

The Director General participates in the deliberations of the Broadcasting Council. The Director General may also participate in the deliberations of the regional programme councils.

### **Section 6-4. Financing, etc.**

The Norwegian Broadcasting Corporation's activities are financed by licence fees, sales revenues, etc. The activities cannot be financed by advertising on the Norwegian Broadcasting Corporation public service channels or teletext services. The licence fee is determined by the Parliament ("Storting").

### **Section 6-5. (Annulled by Act No. 32 of 22 May 1998 (entered into force 1 June 1998).)**

## **Ch. 7. Broadcasting Council and Regional Programme Councils**

### **Section 7-1. Function of the Broadcasting Council**

The Broadcasting Council shall discuss and express its opinion on the general programme policy of the Norwegian Broadcasting Corporation.

The Broadcasting Council shall express its opinion on programme matters submitted to it by the Director General, or on programme matters which the Council itself sees reason to address.

The Board of Governors and the Director General may invite the Council to give its opinion in administrative and financial matters.

The King can issue instructions to the Broadcasting Council.

### **Section 7-2. Composition of the Broadcasting Council**

The Broadcasting Council comprises 14 members, each with a personal deputy. The Parliament ("Storting") appoints eight members, one of whom shall be the Director of the Sámi Programme Council. Six members, including the Chair and the Deputy-Chair, are appointed by the King.

The members are appointed for a term of four years. A member may be reappointed for one term only.

The Chairman, or a member authorised to represent the chair, may attend the Board of Directors' meetings and take part in its deliberations.

### **Section 7-3. Regional Programme Councils**

The Regional Programme Councils shall express their opinion on the general programme policy of the Regional Offices and on programme matters which the Director General or the Director of the Regional Office concerned submits to the Council, or which the Council itself sees reason to address.

The Director General and the Director of the Regional Office may invite the Council to express its opinion on administrative and financial matters.

A programme council shall be appointed for each Regional Office.

The Regional Programme Councils comprise five members, each with a personal deputy, who are appointed for a term of four years by the County Parliament. A member may be reappointed for one term only. The King can issue rules concerning the appointment and composition of Regional Programme Councils in cases where a Regional Office serves more than one county.

The King can issue further rules on the functions and work methods of the Regional Programme Councils.

## **Ch. 8. Sale of equipment, fees and charges, collection, etc.**

### **Section 8-1. Right to possess broadcasting receivers**

Any person is entitled to possess a broadcasting receiver.

The transfer of a receiver from one person to another shall be reported to the Norwegian Broadcasting Corporation. The King can issue regulations concerning the reporting requirement and exemptions from this requirement.

### **Section 8-2. Importation and sale, etc. of broadcasting receivers**

The importation and domestic sale, rental or lending of broadcasting receivers, including aerials, shall be reported to the Norwegian Broadcasting Corporation. The King can issue regulations concerning the reporting requirement and exemptions from this requirement.

The King can issue regulations attaching such conditions to importation and sale, etc. as mentioned in the first paragraph, as are deemed necessary to ensure that receivers, etc. are of a reasonable technical standard.

Checks may be carried out to verify compliance with the reporting requirement in the first paragraph. To this end, and to the extent deemed necessary, access may be requested to recorded accounting information, accounting materials, agreements and other documents of significance for compliance checks, and to the premises where dutiable equipment is manufactured, stored or sold.

The Ministry issues regulations on control procedures.



### **Section 8-3. Licence fees and additional charges**

The Parliament (“ Storting”) determines licence fees for the possession of broadcasting receivers and additional charges in the event of overdue payment and failure to report pursuant to the rules of Section 8-1, second paragraph.

The King can issue regulations on the collection of fees and interest on overdue payments.

The King can, by regulations or individual decision, grant complete or partial exemption from the payment of fees and interest when there are special reasons for doing so.

### **Section 8-4. Security for and collection of fees and charges, etc.**

Overdue licence fees and additional charges are secured by a lien taken on the receiver and accessories or parts. Except in cases where Act No. 37 of 2 June 1978 relating to good faith acquisition of chattels applies, the said lien takes precedence over all other rights to the object, even where the object is transferred to a new owner. Should the lien become void under the provisions of the Act relating to good faith acquisition of chattels, it passes to any subsequent television or radio receiver, etc. that the debtor acquires. However, this lien ranks below a valid vendor's charge.

In addition to constituting grounds for forced sale under Chapter 8 of the Enforcement Act, overdue secured claims also constitute grounds for surrender under Chapter 13 of the Enforcement Act. In such case the receiver, etc. may be sold in order to pay the secured claim in such manner as is provided by regulations issued by the King.

Overdue licence fees and additional charges also constitute grounds for execution.

Requirements as mentioned in the third paragraph are collected by the Norwegian National Collection Agency, unless otherwise determined by the Ministry.

### **Section 8-5. Information about customer relationship**

Parties that offer television transmissions through broadcasts or retransmission of broadcasts for remuneration are required to give the Norwegian Broadcasting Corporation information about their customers' names, addresses and dates of birth.

The Norwegian Broadcasting Corporation can only use the information for verification with its own register over who pays licence fees. The Norwegian Broadcasting Corporation must ensure access to the information is limited to employees with an official need for such access.

The King can issue further regulations on the duty to provide information according to this paragraph and relating to the Norwegian Broadcasting Corporation's use of the information.

## **Ch. 9. Illegal broadcasting from ships and aircraft operating in international territory, etc.**

### **Section 9-1. *Prohibition against broadcasting, etc.***

It is prohibited to establish or engage in broadcasting on board ships, aircraft, etc., and on any facilities operating in or in the airspace above international waters if the broadcast is liable to be received in Norway, Denmark, Finland or Sweden or any other State signatory to the European Agreement of 22 January 1965 for the Prevention of Broadcasts transmitted from Stations outside National Territories, or if it interferes with radio reception in the said countries. Radio reception encompasses broadcasting as well as radio navigation, air navigation, etc.

### **Section 9-2. *Prohibition against assistance, etc.***

Assisting the passage through, or the presence in, Norwegian territory – including sea and air territory – of ships, aircraft, etc., or facilities or installations of any kind that are used or are intended to be used for broadcasting in or in the airspace above international waters, even when the broadcasts are not of the type mentioned in Section 9-1, is prohibited. This prohibition does not apply where an emergency situation makes it absolutely necessary to enter Norwegian territory in order to save human lives, a vessel or cargo.

### **Section 9-3. *Regulations prohibiting assistance***

The King can issue regulations prohibiting assistance in Norwegian territory – including sea and air territory – of broadcasting in or in the airspace above international waters, including prohibiting the establishment or operation of offices for such activity, the contribution of financial or technical assistance, the engaging in advertising or promotion and the supply or transportation of equipment, materials, audio tapes, etc.

Regulations as mentioned in the first paragraph may also prohibit assistance outside Norwegian territory insofar as such assistance involves activities prohibited under Section 9-1.

## **Ch. 10. Penalties, entry into force, etc.**

### **Section 10-1. *Penalties***

A person shall be liable to fines or imprisonment for a term not exceeding six months if he intentionally, or through negligence, or repeatedly violates provisions in Section 2-1, first or third paragraph, Section 2-4, 3-1, second paragraph, Section 4-5, first paragraph litras b and d, and Chapter 9 or regulations or individual decisions made pursuant to these provisions. Contributing to such acts is penalised correspondingly.

Where the infringement has been committed to further the interests of the undertaking, or the undertaking has benefited from the infringement, this should be regarded as an aggravating circumstance for the purpose of sentencing pursuant to the first paragraph.

Infringement of provisions given in or in pursuance of Chapter 9, cf. Section 10-1, first paragraph, can be penalised without hindrance of the restrictions that follow from Section 4-8 of the General Civil Penal Code and section 65 no. 5 of the Criminal Procedure Act. But only persons who are citizens or domiciled in Norway, Denmark, Finland or Sweden may be held criminally liable for infringement of regulations issued pursuant to Section 9-3.

### **Section 10-2. *Warning***

Where an infringement of this Act or of provisions or conditions laid down pursuant to this Act has been committed, the Norwegian Media Authority may issue a warning to the party responsible for the infringement.

### **Section 10-3. *Financial penalty***

In the event of violation of Chapter 2, 3, Section 6-4, Section 8-1 and Section 8-2 or of regulations or individual decisions made pursuant to these provisions, the Norwegian Media Authority may impose a financial penalty payable to the State, calculated in accordance with rules prescribed by the King.

The King can issue rules concerning an increased penalty in the event of repeated violation. The Norwegian Media Authority may, in special circumstances, waive such financial penalties.

Any financial penalty imposed constitutes grounds for enforcement. The King can issue more detailed rules concerning the implementation of the provisions of this Section, including rules on collection and time-limits for payment. Interest can be imposed on payment of a financial penalty.

### **Section 10-4. *Coercive fine***

To ensure duties according to the provisions in Chapter 2, 3, and 4 and Section 6-4, 8-1, 8-2 and 8-5 or regulations or individual decisions pursuant to these provisions are fulfilled, the Norwegian Media Authority can impose a coercive fine on the party responsible for fulfilment.

The coercive fine is stipulated as a current fine or a lump sum amount. In the event of a current fine, the Norwegian Media Authority can decide that the fine should start to accrue one week after the decision for a coercive fine, or from a specially set deadline for fulfilment of the duty if this deadline is expired without the duty being fulfilled. In the event of coercive fine in the form of a lump sum amount, the Norwegian Media Authority can determine that the fine will be paid through a specially set deadline for fulfilment of the obligation if this deadline has expired without the duty being fulfilled.

Coercive fines fall to the Treasury for the State and constitute a basis for execution.

In special cases, the Norwegian Media Authority can reduce or relinquish the incurred coercive fine.

The King can issue further regulations on provisions for imposing coercive fines, including terms for coercive fines and regarding the size and interest on the coercive fine in the event of delayed payment.

**Section 10-5. *Time-limited prohibition of the broadcasting of advertisements, revocation of licence, etc.***

Where a provision of Chapter 3, or regulations laid down pursuant to Chapter 3, have been infringed upon by someone acting on behalf of a broadcaster, the Norwegian Media Authority may prohibit that company from broadcasting advertisements for a time-limited period.

In the event of repeated or serious infringements of this Act or of provisions or conditions laid down pursuant to this Act committed by someone acting on behalf of a person or undertaking that has been granted a licence pursuant to Section 2-1 or Section 2-2, the Norwegian Media Authority may revoke the licence. Such revocation may be time-limited.

The King can issue further rules concerning decisions to prohibit advertising and the revocation of licences.

**Section 10-6. *Entry into force of the Act, etc.***

This Act shall enter into force in whole or in part on the date decided by the King.

The following shall be repealed on that same date - - -