



Medietilsynet
NORWEGIAN MEDIA AUTHORITY

List of major events in Norway

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Events of major significance

AVMS directive Article 14 (1)

“Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. “

Broadcasting Act § 2-8

“A broadcaster who has purchased the exclusive right to televise 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.”

The list of major events

The Broadcasting Regulations section 5-1, entering into force 1 July 2014:

- The Olympic Summer and Winter Games
- The Football World Cup for men, including qualifying matches involving the Norwegian national team
- European Football Championship for men, including qualifying matches involving the Norwegian national team
- The Handball World Cup for women
- The European Handball Championships for women
- The Norwegian Cup Final in football for men
- The World Ski Championships, Nordic disciplines
- The Alpine Skiing World Championships
- Holmenkollen FIS World Cup Nordic
- The Biathlon World Championships

Tasks of the Norwegian Media Authority (NMA)

The amendment to the broadcasting regulations states that the NMA shall:

- Determine a remuneration (price) for the transfer of rights in individual cases. The price shall be a fair market-price.
- Produce guidelines on how to reach a market-based price.
- Receive reports of acquisitions.

Guidelines: How to reach a market-price

- Criteria
- Procedure
- Pricing
- NMA's decision
- Sanctions

Criteria for reviewing a case:

- The subjects: Qualified TV-channel/non-qualified TV-channel
 - Free television
 - A substantial proportion of viewers = at least 90 per cent of the viewers have a potential ability to receive the broadcasts.
- The disputed rights
- Jurisdiction - Norwegian jurisdiction will apply to events which are listed on the Norwegian list
- Foregoing offer, negotiation and deadlines

Procedure

- A request about pricing to the NMA from one of the parties. The other party is allowed to comment on the claim.

- Both parties must document:
 - that the criteria for reviewing a case is met,
 - include an exhaustive list of the disputed television rights
 - what the party considers to be a fair market-price.

- The NMA publishes the request and give other qualified TV-channels the opportunity to show interest in the disputed rights.

- The NMA will host an auction if more than one qualified TV-channel is interested in the rights.

- If no other show interest, the NMA shall set a deadline for the parties to file closing statements.

Pricing – factors that may affect the remuneration

- Only applicable if there is only one qualified TV-channel interested in the rights

- Moments that the NMA may consider when deciding on a remuneration:
 - The value of the television rights at the time of the purchase
 - If the price has shifted (general markets cycles, unforeseen events)
 - Previous fees
 - The revenue or audience potential
 - The airtime/viewing time
 - If the rights were bought in competition with other broadcasters
 - Other relevant factors specific to the event

The NMA's decision

- The NMA's decision must contain information about:
 - Who the parties are
 - The price
 - Reason for reaching the specific price
 - Terms and conditions included in the price
 - Information on legal remedies

- A decision from the NMA gives the non-qualified TV-channel an obligation to sell the television rights, while the qualified have a right to purchase.

- The NMA will set a deadline for when the qualified TV-channel must claim the transfer of the disputed rights.

Sanctions

- The NMA may sanction infringements by:
 - Issue a warning
 - Issue a financial penalty
 - Give a coercive fine

Challenges

- Obtaining information
- «*Television rights*»
- Market-price?
- Shall we expect to receive a case?

The End

- Questions?
- Comments?
- Predictions?

- Thank you -