



Medietilsynet  
NORWEGIAN MEDIA AUTHORITY

## NORWEGIAN COUNTRY REPORT

### EPRA meeting in Bern 13 – 15 May 2015

#### 1. New platform-independent Act on protection of minors in audiovisual media

The new Act on the protection of minors was adopted by Parliament on 15 December 2014. The law introduces a platform-independent approach, which means that provisions regarding protection of minors against harmful content in audiovisual programmes are gathered in one Act regardless of platform. The Act will enter into force at the earliest 1 July 2015.

The scope of the Act includes linear television, on-demand audiovisual services (limited to on-demand services that are competing with traditional television broadcasts), screening at public gatherings in Norway (including at cinemas) and making videograms available to the public (including distribution of DVD/Blu-ray). Within the scope of the Act, the same protection tools will apply to all platforms.

The new Act states that all audiovisual programmes have to be age classified. The Act also introduces a duty to ensure that the age limits are met, and to inform the public about the age limits. The latter includes a duty to label all audiovisual programmes with a set age limit.

The NMA will still be responsible for the age classification for cinematographic works. For all other films and audiovisual programmes, the age limits shall be set by the distributor of the programme, on the basis of guidelines drawn up by the NMA. New age limits are introduced in the new Act: 'All', '6', '9', '12', '15' and '18'. The aim is to better reflect the stages of development of children and youth. The previous age limits were: 'All', '7', '11', '15' and '18'.

The new platform-independent law represents important changes and introduces new duties on distributors of audiovisual programmes. The NMA will therefore conduct information campaigns aimed at the industry and public during 2015, on the basis of regulations and guidelines for the implementation of the new provisions.

#### 2. Digital radio

The Government decided 16 April 2015 to switch off the nationwide FM broadcasting net in Norway in 2017. The switch off will be effectuated region by region.

The press release from the Ministry of Culture (in Norwegian):

<https://www.regjeringen.no/nb/aktuelt/radiodigitalisering-skjer-i-2017/id2406145/>

Further information about the switch off (in English) can be found here:

[http://www.medietilsynet.no/Documents/Englishtxtpages/Digital\\_switch-over.pdf](http://www.medietilsynet.no/Documents/Englishtxtpages/Digital_switch-over.pdf)

The decision is based on the fulfilment of the following criteria:

- **Absolute conditions**
  - Digital coverage for the PSB NRK's radio service must correspond to that of NRK P1 on FM (approximately 99,5 percent coverage): Norwegian Communications Authority (Nkom) presented a report to the Ministry of Culture on the 17<sup>th</sup> February 2015 concerning the current status for NRK's nationwide Regional Block. Nkom concludes in their report that the Regional Block covers **99,5 percent** of the population.
  - The multiplexes which carry commercial national services must cover at least 90 percent of the population: The above mentioned report from Nkom concludes that the Commercial Nationwide Block now covers **92,8 percent** of the population.
  - The digital radio offer must represent added value to the listeners (i.e. more content, added technological value): **Content:** There are currently **22 different nationwide DAB-services** in Norway. There are also several radio services available through the Local Radio Block (trial broadcasts). **Technological:** There is a wide range of receivers and adapters available for sale in Norway, in stores and online, and many of these have features not available on FM receivers.
- **Secondary conditions**
  - Affordable and technically satisfactory solutions for in-car reception must be available. In December 2013 the Ministry of Culture stated that this criterion also means that installation of DAB receivers/adapters must be available in all the counties in Norway and at least half the municipalities: The current status in Norway is that there is a wide range of car adapters for sale on the Norwegian market. A questionnaire conducted by the NMA at the beginning of 2015 reveals that 63 percent of all new cars sold in 2014 was delivered with DAB+ radio. This may not be the same number as for new cars that is available with DAB+ radio as a standard or optional feature. A questionnaire conducted by the NMA during spring/summer 2014 indicates that **all the counties** in Norway and about **80 percent of the municipalities** offer installation of DAB+ receivers/adapters in cars.
  - At least 50 percent of the daily radio-listeners must employ digital platforms (technology that transmits digital radio; DAB/DAB+, Internet, DTT, cable, satellite, smartphones iPads etc.): The current status in Norway is that **56 percent use digital platforms** when they listen to radio on a daily basis.

Information on the digitization of radio and the NMA's latest report to the Ministry of Culture on the status of the digitalization can be found here:

[http://www.medietilsynet.no/Documents/Digitalradio/Statusrapport\\_6-2015.pdf](http://www.medietilsynet.no/Documents/Digitalradio/Statusrapport_6-2015.pdf)

### 3. Local radio

The Ministry of Culture aims to form the future of local radio on DAB with a White Paper. This paper was passed to the Parliament 17 April. The Ministry suggests to award the facility licences on DAB to the party who has the highest bid at an auction. There will not be any provisions on content for the local radios on DAB. Furthermore, it is suggested that a licence to operate local radio on DAB

(content licence) will be given by the NMA if the radio can present a transmission agreement with the service provider which holds the facility licence. The Ministry proposes that the licence period should last from 1 January 2017 until 31 December 2031, which corresponds to the date of completion for the national licences on DAB.

The vast majority of local radios may, however, continue to broadcast on the FM-network if they wish to. One of the proposals from the Ministry is to only switch off FM for the local radios in the largest cities and some of the surrounding areas (radios which have a certain level of coverage in the largest cities) at the same time as the national radios. For all the other local radios, the Ministry suggests to prolong their licences on FM with five years.

The NMA will have a particular focus on the digital switchover for the local radios in the coming years. The current licensing period lasts until 31 December 2016.

#### **4. White paper on NRK extended to comprise private public service broadcasting**

In 2013 the Government stated that a White Paper on the Norwegian PSB NRK with a full review of its activities, organization and funding, was needed. During 2014 the NMA and other external researchers have performed different surveys and mappings. A “dialogue conference” with stakeholders has been arranged. There has been quite an interest from the media industry, in particular the printed press, on what future position NRK should have in the media market, especially the position on digital platforms. The NMA has conducted various research work and evaluations; a mapping of other public service media models in Europe, a description of national, regional and local news and current affairs providers in Norway, and an evaluation of the rules concerning the public value test. The Ministry of Culture has also commissioned two analyses to external researchers. The analysis of financial models was presented in November 2014, and the analysis of the impact of NRK’s position on news and current affairs in relevant markets in March 2015.

The Ministry of Culture recently decided that the White Paper also should cover the conditions for PSBs. The White Paper will be proposed to the Parliament in 2015.

#### **5. Commercial communications**

##### ***New method for supervising the quantitative rules***

The NMA has until now used an external company (TV Check) to provide an overview of all advertising spots in the television channels under Norwegian jurisdiction. This overview has been used for a systematic internal calculation of the volume of advertising per hour and during a 24-hour period, and thus constitutes the basis for the NMA’s monitoring of the compliance of these volume rules for all broadcasters. From now on this monitoring will be based on overviews from the broadcasters themselves, and the NMA will conduct sample surveys to monitor that the broadcasters have adequate systems and that the volume rules are followed.

##### ***Product placement***

Product placement is widespread in Norwegian commercial broadcasting and in on-demand audiovisual services. The NMA has given the identification of programmes containing product

placement a great deal of attention. The NMA's guide on how to identify the programmes containing product placement has proven to be useful to the broadcasters, and there are very few breaches of the rules. The NMA has conducted a new study on how the Norwegian TV-viewers respond to the identification of the programmes containing product placement. The study revealed an increased consciousness among viewers compared to the first study. The guide (in Norwegian) is available at the NMA's webpage: <http://www.medietilsynet.no/Aktuelt/Nyheter/produktplassing-veileder/>.

### ***Sponsorships***

The regulation regarding sponsorships was modified with effect from 1 January 2014, now permitting sponsorships to be identified with images of the sponsor's product or activity. Following this modification the NMA has observed an increased use of slogans and other additional information in sponsorships in violations with the regulations. It is also our experience that the opportunity of using images of the sponsor's product, has led to an increase in the use of slogans and other elements from the sponsor's advertising campaigns.

## **6. European works**

Following the implementation of the AVMS directive into Norwegian law, the obligation to promote European works has been extended from broadcasting to on-demand audiovisual media services.

The NMA has established a system for reporting that requires the on-demand providers to list any promotional measures and to report quotas based on the number of titles in the catalogue at four given dates through 2014. The chosen approach is meant to make it relatively easy to collect and submit the data for the on-demand providers. Some challenges are expected, and the NMA is going to evaluate the system in the fall of 2015. The evaluation will be based on the experience of how to measure and evaluate the compliance with the rules, but will also take into consideration the media service providers viewpoints on the system.

## **7. Universal access to the media for all – New rules on subtitling**

Another "new" rule following from the implementation of the AVMS Directive is an obligation for TV channels to provide subtitling on both pre-produced and live programmes in certain periods of the day. This rule applies to NRK and commercial television channels with more than five percent of the total number of viewers. The commercial broadcaster TV 2's main channel (which is also a public service channel) is obliged to follow this rule, and has experienced both technical and financial challenges concerning subtitling for live programmes. Interest groups representing the deaf and hearing impaired have pushed to make sure that TV 2 finds solutions to this. After a dialogue with the NMA through 2014, TV 2 has developed a technological system for providing "live subtitling", which will be launched this spring.

## **8. Identifying the on-demand audiovisual media service providers**

Following the implementation of the AVMS directive into Norwegian law from 2013, several provisions in the Broadcasting Act applies to on-demand audiovisual media service providers. These providers do not have an obligation to register with the Norwegian Media Authority (NMA). The

NMA therefore conducted a mapping of a total of 275 on-demand media service providers in 2013, and found that approximately 60 media service providers at that time would be subject to regulation. 40 of these 60 providers are on-demand services from online newspapers. Since then, the NMA has reviewed this list and the number is slightly reduced. The providers that have been removed from the list are mainly local online newspapers which lack a catalogue of programmes.

## **9. Media Literacy**

The NMA works to raise awareness on media literacy in the Norwegian population. The NMA hosts the Safer Internet Center that in particular works to strengthen skills and judgment in use of digital media among children and youth. In 2011 the NMA initiated a national cooperation network on media literacy which meets twice a year. There are 23 organisations in the network consisting of both public and private bodies, NGOs, the academic discipline and three ministries. The NMA is the coordinating instance and secretary for the network, which share knowledge and experience and collaborate on initiatives. In 2014 the NMA, in collaboration with the University of Oslo, conducted a meta study on media literacy:

[http://www.medietilsynet.no/Documents/Mediekompetanse/Mediekompetanserapporten\\_webenk\\_eltsider.pdf](http://www.medietilsynet.no/Documents/Mediekompetanse/Mediekompetanserapporten_webenk_eltsider.pdf)

As a result of the findings in this study, the NMA conducted a small study on knowledge of media regulation in the adult population.

## **10. Media ownership regulation**

The Government has stated that they want a review of the media ownership regulations, and that the Norwegian Competition Authority shall enforce such regulations. The Norwegian Media Authority will, however, still be the responsible authority regarding transparency of media ownership. Whether the NMA will be assigned other tasks regarding media ownership under the new legislation, is not yet determined. The NMA has assisted the Ministry of Culture with different surveys in connection with the assessment of a future new legislation on media ownership. It is expected that a hearing will be conducted this year, and it might take some time before new regulations enter into force.

Media ownership concentration measurements are for the time being, based on circulation figures and viewer/listener numbers. Digital media consumption has until now represented a challenge to this calculation. However, the media industry is about to develop new measuring methods. In the official circulation figures for 2014, digital subscription numbers were included for the first time. The Norwegian television industry is currently working to establish a common standard that can measure television viewing on all screens.