

NORWAY

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1. TV VIEWERS' PARTICIPATION IN NORWAY

Currently, the Norwegian TV landscape consists of four major broadcasters, which will be described in detail the following. The National Broadcasting Company (NRK) is the public broadcaster, which is state owned, financed through a licence fee and independent in questions of programme contents. NRK, together with TV2, covers about 100 and 98 per cent of the population, respectively. The Norwegian commercial broadcaster is the privately owned TV2. The *Broadcasting Act* limits ownership in private national radio and television channels to 33.3 per cent. Two of the major newspaper owners (Schibsted and A-pressen) are major shareholders in TV2, while the third important shareholder is the Danish multimedia company Egmont, which has been present in the Norwegian magazine market since the 1920s. TV2 is a major shareholder in TVNorge, the other commercial broadcaster, that covers about 83 percent of the population. Yet, 51 per cent of TVNorge's shares are owned by the American group Scandinavian Broadcasting System (SBS). In addition, there is TV3, which covers about 58 per cent of the population.

Compared to the rest of Europe, the Norwegians spent the fewest hours in front of the TV. Figures for 2002 show that the average Norwegian spends two and a half hours in front of the television set every day. The audience share of the two public service channels of NRK together is 42,2 % (NRK1: 39.2 %, NRK2: 3 %), while the main competitor, TV2 had an audience share of 32.2 % and TV Norge had 9.6 %.

Norway has got a (self-)regulation system with multiple features which include the possibilities to complain directly to the broadcasters, the Press Council or the governmental body that supervises broadcasting. Monitoring of TV is conducted by the Mass Media Authority as well as the Press Council and the independent Christian organisation Familie & Medier. Future tasks will be to develop rules or regulations that take digitalisation into account.

For an overview on the relevant institutions dealing with viewers' interests, see the table at the end of this chapter.

1.1 Government and official bodies

Both, the NRK and TV2 have broadcasting councils. For local radio and television, an administrative body, connected to the Department of Culture, issues franchises for the local stations. These franchises may be suspended or withdrawn if the stations break the law.

Concerning the institutions that control the previously mentioned broadcasters, there is first of all the Mass Media Authority¹ (MMA, Statens Medieforvaltning), which is responsible for the supervision of broadcasters established in Norway and for the financial support to newspapers. Moreover, there is the Norwegian Film Board „Statens Filmtilsyn“, which has a certain influence in the accountability system, as it is responsible for the classification of movies in age-limit for children. Both authorities will be mentioned later on under 2.3.

1.2 Self-regulation

In Norway there are no laws regarding the ethical standards of the media. Yet, since 1936, the printed press has maintained a code of ethical standards was established through the Press Council². This Council (Pressens Faglige Utvalg) is the most general system for accountability in the media as it supervises the broadcasters and deals with

complaints from viewers (see 3.2).

NRK publishes the ethical guidelines of the programmes on its website and provides a form for viewers to send in their commentaries, complaints, questions etc. about the programmes or about single persons. In addition, the procedure for complaints is described on the site of the NRK Broadcasting Council.³

1.3 Other organisations

Barne Fakta (Child Watch), which is a part of Family and Media (Familie & Medier, Kristie Medieforum KKL), is a Christian organisation dealing with the protection of children's rights in the field of media⁴. The organisation already exists 20 years and has several affiliates in other countries. This is an extraordinarily active organisation (see 3.1).

As Mr. Nyborg, from Familie & Medier, mentioned, there is another smaller organisation that deals with the problem of the two Norwegian languages and awards prizes to journalists for using the traditional Norwegian language.

2. TV VIEWERS' RIGHTS: THE REGULATORY FRAMEWORK

2.1 Sector (TV) specific regulation

First of all, there is the *Norwegian Broadcasting Act*, or more specifically the Act No. 127 of December 4th 1992, relating to broadcasting. This act has been amended most recently by the Act No. 6 of 14 January 2000, with effect from 20 January 2000 and contains the most encompassing legal basis for the broadcasting system.⁵

The Norwegian Broadcasting Act also includes information on the limits of ownership in private national radio and television channels, which is set to 33.3 per cent for one holder.

Furthermore, the following regulations also entirely or partly deal with the legal organisation of broadcasting.

- Regulations No. 153 of 28 February 1997 relating to broadcasting
- Act No 53 of 13 June 1997 relating to Supervision of the Acquisition of Newspaper and Broadcasting Enterprises (the Media Ownership Act)
- Act No. 21 of 15 May 187 on film and videogram
- Regulations No. 1515 of 20 December 1999 on film and videogram
- Act No. 2 of 12 May 1961 on copyright (with several regulations)

2.2 Regulatory practices for positive and negative content regulation

The Norwegian government puts great emphasis on ensuring that the licensing scheme - or the state ownership of NRK - does not allow any infringement upon the editorial independence of the broadcasters. However, licences granted to private broadcasters include obligations to provide a range of programmes, based on the general principles for public service broadcasting in Norway. Like the NRK, the commercial broadcaster TV 2 was also granted a concession on certain conditions. *"It has to have at least one newscast a day, and is required to have a certain public service profile, including a given percentage of programmes produced in Norway. The stated aim is that TV 2 shall contribute to the preservation of Norwegian language, culture and identity. Its headquarters are, in accordance with a parliamentary decision, situated in Bergen."*⁶

Generally, the Norwegian Broadcasting System is based on self-regulation. Thus, usually the regulation of media content is carried out within the media themselves. This self-regulation was gradually adopted by other media, after the press laid down their ethical rules in a statute. Nevertheless, ethical questions have appeared in the media policy debate. *"There is a continuous struggle between the principle of media freedom and the wish to protect the population from undesired influences. In 1999, a state commission made a proposal to include a much stronger*

protection on freedom of expression and freedom of information into the Norwegian Constitution. If this proposition is accepted, it will lead to changes in other parts of the legislation (film censorship, libel, etc.). An interesting proposition is that it is the state's responsibility "to create conditions enabling an open enlightened public debate".⁷

Another very specific regulation, concerning content, is made in the *Broadcasting Act* of 1992, (with subsequent amendments, most recently by Act No. 6 of 14 January 2000, with effect from 20 January 2000). Therein, the subsection 2.7. deals with the protection of minors.

"The King will issue regulations to prohibit the transmission of television programmes which may seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

The King will issue regulations to the effect that television programmes with scenes or items which may impair the physical, emotional or moral development of minors shall only be transmitted in periods when minors will not normally see or hear such transmissions, and concerning other technical measures that prevent minors from seeing or hearing the transmissions. The King will issue regulations requiring an acoustic and optical warning where such programmes are broadcast in unencoded form."⁸

Apart from the contents already mentioned, the Norwegian Broadcasting Act provides for handling of advertising, programme-sponsorship (chapter 3) and includes provisions realising the EU-Directives in the Norwegian media law environment, for example regarding European television programme material.

2.3 Instruments established by law

Chapter 7 of the Broadcasting Act (1992) laid down the establishment of a Broadcasting Council (Kringkastingsrådet) for NRK. The function of the Council is to discuss and express its opinion on the general programme policy of the NRK and express its opinion on programme matters submitted by the Director-General, or on programme matters which the Council itself sees reason to take up. The fourteen members are appointed by both the King and the parliament. The Broadcasting Council deals with complaints about the programme of NRK. The King may issue instructions to the Council.

The same Chapter provides for a formation of Regional Programme Councils which 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 take up.

Another important institution, is the Mass Media Authority (MMA), which is located under The Royal Ministry of Cultural and Church Affairs that supervises all broadcasters (as well as the press) established in Norway. As already mentioned in chapter 1, the Media Ownership Authority, among other things, observes whether broadcasters act according to the Media Ownership Act, that promotes freedom of expression, opportunities to express one's opinions and a comprehensive range of media. Both authorities, the MMA and the Media Ownership Authority, will merge with the Film Classification Board as of January 2005.

In the TV sector the Mass Media Authority is dealing with licensing, monitoring and complaints concerning advertisement and sponsorship rules as well as European rules on violence and pornography. The responsibility concerning advertisement is divided between the Consumer Ombudsman (dealing with consumer rights) and the MMA. The latter deals mostly with children's rights in advertisements. The MMA does not deal with ethic questions like defamation and intrusion of privacy because the Press Council (PFJ) as a self-regulation organisation does so itself.

Mostly, the MMA is investigating possible violations through their own monitoring, not because of complaints as the possibility is not too prominent in the public, e.g. there is no complaints form on the website. The sanction

system of the MMA includes warnings, sanctions like fines and even the withdrawal of licences. For cable systems, the restriction of retransmission can be pronounced, while the sanctioning in the sphere of satellite broadcasting and especially Pay TV waits for regulation of the government. Currently, this is a matter of discussion, so that a new legislation on this issue can be expected soon.

The most important issues for the MMA are pornography and violence in TV, advertising rules and consumer rights in cable system.

Together with the National Board of Film Classification⁹, the MMA initiated a survey on parents contentment with the legislation in the field of protection of minors (carried out by Faltin Karlsen and Trine Syvertsen, Institute for Media and Communication). One important result was that parents are primarily concerned with advertising and especially TV commercials. Bad language and violence in the media were considered in the second place, as having a negative influence on children, while pornography and blasphemy in the media were rarely mentioned.

2.4 Complaints procedures (established by law)

The complaint procedure through the Press Council works according to the process described in the following. The secretariat of the Press Council usually contacts the editor of the programme in question, with the objective of assisting the parties to reach an amicable settlement. The secretariat will also assist the complainant in clarifying the complaint, if necessary. At all times, the Council invites the publication or program in question to give a written response to the complaint. Thereafter, the complainant, may comment upon the arguments presented by the accused newspapers, magazines, radio or television station. "The publication may submit a final comment before the Council considers the case."¹⁰

If the matter has been presented to court or if it is evident that legal action will be taken, the Council will not consider a complaint. But there is no provision stopping the complainant from going to the courts after the adjudication of the Commission. The person or group concerned with the specific case have to give their consent, if the complaint has been filed by someone not directly concerned or by the Secretary General.

Should the Commission agree with the complainant, and then determine that the published material represents a breach of good press conduct, then the adjudication of the Commission has to be published without delay, in full and in a prominent place, by the guilty publication or electronic media.

"The Commission has no other sanctions than the publishing of the adjudication, which is also made public through the magazines of both the Journalists' Union and the Publishers' Association. Nor are there any fees for hearing cases. The Commission has no power to instruct the publication to publish the adjudication, but so far all adjudications have been published voluntarily. The adjudications are based on the Code of Ethics¹¹ accepted by all members through their various organisations, including almost every newspaper, magazine, periodical, radio and television station in the country."¹²

3. VIEWERS' ORGANISATIONS SOCIAL IMPACT

3.1 Case Study 1: Familie & Medier – Kristient medieforum KKL

Familie & Medier was founded as a listener organisation and after some time extended its activities to viewers interests and media in general. The tasks and activities are based on religious values and beliefs. Twenty-nine different churches are members of the organisation and 30,000 people are personal members.

The general task of Familie & Medier is to further good programming based on religious values and on research results. To this end, the organisation regularly evaluates and assesses the programme and publishes both a newsletter on the Internet and a small magazine to inform people about the latest developments. In several newspapers and on different websites F&M publishes a weekly media commentary, thereby reaching

approximately 1 Mio. Norwegians per week (out of 4.5 Mio. total population).

F&M tries to reach the citizens and bring media topics onto the public agenda by organising seminars and discussions in churches, schools etc. Another way by which F&M tries to improve quality in the media is a scholarship programme for young people, who are working creatively with media. F&M supports research and creative projects in this area, with about 300,000 Kronen per year.

In 2000, a separate organisation - BarneVakten (Child Minder) was founded, dealing with the protection of minors in the field of new media (Internet, computer games). This organisation has got 2,000 individual members. More than twenty “speakers” of this organisation travel through the country, giving seminars and practical advice for children and parents in this media sector. Their focus lies on the new media as the new “playground” for children, the parents should take care of. On the website of BarneVakten, a lot of material and advice is provided e.g. about the quality of computer or other digital games (recommendations for age etc.).

Television is still the dominant medium in Norway (although parents ignore the importance of the new media for children today). An important topic in the sphere of media legislation today is the difference between Free-TV and Pay-TV, where the Free-TV programme offers should be “secure” for minors. F&M therefore appeals to the Mass Media Authority, concerning these issues, quite regularly. Another important topic is the digitalisation which is generally discussed along the equation: new technologies = good, but without any discussion about the ethical implications.

F&M is a member of EURALVA and engages and lobbies in Norwegian as well as in European media policy making (especially EU policy; even though Norway is not a member of the EU, the legislation of the EU provides the guidelines for Norway as an EFTA state as well). The future challenges for media policy and legislation are caused by digitalisation and should be met at an international or European level. Mr. Nyborg therefore regards the idea of a European Viewers’ Platform as decisive and F&M will be ready to participate in the discussion.

3.2 Case Study 2: Press Council

The Press Council is an organisation that was founded by the organisations for the daily newspapers (newspaper owners, journalists and editors) in 1963, but by now includes members from other print media and electronic media as well. The Council consists of seven members in total, with three of these members being representatives of the general public.

In addition, the Ministry appointed an Advisory Council for all broadcasting media (Klagenemnda for kringkastingsprogram), which was supposed to supervise the broadcasters’ compliance with the ethical principles established by the Press Council.

The Advisory Council could also require broadcasters to correct erroneous information in their programmes. Yet, as only very few people seemed to know about this council and it received only a few complaints, its function has been transferred back to the Press Council in 1998, when the Broadcasting Act was changed on this point. After this amendment complaints about radio and television were referred only to the Press Council again. Nevertheless, the Press Council already dealt with complaints about radio and television content again since 1996. The Press Council acts according to a set of ethical guidelines (Vaer Varsom-plakaten) that serve as the basis for its decisions.

The Council consists of seven members that are appointed by the Norwegian Press Association. These members include two journalists, two editors and three representatives of the general public. Every year it deals with approximately 200 complaints from the public.

The Secretary General of the Press Association may also bring cases before the Council¹³. So far, the contact to Tu Vojer, head of the complaints department of the Press Council, did not lead to an interview.

4. BEST AND INNOVATIVE PRACTICES

Familie & Medier is an extremely active viewer's organisation, that wants to foster and achieve high quality programming by engaging in the media system in various ways, such as e.g. seminars, newsletters, complaining, lobbying. The organisation seems to have some influence in Norway, at least by participating in the public discussions on media policy. The affiliate organisation - BarneVakten provides many services concerning media literacy and protection of minors, especially in the new media sector.

The Press Council seems to be another effective actor in the Norwegian self-regulatory system that is well-known and respected.

Annex: List of bodies / people contacted

- Geir Magnus Nyborg, Familie & Medier (, viewers organisation)
- Erik Langebeck, Mass Media Authority
- Tu Vøjer, Press Council
- Faltin Karlsen, Institute for Media and Communication, University of Oslo

NOTES

¹ IP International Marketing (2004): International Key Facts - Television 2003, pp. 205-206.

² Statens Medieforvaltning: <http://www.smf.no/sw225.asp>

³ Press Council: <http://www.presse.no/>

⁴ <http://www.nrk.no/informasjon/organisasjonen/1386146.html>

⁵ <http://www.fom.no>, <http://www.barnefakten.no>

⁶ *The Norwegian Broadcasting Act*, 1992.

see: <http://odin.dep.no/kkd/engelsk/media/018041-200005/index-dok000-b-n-a.html>

⁷ Ministry of Culture and Church Affairs, <http://odin.dep.no/kkd/engelsk/publ/veiledninger/018005-990114/index-dok000-b-n-a.html#tv>

⁸ *The Norwegian Media System*. European Journalism Center See: <http://www.ejc.nl/jr/emland/norway.html>

⁹ *The Norwegian Broadcasting Act*, 1992. Ministry of Culture and Church Affairs, see:

<http://odin.dep.no/kkd/engelsk/media/018041-200005/index-dok000-b-n-a.html>

¹⁰ <http://www.filmtilsynet.no/>

¹¹ Ministry of Culture and Church Affairs, see:

<http://odin.dep.no/kkd/engelsk/publ/veiledninger/018005-990114/index-dok000-b-n-a.html#tv>

¹² The Code of Ethics deals with issues like: the role of the press in society; integrity and responsibility; relations with the sources; publication rules. Available at: <http://www.uta.fi/ethicnet/norway.html>.

¹³ Ministry of Culture and Church Affairs, see:

<http://odin.dep.no/kkd/engelsk/publ/veiledninger/018005-990114/index-dok000-b-n-a.html#tv>

¹⁴ Ministry of Culture and Church Affairs,

<http://odin.dep.no/kkd/engelsk/publ/veiledninger/018005-990114/index-dok000-b-n-a.html#tv>

NORWAY - Overview of institutions dealing with viewers' interests

Institution	Type	National Regional	Creation Year	Members No. (estive.)	Subscription Prices	Other Funding	Annual Budget	No. of Staff (estive.)	Type of Services
Parolis & Medier http://www.fma.no	Viewer Organization	national	1980's	30,000 persons, 29 member organizations (churches)				13	
BarneVakten (Child Watcher) http://www.barnevakten.no barnevakten@klar.mindex.no	Viewer Organization	national	2000	1,800					
Bress Council	Independent Institution	National	1963						Complaints Possibility
Mass Media Authority http://www.mass.no/mv235.asp	Legal Controlling Body	National							Supervision of Broadcasters