

**ACT no 477 of 06/05/2010 In force**  
 (The Radio and Television Broadcasting Act)  
 Promulgation date: 11/05/2010  
 Danish Ministry of Culture

### Overview (table of contents)

Part 1 Provision of programme services  
 Part 2 Distribution of sound and television programmes  
 Part 3 Public service activities  
 Part 4 DR  
 Part 5 (Repealed)  
 Part 6 The regional TV 2 stations  
 Part 6 a TV 2/DANMARK A/S's public service programme activities  
 Part 7 The Radio and Television Board  
 Part 8 Programme services on the basis of licence and registration and also on-demand audiovisual programme services  
 Part 9 (Repealed)  
 Part 10 Licence fees  
 Part 11 Advertising and programme sponsorship etc. and entering into partnerships  
 Part 12 Miscellaneous provisions  
 Part 13 Penalty provisions  
 Part 14 Commencement and transitional provisions etc.

### The full text

## Promulgation of the Radio and Television Broadcasting Act<sup>1)</sup>

The Radio and Television Broadcasting Act, cf. Consolidated Act no 827 of 26 August 2009, as amended by Act no 1269 of 16 December 2009, is hereby promulgated.

### Part 1

#### *Provision of programme services*

**1.** The following undertakings shall have the right to provide programme services as stated in Section 2:

- 1) DR, cf. Part 4.
  - 2) The regional TV 2 stations, cf. Part 6.
  - 3) TV 2/DANMARK A/S, on the condition that the company has a licence to provide public service programme activities pursuant to Part 6 a.
  - 4) Undertakings having been licensed under Part 8 to provide programme services or which can, under Section 47, provide programme services without a licence.
- (2) The Minister for Culture may in special cases authorise undertakings other than those stated in subsection (1) to provide programme services in larger traffic installations on safety grounds. The Minister for Culture may lay down detailed rules for such programme services.
- (3) Programme services shall be provided in accordance with the Act and any provisions laid down pursuant to the Act, as well as any terms on which the programme licence is granted.

**2.** For the purposes of this Act, "provision of programme services" shall mean:

- 1) broadcasting of sound and television programmes to the general public by means of radio equipment;
- 2) distribution through communal aerial installations of sound and television programmes which are not also broadcast as mentioned in no 1;
- 3) broadcasting of television programmes to the general public by means of other electronic communication networks as defined in the Act on competitive conditions and consumer interests in the telecommunications market than those mentioned in nos 1 and 2; and
- 4) provision of on-demand audiovisual media services whose main purpose is to provide informative, entertaining or educational television programmes with or without sound to the general public via electronic communication networks as defined in the Act on competitive conditions and consumer interests in the telecommunications market.

(2) For the purposes of this Act, "communal aerial installation" shall mean communal aerial installations and other cable systems for the distribution of sound and television programmes to premises used for private residence.

(3) For the purposes of this Act, “on-demand audiovisual media service” shall mean an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.

(4) For the purposes of this Act, “media service provider” shall mean the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised.

(5) For the purposes of this Act “audiovisual media service” shall mean either a television broadcast covered by subsection (1), nos 1-3, or an on-demand audiovisual media service covered by subsection (1), no 4.

## Part 2

### *Distribution of sound and television programmes*

#### *Distribution of sound and television programmes by means of terrestrial digital television broadcasting opportunities*

**3.** Distribution of Danish and foreign sound and television programmes by means of terrestrial digital television broadcasting networks may only take place with a licence from the Radio and Television Board.

(2) Licences shall be granted by the Radio and Television Board following tendering.

(3) The Minister for Culture may lay down rules for tender procedures under subsection (2), including terms for licences etc. The Minister for Culture may also specify that the Radio and Television Board may lay down terms for the company etc. in connection with the issuing of distribution licences under rules laid down by the Minister for Culture.

(4) Licences may, however, be granted to DR, TV 2/DANMARK A/S or any company owned exclusively by one of these undertakings or the undertakings in association as determined by the Minister for Culture.

(5) The Minister for Culture may lay down rules on deviation from subsection (2) in connection with trial services.

**4.** The provision of services under Section 3 may be subject to the payment of a concession fee.

(2) The minimum amount, calculation basis and payment due dates of the concession fee shall be specified in the tender documents.

(3) The Radio and Television Board may revoke a licence granted under Section 3, if the licensee:

- 1) infringes the Act or any provisions laid down pursuant to the Act, where such infringement is gross or frequently repeated, or
- 2) disregards the terms upon which the licence is granted.

#### *Distribution of sound and television programmes through communal aerial installations*

**5.** Danish and foreign sound and television programmes received directly by way of aerial systems or by cable transmission may only be distributed in communal aerial installations unchanged and simultaneously with the actual broadcast or transmission.

(2) Subtitling and similar, and time-lagging of programmes are allowed, provided that the radio or television undertaking concerned has consented thereto.

**6.** Owners of communal aerial installations shall ensure that DR1, DR2 and TV 2, including the regional programmes received in the relevant area, and signed news broadcasts from DR and TV 2/DANMARK A/S are distributed in the installation. The obligation to distribute TV 2 does not apply if the Minister for Culture utilises the authority in the first sentence of Section 38 a (2).

(2) The Minister for Culture may lay down detailed rules on the distribution of television programmes in communal aerial installations.

**7.** The Minister for Science, Technology and Development may lay down regulations on access in communal aerial installations to use decoders that convert encrypted signals into television signals that can be immediately reproduced by television sets. The regulations may contain rules for:

- 1) Programme providers’ access to use a common decoder system that is used in the communal aerial installation.
- 2) Programme providers’ access to use their own decoder.
- 3) Programme providers’ access to arrange settlement directly with the users.
- 4) Fees to cover the expenditure related to the administration of Section 7, including the provisions issued pursuant thereto.

**7 a.** The Agency for Libraries and Media shall supervise compliance with Section 6(1) and any rules issued pursuant to Section 6(2). As part of this supervision, the Agency for Libraries and Media may issue orders to owners of communal aerial installations on compliance with Section 6(1) and rules issued pursuant to Section 6(2). Decisions relating to Section 6(1) and decisions made in accordance with rules issued pursuant to Section 6(2) may not be brought before another administrative authority.

**8.** The National IT and Telecom Agency shall supervise compliance with rules issued pursuant to Section 7. The National IT and Telecom Agency may in conjunction with its supervision direct owners of communal aerial installations to comply with regulations issued pursuant to Section 7.

(2) The Minister for Science, Technology and Development may not issue orders to the National IT and Telecom Agency concerning the exercising of its official authority in relation to concrete cases, concerning the consideration and determination of individual cases, concerning the Agency’s issuing of administrative regulations in areas subject to the Agency’s authority, or

concerning the other supervisory activities of the Agency in order to ensure compliance with this Act and any administrative regulations issued pursuant thereto.

(3) The Minister for Science, Technology and Development may not grant exemptions from administrative regulations issued by the Minister pursuant to this Act.

**9.** Appeals against decisions made by the National IT and Telecom Agency pursuant to Section 8 of this Act may be brought before the Telecommunications Complaints Board.

### Part 3

#### *Public service activities*

**10.** The overall public service activities shall, via television, radio and the Internet or similar, provide the Danish population with a wide selection of programmes and services comprising news coverage, general information, education, art and entertainment. Quality, versatility and diversity must be aimed at in the range of programmes provided. In the planning of programmes, freedom of information and of expression shall be a primary concern. Objectivity and impartiality must be sought in the information coverage. Programming shall ensure that the general public has access to important information on society and debate. Furthermore, particular emphasis shall be placed on Danish language and culture. Programming shall cover all genres in the production of art and culture and provide programmes that reflect the diversity of cultural interests in Danish society.

**11.** Public service programmes are provided by DR and the regional TV 2 stations pursuant to the rules in Parts 4 and 6.

(2) TV 2/DANMARK A/S's programme services pursuant to the licence issued under the rules in Part 6 a are a part of the overall public service programme activities.

(3) Furthermore, the programme services on the fourth FM radio channel and the news coverage on the fifth FM radio channel, cf. subsections (5) and (6), form part of the general public service activities. Licences to provide such programme services shall be granted under the rules in Part 8, cf. however subsection (4). The Minister for Culture may decide that in special cases a licence for programme services without a prior tender may be extended under the rules in Part 8.

(4) A licence for programme services on the fourth FM radio channel without a prior tender may be granted by the Radio and Television Board following a detailed decision by the Minister for Culture under the rules in Part 8. The Minister for Culture may decide that such a licence can be extended in special cases.

(5) The fourth FM radio channel shall be a varied public service-oriented channel providing classical music, supplemented with the presentation of rhythmic music, jazz and Danish music, cultural programmes and programmes of social interest and debate, etc.

(6) Programming for the fifth FM radio channel shall include news programmes from the whole country. Programming may not be regionalised. A licence to provide such programmes may not be granted to DR.

(7) The public services of DR shall be financed through DR's share of licence fees and via income from other services, cf. Section 15(2). The public services of the regional TV 2 stations shall be financed through the stations' share of licence fees and via income from other services, cf. Section 35.

(8) TV 2/DANMARK A/S's public service programme activities are financed by TV 2/DANMARK A/S.

(9) The public service activities of the fourth and the fifth FM radio channels are financed by the licensees.

**11 a.** Under rules laid down by the Minister for Culture, the Danish Film Institute may provide grants for the production of Danish television drama and television documentary programmes for broadcast by television undertakings other than DR, the regional TV 2 stations and non-commercial local TV stations, cf. Section 92 a.

### Part 4

#### *DR*

#### *DR's public service programmes*

**12.** DR shall provide public service programmes to the general public in accordance with the principles stated in Section 10.

(2) DR's fulfilment of its public service obligations shall be specified in a public service contract between the Minister for Culture and DR.

(3) DR shall prepare an annual statement on its fulfilment of the public service contract.

**13.** Sponsored programmes may be included in the public service programmes according to the rules in Part 11.

**13 a.** Programmes produced on the basis of a licence may be included in DR's public service programmes, cf. Section 11 (3)-(5).

#### *DR's other activities*

**14.** DR may provide other programme services under the rules in Part 8.

(2) DR may provide other services, including telecom services, in connection with its programme services, in order to utilise the institution's technical equipment, special expertise, etc.

(3) DR may establish new companies or contribute capital to existing companies in order to carry out other activities, including programme services, or in order to cooperate on media-related activities with other enterprises.

(4) DR's provision of other services, cf. subsections (1)-(3), shall take place on competitive terms. The Minister for Culture may lay down detailed rules for the separate treatment in the accounts of public service activities and other activities.

(5) The Minister for Culture may lay down detailed rules for DR's other activities.

*DR's organisation etc.*

**15.** DR is an independent public institution.

(2) DR's activities shall be financed through DR's share of licence fees and via income from the sale of programmes and other services, subsidies, dividend, share of profits, etc. DR shall not receive advertising revenue from programme services and public service activities on the Internet. Apart from activities in association with DR's ensembles and entrance charges in connection with major events, DR may not demand payment from users for public services.

(3) DR may raise loans on ordinary market terms to finance its investments, provided that such borrowing does not exceed 4 per cent of revenue according to the most recent accounts. Further loans shall be subject to the approval of the Minister for Culture.

(4) The Minister for Culture may draw up statutes for DR.

**16.** DR shall be managed by a Board of 11 members, appointed by the Minister for Culture. Three members (including the Chairman) shall be nominated by the Minister for Culture, six members shall be nominated by the Folketing (the Danish Parliament), and the permanent staff of DR shall nominate two members and two deputies. The Minister for Culture shall appoint the Vice Chairman from among the members nominated by the Folketing.

(2) The Board shall together represent expertise in media, cultural, management and business affairs.

(3) Members of or candidates for the Folketing, the regional council or the European Parliament are not eligible to be members of the Board.

(4) Members of or candidates for municipal councils are not eligible to be members of the Board.<sup>2)</sup>

(5) The term of office shall be four years.

(6) In the event of the resignation of a member of the Board, a new member shall be appointed for the remaining term of office.

**17.** The Board shall have the supreme executive authority over DR. The Board shall have overall programme responsibility and responsibility for the observance of the provisions laid down by this Act, and any provisions pursuant to the Act, for the activities of the institution. The Board shall draw up the general guidelines for the activities of DR.

(2) The Board shall appoint the Director General and other members of DR's general management.

(3) The Board also appoints the listeners' and viewers' editor after discussion with the Director General. The editor shall report to the Board about his or her activities.

(4) Decisions made by DR in matters pertaining to the activities of the institution may not be brought before any other administrative authority, cf., however, Section 20(2).

(5) Decisions made by DR in matters concerning ethics of journalism and right of reply may, however, be brought before the Press Council according to the rules in Parts 5-7 of the Danish Media Liability Act.

**18.** The Director General shall hold day-to-day responsibility for the programme services and shall be in charge of the day-to-day administrative and financial management of DR. Staff not appointed by the Board, cf. Section 17(2) and (3), shall be appointed by the Director General.

**19.** The Board shall draw up the budget for DR's activities for each year. The budget shall be submitted for their information to the Minister for Culture and the Folketing.

(2) The accounts of the institution shall be prepared by the Board and the general management and be audited by the Auditor General. The accounts covering the individual year, with the auditor's remarks, shall be submitted to the Minister for Culture for approval, and thereafter submitted to the Folketing for information.

**20.** Funds may be made available from the Treasury to cover expenses in connection with some of the activities of DR. The terms and conditions shall in such cases be agreed between the Minister for Culture, the Board and the minister whose area of responsibility is affected by the relevant elements of such activities.

(2) By agreement, as provided in subsection (1), the provisions of Section 17(4) and Section 18 may be departed from.

**21.** Following negotiations with the Minister for Finance, the Minister for Culture may provide a government guarantee to ensure fulfilment of the pension commitments of the Pension Fund for Civil Servants Employed by DR. The equivalent shall apply to DR's obligations to provide employees who are not members of any pension scheme with an ongoing lifelong supplement to the social pension.

*(Repealed)*

Part 6

*The regional TV 2 stations*

*The regional TV 2 stations' public service activities*

**31.** The regional TV 2 stations shall provide public service programmes to the general public in their areas in accordance with the principles stated in Section 10.

(2) The regional TV 2 stations shall produce news and current affairs programmes. Other programmes shall primarily be provided via purchases from other producers.

(3) The programming of the regional TV 2 stations shall emphasise regional affiliation.

(4) The regional TV 2 stations' fulfilment of their public service obligations shall be specified in public service contracts between the Minister for Culture and the individual stations.

(5) The individual regional TV 2 stations shall prepare annual statements on their fulfilment of the public service contracts.

**32.** Sponsored programmes may be included in the public service programmes according to the rules in Part 11.

*The regional TV 2 stations' other activities*

**33.** The regional TV 2 stations may not provide other programme services.

(2) The regional TV 2 stations may provide other services in connection with their programme services, in order to utilise free capacity with regard to technical equipment, staff, premises, etc.

(3) The regional TV 2 stations may have financial or managerial involvement in companies in order to cooperate with other undertakings that are independent of the regional TV 2 stations to conduct Internet-based information activities for each individual regional area. A regional TV 2 station may not achieve a controlling influence through its participation in such companies.

(4) The regional TV 2 stations' provision of other services shall take place on competitive terms. The Minister for Culture may lay down detailed rules for the separate treatment in the accounts of public service activities and other activities.

(5) The Minister for Culture may lay down detailed rules for the regional TV 2 stations' other activities.

*The regional TV stations' organisation etc.*

**34.** The eight regional TV 2 stations shall each have a Board of Representatives, the composition of which reflects a wide variety of aspects of the regional culture and community.

(2) The Minister for Culture may in special cases approve the establishment of new regional TV 2 stations.

(3) The Minister for Culture may draw up statutes for the regional TV 2 stations.

**35.** The regional TV 2 stations' activities shall be financed through their shares of licence fees and via income from the sale of programmes and other services, subsidies, dividends, share of profits, etc.

**36.** A Board of five to seven members shall be in charge of the overall management of the individual regional TV 2 station. The permanent staff of the regional TV 2 station shall elect one member and one deputy hereof, while the other members shall be elected by the Board of Representatives.

(2) Members of or candidates for the Folketing, the regional council, the European Parliament or municipal councils are not eligible to be members of the Board.

(3) The term of office shall be four years.

(4) In the event of the resignation of a member of the Board a new member shall be elected for the remaining term of office.

(5) The Board shall have the supreme executive authority over the regional station. The Board shall have overall programme responsibility and responsibility for the observance of the provisions laid down by this Act, and any provisions pursuant to the Act, for the station. The Board shall lay down the general guidelines for the regional station and shall appoint the General Manager of the regional station.

(6) The General Manager of the regional TV 2 station shall hold day-to-day responsibility for the programme services and shall be in charge of the day-to-day administrative and financial management of the regional station. The General Manager shall appoint the station's staff.

**37.** The Board of each regional TV 2 station shall draw up the budget for the station for each year. The budget shall be submitted for their information to the Minister for Culture and the Folketing.

(2) The accounts of the regional TV 2 station shall be prepared by the Board and the general management and audited by the Auditor General. As regards TV Syd, the accounts shall, however, be audited by a state-authorized public accountant. The accounts covering the individual year, with the auditor's remarks, shall be submitted to the Minister for Culture for approval, and thereafter submitted to the Folketing for information.

**38.** Decisions made by the regional TV 2 stations in matters pertaining to the activities of the institution may not be brought before any other administrative authority.

(2) Decisions made by the regional TV 2 stations in matters concerning ethics of journalism and right of reply may be brought before the Press Council according to the rules in Parts 5-7 of the Danish Media Liability Act.

#### Part 6 a

##### *TV 2/DANMARK A/S's public service programme activities*

**38 a.** The Minister for Culture may grant a licence for TV 2/DANMARK A/S to perform public service programme activities. TV 2/DANMARK A/S's public service programme activities shall be provided to the general public in accordance with the principles stated in Section 10.

(2) The Minister for Culture may, in connection with issuing the licence, define more detailed terms for the public service programme activities etc., including the extent to which the services can be wholly or partly financed by subscription payments. In this context it may be stipulated that a concession fee shall be paid for the licence. It may also be stipulated that a system of penalties shall be agreed, to be applied in the event that the terms on which the programme licence has been granted are disregarded.

**38 b.** The Minister for Culture may lay down rules on the programme services, including rules on the content of the programme services, rules on the promotion of programmes of European origin and rules on how the programme services are made available.

(2) The Minister for Culture may lay down rules specifying that TV 2/DANMARK A/S shall make information that identifies TV 2/DANMARK A/S available to the viewers and users.

**38 c.** Advertisements, sponsored programmes and programmes for which the broadcasting time has been paid for may be included in the programme services according to the rules in Part 11.

**38 d.** At the recommendation of the Radio and Television Board, the Minister for Culture may decide to revoke the programme licence either temporarily or permanently if TV 2/DANMARK A/S:

- 1) infringes the Act or any provisions laid down pursuant to the Act, where such infringement is gross or frequently repeated;
- 2) disregards Section 87 or any order issued pursuant thereto;
- 3) disregards the terms upon which the programme licence is granted; or
- 4) disregards instructions issued under Section 88.

**38 e.** The Minister for Culture may revoke the programme licence either temporarily or permanently if TV 2/DANMARK A/S does not utilise the licence or if there is a significant interruption to programme services.

**38 f.** In the event of a revocation pursuant to Sections 38 d or 38 e, the Minister for Culture may issue a licence to another undertaking, which would in that instance assume TV 2/DANMARK A/S's rights and obligations under the Radio and Television Broadcasting Act, and any provisions pursuant to the Act. Section 38 a(2) may be applied correspondingly.

**38 g.** The Minister for Culture may lay down detailed rules for the separate treatment in the accounts of public service activities and other activities.

#### Part 7

##### *The Radio and Television Board*

**39.** The Minister for Culture shall set up a board, the Radio and Television Board. The Board shall consist of eight members appointed by the Minister. The Minister nominates seven members, including the Chairman and Deputy Chairman, and the Cooperative Forum of Danish Listeners and Viewers Associations nominates one member. The members nominated by the Minister shall represent expertise in legal, financial/administrative, business and media/cultural affairs. Each term of office shall be four years.

(2) Having obtained an opinion from the Board, the Minister may lay down its rules of procedure. In the rules of procedure provisions may be laid down for the Board to set up subcommittees that shall finally decide cases on behalf of the Board.

(3) Radio and television undertakings and other media service providers covered by the activities of the Radio and Television Board shall be under an obligation to provide the Board with any information and documents, etc. and to submit any written statements that are requested by the Board. The Board may set a deadline for the provision of such information etc.

**40.** The Radio and Television Board shall perform a number of tasks in relation to radio and television, cf. Sections 41-44 a. Decisions made by the Board under these provisions may not be brought before any other administrative authority.

(2) Furthermore, the Radio and Television Board shall issue opinions on radio and television undertakings' statements on their fulfilment of their public service contracts.

(3) The Board shall also issue opinions on other matters, if this is specified in radio and television undertakings' public service contracts, licences, etc.

(4) The Radio and Television Board shall offer advice to the Minister for Culture on matters concerning radio and television.

(5) The Minister for Culture may delegate other tasks in relation to radio and television to the Radio and Television Board. The Minister for Culture may decide that the Board's decisions on such matters may not be brought before any other administrative authority.

(6) The Radio and Television Board works together with supervisory bodies in other EU member states, states with which the Community has concluded agreements and other European states. Detailed rules on this are laid down by the Minister for Culture.

**41.** The Radio and Television Board shall have the following tasks in relation to the distribution of sound and television programmes by means of terrestrial digital broadcasting opportunities:

- 1) To decide on licences for distribution of Danish and foreign sound and television programmes by means of terrestrial digital television broadcasting networks, to issue such licences and to supervise the activities, cf. Section 3.
- 2) To protest any infringement of the Act and any provisions pursuant to the Act, as well as terms laid down in connection with the issuing of distribution licences.
- 3) To decide on the revocation of distribution licences, cf. Section 4(3).

**42.** The Radio and Television Board shall have the following tasks in relation to programme services on the basis of licence or registration:

- 1) To decide on licences for programme services by means of terrestrial analogue broadcasting opportunities, to grant such licences and to supervise the programme services, cf. Section 45.
- 2) To register undertakings providing programme services by means of satellite, by means of communal aerial installations or by means of terrestrial digital television broadcasting opportunities and short-wave broadcasting opportunities, and to supervise the programme services, cf. Section 47.
- 3) To protest any infringement of the Act and any provisions pursuant to the Act, as well as terms laid down in connection with the issuing of programme licences.
- 4) To decide on the revocation or lapse of licences to provide programme services, cf. Section 50(1) and Section 51.
- 5) To decide on the cancellation of registered programme services, cf. Section 50(2).

**42 a.** The Radio and Television Board supervises compliance with programme services covered by Section 2, no 4.

(2) The Radio and Television Board may decide to suspend the programme services mentioned in subsection (1), cf. Section 50(3).

**43.** The Radio and Television Board may provide grants to non-commercial local radio and television stations, cf. Section 92 a, which provide programme services in accordance with the licence granted by the Radio and Television Board pursuant to Section 45(1) and (2).

**44.** The Radio and Television Board shall have the following tasks in relation to advertising and programme sponsorship:

- 1) The Board shall decide on the identification, scheduling and extent of advertisements, cf. Sections 72-75.
- 2) The Board shall decide on the content of radio and television advertisements, cf. Sections 76 and 77. In cases concerning compliance with the Medicines Act and the Act on Advertising of Healthcare Services, the Board shall obtain a prior opinion from the Danish Medicines Agency and the National Board of Health respectively.
- 3) The Board shall decide on the right of reply to information of a factual nature broadcast in advertisements. The right of reply presupposes that the information could cause considerable financial or other damage and that its correctness is not indisputable. The Board may order the holder of a licence or registration for radio or television services to broadcast a reply. The Board may decide upon the content, form and scheduling of the reply.
- 4) The Board shall decide on the identification of sponsors and sponsored programmes, cf. Sections 79, 80, 81, 83 and 84.
- 5) The Board shall decide on issues relating to sales promotions etc. in sponsored programmes, cf. Sections 82 and 85.
- 6) The Board shall decide on issues relating to product placement in programmes, cf. Section 85 a.

**44 a.** The Radio and Television Board shall have the following tasks in relation to TV 2/DANMARK A/S's public service programme activities in accordance with Part 6 a:

- 1) Supervise the public service programme activities;
- 2) protest any infringements of the Act and any provisions pursuant to the Act, as well as terms laid down in connection with the issuing of the licence; and
- 3) submit opinions to the Minister for Culture on the revocation of licences issued pursuant to Section 38 a.

## Part 8

*Programme services on the basis of licence and registration and also on-demand audiovisual programme services*

**45.** The provision of programme services by a radio and television undertaking and other media service providers under Danish jurisdiction shall be subject to a licence from the Radio and Television Board. However, this shall not apply to programme services covered by Section 47 and to DR's, TV 2/DANMARK A/S's and the regional TV 2 stations' public service activities under Sections 12, 31 and 38 a.

(2) Licences for programme services by means of terrestrial broadcasting opportunities shall be granted by the Radio and Television Board following tendering.

(3) A licence to provide programme services pursuant to subsection (1) may be subject to the payment of a concession fee.

(4) The minimum amount, calculation basis and payment due dates of the concession fee shall be specified in the tender documents.

(5) The Minister for Culture may define rules on tender procedures pursuant to subsection (2) and licences pursuant to subsection (1), including on the provision of programme services and the term of licences. The Minister for Culture may also specify that the Radio and Television Board may, in connection with the issuing of licences for programme services and according to rules defined by the Minister for Culture, define terms for the programme services etc. The Minister for Culture may lay down rules on transmission coordination.

(6) The Minister for Culture may lay down rules on deviation from subsection (2) in connection with trial services and temporary programme services.

**46.** With a view to the implementation of the Directive of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities and compliance with Denmark's international obligations, the Minister for Culture lays down rules on when undertakings and other media service providers offering programme services come under Danish jurisdiction.

**47.** Undertakings under Danish jurisdiction that provide programme services by means of satellite, communal aerial systems, terrestrial digital television broadcasting opportunities and short-wave broadcasting opportunities must be registered with the Radio and Television Board, cf. however subsection (2). Media service providers which offer on-demand audiovisual programme services covered by Section 2(1), no 4 may provide programme services without registration.

(2) The Minister for Culture may lay down detailed rules for the provision of programme services by means of terrestrial digital television broadcasting opportunities, where a licence for distribution is granted pursuant to Section 3(4), provided that the licence is granted by the Radio and Television Board pursuant to Section 45(1) and (2).

The Minister for Culture may lay down detailed rules for registration under the first sentence of subsection (1).

(4) The Minister for Culture may also lay down detailed rules on the undertakings covered by subsections (1) and (2), including rules on the undertakings making information that identifies the undertaking available to the viewers and users.

**48.** The Minister for Culture may lay down rules on the programme services, including rules on the content of the programme services, rules on promoting programmes of European origin and rules on how the programme services are made available.

**49.** Advertisements, sponsored programmes and programmes for which the broadcasting time has been paid for may be included in the programme services according to the rules in Part 11.

(2) Undertakings providing programme services on the basis of licence or registration according to this Part shall identify themselves at the end of each programme.

**50.** The Radio and Television Board may withdraw a licence granted under Section 45, either temporarily or permanently, if the licensee:

- 1) infringes the Act or any provisions laid down pursuant to the Act, where such infringement is gross or frequently repeated; or
- 2) disregards Section 87 or any order issued pursuant thereto; or
- 3) disregards the terms upon which the programme licence is granted; or
- 4) disregards instructions issued under Section 88.

(2) The Radio and Television Board may make a decision concerning temporary or permanent discontinuation of programme services under the first sentence of Section 47(1), if the registered undertaking:

- 1) infringes the Act or any provisions laid down pursuant to the Act, where such infringement is gross or frequently repeated; or
- 2) disregards Section 87 or any order issued pursuant thereto; or
- 3) disregards instructions issued under Section 88.

(3) The Radio and Television Board may make a decision concerning temporary or permanent discontinuation of programme services under the second sentence of Section 47(1), if the media service provider grossly or repeatedly infringes the Act or any provisions laid down pursuant to the Act.

**51.** The Radio and Television Board may withdraw a programme licence temporarily or permanently if the licensee does not utilise the licence or in the event of a major interruption of the programme services.



## Part 10

*Licence fees*

**69.** A media licence fee must be paid for equipment that can receive and reproduce television programmes or services that are broadcast to the public.

(2) A radio licence fee must be paid for equipment that can only receive and reproduce radio programmes that are broadcast to the public.

(3) The size of the media licence fee and the radio licence fee is defined for one or more years at a time by the Minister for Culture with the endorsement of the Folketing's Finance Committee.

(4) The Minister for Culture may lay down rules concerning payment of licence fees for companies etc. (legal persons).

(5) Following negotiations with the Minister for Social Affairs, the Minister for Culture may lay down rules concerning reduction or lapse of the licence fee for groups of persons. Funds may be made available from the Treasury to cover the loss of revenue resulting from the introduction of such rules.

**69 a.** The media licence fees and the radio licence fees are collected by DR and then distributed, as determined by the Minister, to DR, the regional TV 2 stations and any other media-related purposes.

(2) The Minister for Culture may lay down detailed rules concerning the commencement and termination of the obligation to pay licence fees, on payment deadlines and collection, and on reminder fees etc. Interest shall accrue on licence fees paid after the due date and other outstanding amounts. The Minister may in this connection lay down rules concerning the minimum amounts for the collection and refund of licence fees respectively. Interest shall accrue from the due date. The amount of interest and the reminder fee shall be calculated in accordance with the provisions in the Act on Interest on Late Payment etc. The Minister for Culture may lay down rules on extension of payment dates and waiver of arrears.

(3) In accordance with rules laid down by the Minister for Culture, DR may conclude agreements with public authorities to submit information, including electronically, deemed to be necessary for decisions concerning the reduction or lapse of fees, cf. Section 69.

(4) Section 17(4) of the Act shall apply correspondingly for DR's decisions concerning the collection of fees etc.

**69 b.** In connection with the collection of licence fees, DR may conduct licence inspections of households and businesses etc., including by means of visits etc. to households and business premises.

(2) In connection with an inspection as mentioned in subsection (1), licence inspectors employed by DR may declare that a household or business etc. requires a licence if it can be demonstrated that the household or business etc. possesses or uses equipment requiring a licence.

(3) If the household or business etc. can demonstrate to DR that the household or business etc. does not possess or use equipment requiring a licence, the household or business etc. cannot be declared to require a licence under subsection (2).

(4) The Minister for Culture may lay down detailed rules on inspection and registration activities, cf. subsections (1)-(3).

**70.** It is the duty of the owner or user of equipment that can receive and reproduce TV programmes or services or radio programmes which are broadcast to the general public to inform DR of the possession of such equipment. Businesses selling or hiring out equipment that can receive and reproduce TV programmes or services or radio programmes to consumers which are broadcast to the general public are under an obligation to inform DR of any sale or hire of equipment. Detailed rules on this are laid down by the Minister for Culture.

(2) The Minister for Culture may lay down rules concerning an inspection fee on infringement of the first sentence of subsection

(1). The size of this inspection fee shall correspond to the unpaid licence fee, but shall be no less than DKK 500.

**71 and 71 a.** (Repealed)

## Part 11

*Advertising and programme sponsorship etc. and entering into partnerships**Advertising*

**72.** Advertisements must be clearly identifiable as such, their content and presentation distinguishing them from regular programmes.

**73.** Advertisements on television shall be transmitted only in blocks to be inserted between the programmes. This does not apply to teletext advertisements.

(2) Advertisement blocks may, however, interrupt sports programmes where breaks occur, or programmes that are transmissions of performances or events where there are intervals for the audience. Scheduling of such advertisement blocks shall take into account the programme's natural breaks, duration and nature in such a way that the integrity and value of the programme shall not be compromised nor the owner's rights infringed.

**74.** Radio advertisements may be scheduled at any time during the programme service.

**75.** Advertisements on radio and television may occupy a maximum of 15 per cent of the individual licensee's daily broadcasting time, and a maximum of 12 minutes per hour.

(2) Subsection (1) does not apply to teletext advertisements.

**76.** Advertisements for tobacco products and for articles mainly used in connection with the smoking of tobacco are not allowed, cf. the Act on Prohibition of Tobacco Advertisements etc.

(2) Advertisements for medicines and healthcare services are permitted subject to the provisions of the Medicines Act and the Act on Advertisement of Healthcare Services.

(3) Advertisements for employers' organisations, trade unions, religious movements, political parties, political movements and elected members or candidates for political assemblies are not allowed on television.

(4) Advertisements for political messages are not allowed on television during the period from the date on which an election for a political assembly or a referendum is called until the election or the referendum has been held. If the date of the election or the referendum is announced more than three months before it is held, the advertisement-free period comes into force three months before the election or referendum is held.

**77.** The Minister for Culture may lay down detailed rules concerning the inclusion of advertisements in programme services, including rules for the identification, scheduling, content and extent of radio and television advertisements and on-demand audiovisual media services.

**78.** Complaints concerning advertisements and programme sponsorship, cf. Section 44, shall be lodged with the Radio and Television Board within four weeks of the broadcasting of the advertisement or programme concerned.

(2) The Radio and Television Board may decide to take up cases at its own initiative.

(3) The Minister for Culture may lay down rules on the lodging of complaints concerning other matters relating to advertisements and programme sponsorship.

#### *Programme sponsorship and entering into partnerships*

**79.** Programme sponsorship shall mean any contribution, direct or indirect, to the financing of radio or television programmes, including teletext pages, and on-demand audiovisual media services from a natural or legal person not engaged in the broadcasting or production of radio or television programmes or on-demand audiovisual media services, films, phonograms, etc., with a view to promoting the name, trademark (logo), image, activities or products of that person

**80.** Sponsored programmes shall be clearly identifiable as such by appropriate credits appearing at the beginning or end, or both, of the programme, showing the sponsor's name, trademark (logo) or another symbol, including a reference to the sponsor's product, service or a distinctive sign thereof. Such credits may not appear in the programme itself. On teletext the information mentioned in the first sentence shall appear on the individual pages sponsored.

(2) Identification of sponsorship from undertakings whose activities include the production or sale of medicines may not be in the form of promotion of specific medicines that are prescription drugs under the Medicines Act.

**81.** The content and scheduling of a sponsored programme shall not be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the radio or television undertaking.

(2) Similarly, the content of programmes and programming may not be influenced by companies etc. with which the radio or television undertaking has entered into commercial agreements linked to the programme services such that it affects the radio or television undertaking's responsibility and editorial independence.

**82.** No sponsored programme may encourage the sale of the sponsor's or a third party's goods or services or promote the goods or services thereof.

**83.** Programmes may not be sponsored by undertakings whose principal activity is to produce or sell tobacco products or other goods primarily used in connection with smoking.

(2) No radio programmes forming part of the overall public services, cf. Section 11, and no television programmes may be sponsored by employers' organisations or trade unions or by political parties or religious movements.

**84.** No sponsored news and current affairs television programmes and on-demand audiovisual media services may be broadcast.

(2) News and current affairs radio programmes that do not form part of the overall public services, cf. Section 11, may be sponsored.

**85.** The Minister for Culture may lay down detailed rules for programme sponsorship and for how programmes for which broadcasting time has been paid may be included in the programme services.

(2) The Minister for Culture may furthermore lay down detailed rules on how the content of programmes and programming may not be influenced by companies etc. with which radio or television undertakings have entered into commercial agreements linked to the programme services such that it affects the radio or television undertaking's responsibility and editorial independence, cf. Section 81(2).

*Product placement in programmes*

**85 a.** Product placement in television programmes and on-demand audiovisual media services is prohibited.

(2) For the purposes of this Act, “product placement” shall mean any inclusion of or reference to a product, service or trademark so that it is featured within a programme, in return for payment or for similar consideration.

(3) Subsection (1) does not prevent the inclusion of or reference to a product, service or trademark in a programme (product sponsorship) if:

1) the product, service or trade mark is not of significant value; and

2) no relevant media service provider or associated person has received payment or similar consideration in relation to the inclusion of or reference to the product, service or trademark in the programme.

(4) The Minister for Culture may lay down detailed rules on product placement, including exemptions from the ban on product placement in subsection (1), and on product sponsorship.

Part 12

*Miscellaneous provisions*

**86.** Cases and documents concerning the programme service activities and appurtenant business affairs of DR and the regional TV 2 stations shall be exempt from the Access to Public Administration Files Act.

(2) Cases and documents concerning the programme service activities and appurtenant business affairs of DR and the regional TV 2 stations shall be exempt from Parts 4 to 6 of the Public Administration Act.

**87.** DR, the regional TV 2 stations, holders of licences to provide programme services and registered undertakings shall record and keep for three months tapes of all programmes broadcast, pursuant to rules that may be laid down by the Minister for Culture. The undertaking may be directed to hand over tape-recorded programmes in connection with consideration of a case concerning the programme service, including the advertising that is broadcast. If warranted by consideration of the case, the undertaking may be directed to keep recorded programmes for more than three months.

(2) Media service providers which offer on-demand audiovisual programme services covered by Section 2(1), no 4 shall, on receiving a complaint about the programme services, keep a recording of the programme which is the subject of the complaint. The media service provider, cf. first sentence, may also be obliged to supply a recording of the programme in connection with the processing of a case relating to the programme services.

**88.** Under rules laid down by the Minister for Culture, radio and television undertakings covered by this Act are subject to the obligation to broadcast notifications to the general public regarding emergency measures in a crisis situation.

**89.** (Repealed)

**90.** The Minister for Culture may lay down rules to the effect that television undertakings’ exclusive rights to events of significant interest to society may not be utilised in such a way that a significant proportion of the population is unable to watch such events via direct or subsequent transmission on a free television channel.

(2) Television undertakings subject to Danish jurisdiction may not utilise exclusive rights to events that have been declared by another EU member state, or a state with which the Community has concluded an agreement, or by a state which is a co-signatory to the Council of Europe’s Transfrontier Television Convention, to be of significant interest to society in such a way that a considerable proportion of the population of that country is unable to watch the events on a free television channel. Utilisation of the exclusive rights shall take place in accordance with the rules of that country concerning transmission of all or part of the events and concerning simultaneous or subsequent transmission thereof.

(3) A television undertaking which transmits with exclusive rights an event of significant interest to the public shall provide other television undertakings established within the European Economic Area with access to short extracts from the transmitting signal.

(4) Extracts to which access is given under subsection (3) may only be used in general news programmes. Extracts in a general news programme, cf. first sentence, may only be used in on-demand audiovisual media services when the same programme is offered with a time-lag by the same media service provider.

(5) The Minister for Culture lays down detailed rules on access to and use of extracts under subsections (3) and (4).

**91.** It shall not be permitted to manufacture, import, sell, own or change decoders or other decoding equipment, the purpose of which is to give unauthorised persons access to the content of an encoded radio or television programme. Advertisements for or other promotion of such equipment are not permitted.

**92.** The use of radio frequencies in order to provide programme services shall be subject to a licence granted by the National IT and Telecom Agency pursuant to the Act on Radio Frequencies. Should a licence granted under the first sentence be withdrawn, lapse or be revoked, the Minister for Culture may decide that the programme licence under the Radio and Television Broadcasting Act shall lapse.

(2) When granting a programme licence, the Radio and Television Board and the local radio and television boards may set a deadline by which a licence pursuant to the Act on Radio Frequencies shall be obtained. This deadline may be postponed.

**92 a.** The Minister for Culture may lay down rules concerning the distribution of grants, terms for the use of grants, the submission of applications, the submission of accounts, auditing competence and the performance of the audit etc. in connection with grants paid out under Sections 11 a and 43 of the Act.

(2) The Danish Film Institute and the Radio and Television Board may obtain additional material from the recipients of grants for use by the Auditor General for a more detailed review of the accounts.

(3) Commitments given are revoked and grants paid may be claimed back in instances where the recipient of the grant does not satisfy the conditions of the grant or does not undertake the activity envisaged.

(4) Grants may be paid in advance.

### Part 13

#### *Penalty provisions*

**93.** Anyone who:

1) provides programme services in contravention of Section 1;

2) distributes sound or television programmes in contravention of Section 3;

3) infringes the provisions of Section 6(2);

4) disregards requests made by the Radio and Television Board pursuant to Section 39(3);

5) disregards a decision pursuant to Section 44;

6) fails to register in accordance with Section 47(1);

7) disregards a decision to discontinue programme services under Section 42, no 5, Section 42 a(2) or section 50(2) or (3);

8) repeatedly or grossly infringes the provisions of the first sentence of Section 70(1), or regulations issued in pursuance of the third sentence of Section 70(1);

9) infringes the provisions of the second sentence of Section 70(1);

10) infringes the provisions of Section 85 a(1);

11) infringes the provisions of Section 87, or any order issued thereunder;

12) infringes the provisions of Section 90(2);

13) fails to provide access to short extracts in accordance with Section 90(3); or

14) infringes the provisions of Section 90(4)

shall be liable to a fine.

(2) Regulations issued in pursuance of Sections 6(2), 7, 77, 85, 85 a, 88 and 90(1) and (5) may stipulate fines for the infringement of the provisions contained therein.

(3) Companies etc. (legal persons) may incur criminal liability in pursuance of the rules of Part 5 of the Penal Code.

**94.** Any person who deliberately or by gross negligence infringes Section 91 shall be liable to a fine.

(2) If the infringement is committed intentionally and there are particularly aggravating circumstances, the penalty may be increased to imprisonment for up to one year and six months unless such person has incurred a higher penalty in pursuance of Section 299 b of the Penal Code. Particularly aggravating circumstances refer to instances where distribution etc. takes place for commercial purposes, to a wider audience or in circumstances where there is a particular risk of serious infringements.

(3) Section 93(3) shall apply correspondingly.

### Part 14

#### *Commencement and transitional provisions etc.*

**95.** The Act shall come into force on 1 January 2003.

(2) Act no 1065 of 23 December 1992 on Radio and Television Broadcasting, as amended, shall be repealed simultaneously.

(3) The rules on the scheduling and extent of the broadcasting time stated in Section 54(1), no 4, of the Act, which may be laid down by the Minister for Culture pursuant to Section 54(4) of the Act shall apply to licences granted with effect from 1 January 2003 or a later date.

**96.** This Act shall not apply to the Faroe Islands and Greenland.

**97.** Rules issued under the Radio and Television Broadcasting Act in force so far, cf. Section 95(2), shall remain in force until they are repealed or superseded by rules issued under this Act. Infringement of the rules is subject to a penalty according to the provisions applying hitherto.

**98.** Programme licences pursuant to Part 9 of the Act, which are issued after 1 January 2003, may, irrespective of the provisions of Section 60, not extend beyond 2 March 2004.

(2) The Minister for Culture may lay down detailed rules on deviation from subsection (1).

(3) Notwithstanding the provision in Section 60, the Minister for Culture may lay down rules concerning an extension of programme licences issued pursuant to Part 9 of the Act before 1 January 2003.

**99.** Licences issued for programme services that were confirmed before the date on which the Act came into force shall remain in force.

(2) The Minister for Culture may lay down rules concerning the relaxation of terms in licences already issued at the time when the Act came into force.

Act no 439 of 10 June 2003 amending the Radio and Television Broadcasting Act (Amendments as a consequence of the Act on TV 2/DANMARK A/S) contains the following provision:

**2**

The Minister for Culture defines the date on which the Act comes into force. In this context the Minister for Culture may state that the individual provisions of the Act come into force on different dates. With the entry into force of Section 1, no 6 of the Act, the independent institution TV 2/DANMARK is considered to be dissolved.<sup>3)</sup>

Act no 1437 of 22 December 2004 amending the Radio and Television Broadcasting Act contains the following provision:

**2**

The Act shall come into force on 1 January 2005.

Act no 1439 of 22 December 2004 on the Legal Deposit of Published Material contains the following provision:

**22**

(1) The Act shall come into force on 1 July 2005.

(2) The Minister for Culture shall submit a proposal for a revised version of the Act no later than the parliamentary year 2007-08.

(3) Act no 423 of 10 June 1997 on the Legal Deposit of Published Works is repealed.

Act no 430 of 6 June 2005 amending various acts and repealing the Act on Local Partnerships regarding Collection contains the following provision:

**70**

(1) This Act comes into force on the day after publication in the Danish Legal Gazette.

(2) The Act takes effect as from 1 November 2005, cf. however subsection (3).

(3) Decisions on debt collection in respect of which an appeal has been lodged with the previous administrative appeals bodies before 1 October 2005 shall be transferred for processing at the National Tax Tribunal on 1 January 2006 if the previous appeals bodies have not finished processing the appeal before this date.

Act no 431 of 6 June 2005 amending various acts contains the following provision:

**85**

(1) The Act takes effect as from 1 November 2005, cf. however subsection (2).

(2) (Omitted)

Act no 563 of 24 June 2005 amending a number of acts in the area of culture contains the following provision:

**10**

(1) This Act comes into force on 1 January 2007. However, the provisions in subsections (2)-(6) come into force on the day the Act is published in the Danish Legal Gazette.

(5) Notwithstanding the provision in Section 64(6) of the Radio and Television Broadcasting Act, boards in municipalities that are members of a coalition with one or more other municipalities and that have a term of office that expires no later than 30 April 2006 shall operate until the end of 2006. With effect from 1 January 2007, the municipal council or the municipal councils shall appoint a new board.<sup>4)</sup>

Act no 1404 of 21 December 2005 amending the Radio and Television Broadcasting Act and the Danish Media Liability Act contains the following provision:

## 3

- (1) The Act shall come into force on 1 January 2006.
- (2) The Radio and Television Board may without a prior tender extend licences for local radio services using terrestrial broadcast opportunities that expire in the period 1 January 2006 – 31 December 2007. Correspondingly, the Board may in special instances offer free broadcast opportunities to other licensees in the area for which the broadcast opportunity is designated. Extensions and licences may not extend beyond 31 December 2007.
- (3) The Minister for Culture shall lay down rules concerning the extensions and licences described in subsection (2), including deviations from the period described.
- (4) In accordance with rules laid down by the Minister for Culture, the Radio and Television Board may extend licences for local television services that expire in the period from 1 January 2006 – 31 December 2006.
- (5) Licences for programme services that have been awarded at the time when the Act comes into force shall remain in force for the rest of the period for which the licence is valid.
- (6) Cases concerning local programme services that are pending at the time when the Act comes into force shall be transferred from the local radio and television boards to the Radio and Television Board on 1 January 2006.
- (7) Cases concerning licences for or registration of local programme services that are pending at the time when the Act comes into force shall be processed to completion according to the rules of this Act or provisions laid down pursuant to the Act. Other cases pending shall be processed to completion according to the rules in force at the time.
- (8) The Minister for Culture may lay down rules concerning the relaxation of terms in licences already issued at the time when the Act came into force.

Act no 1569 of 20 December 2006 amending the Radio and Television Broadcasting Act and the Private Housing Act (Implementation of media agreement 2007-2010 etc.) contains the following provisions:

## 3

- (1) The Act shall come into force on 1 January 2007, cf. however subsections (2) and (3).
- (2) Section 1, no 6 of the Act shall come into force on 1 January 2011.
- (3) The Minister for Culture shall confirm the date on which Section 1, no 2 of the Act shall come into force.<sup>5)</sup>

## 4

The regional TV 2 stations may continue to provide other services that are established on the date on which the Act comes into force in accordance with Section 33(2) and (3) of the Radio and Television Broadcasting Act that applied hitherto. Any such activity that according to Section 33(2) and (3) falls under Section 1, nos 11 and 12 of this Act may not be provided, must be discontinued by 1 January 2011.

Act no 1336 of 19 December 2008 amending the Danish Withholding Tax Act, the Collection Act, the Act of Distress and various other acts contains the following provision:

## 167

- (1) The Act shall come into force on 1 January 2009, cf. however subsection (2). Section 11 shall only apply to decisions on stopping pay made once the Act has come into force.
- (2) The Minister for Taxation lays down the date of entry into force of Section 9, Section 99, no 3, Section 103, Section 109, nos 4 and 5, Section 117, no 4, Section 118, no 1, Section 136, nos 1, 3 and 4, Section 144, nos 1 and 2, Section 148, no 2 and Section 149, no 2.

Act no 1404 of 27 December 2008 amending the Trademark Act, the Penal Code, the Radio and Television Broadcasting Act and various other acts contains the following provisions:

## 9

- (1) The Act shall come into force on 1 January 2009.
- (2)-(4) (Omitted)

Act no 189 of 18 March 2009 amending the Radio and Television Broadcasting Act (Extension of programme licences for the fourth and fifth FM radio channels) contains the following provision:

## 2

The Act shall come into force on 1 March 2009.

Act no 426 of 30 May 2009 amending the Radio and Television Broadcasting Act (New regulation for broadcasting non-commercial television, amendments to must carry regulations, collection of licence fees, etc.) contains the following provisions:

## 2

- (1) The Act shall come into force on 1 June 2009, cf. however subsection (2).  
 (2) Section 1, nos 1, 2, 3, 19 and 21 of the Act shall come into force on 1 November 2009.  
 (3) Grants awarded in accordance with commitments made by the Radio and Television Board prior to the Act coming into force will continue to be paid.

Act no 1269 of 16 December 2009 amending the Radio and Television Broadcasting Act and the Copyright Act (Implementation of the Directive on Audiovisual Media Services) contains the following provisions:

## 3

- (1) The Act shall come into force on 18 December 2009.  
 (2) Section 90(3) of the Radio and Television Broadcasting Act as worded in Section 1, no 32 of this Act shall only apply to exclusive rights transmissions for which an agreement has been concluded or extended after the Act's entry into force.  
 (3) Undertakings which on the date of the Act's entry into force provide programme services by means of satellite, communal aerial installations, terrestrial digital television broadcasting opportunities, short-wave broadcasting opportunities or other electronic communication networks, and which come under Danish jurisdiction, cf. the first sentence of Section 47(1) of the Radio and Television Broadcasting Act as worded in Section 1, no 18 of this Act, and which are not already registered with the Radio and Television Board shall register with the Board no later than 1 February 2010.

*Ministry of Culture, 6 May 2010*

Per Stig Møller

/ Lars Banke

### Official notes

<sup>1)</sup> This Act provides for the implementation of parts of Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, Official Journal 2007 L 332, p. 27, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, Official Journal 1997 L 202, p. 60.

<sup>2)</sup> Pursuant to Act no 1569 of 20 December 2006, this provision does not come into force until 1 January 2011.

<sup>3)</sup> Pursuant to Executive Order no 1030 of 11 November 2003, parts of the Act came into force on 17 December 2003.

<sup>4)</sup> As a consequence of the repeal of Part 9 of the Radio and Television Broadcasting Act, cf. Act no 1404 of 21 December 2005, this provision has no practical significance.

<sup>5)</sup> Pursuant to Executive Order no 1046 of 29 October 2008, Section 1, no 2 came into force on 1 November 2008.