

The Danish Radio and Television Broadcasting Act

- ACT No. 1052 of 17 December 2002

BE IT KNOWN that the Folketing has enacted and We Margrethe the Second, by the Grace of God, Queen of Denmark, have given Our Royal Assent to the following Act:

Chapter 1 - Provision of programme services

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

1) Danmarks Radio, cf. Chapter 4.

2) TV 2/DANMARK, cf. Chapter 5.

3) The regional TV 2 stations, cf. Chapter 6.

4) Enterprises having been licensed under Chapter 8 to provide national or regional programme services on the basis of a special licence, or which can, under Section 47, provide programme services without a licence.

5) Companies, associations, etc. and municipalities licensed under Chapter 9 to provide programme services within a local area, or which can, under Section 52, provide local programme services without a licence.

(2) The Minister for Culture may in special cases authorise that enterprises other than those stated in subsection (1) may 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. Provision of programme services shall be taken to mean

1) broadcasting of sound and television programmes to the general public by means of radio equipment, and

2) distribution through communal aerial installations of sound and television programmes which are not also broadcast as mentioned in item 1.

(2) Within the meaning of this Act, the term "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.

Chapter 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) When granting licences, the Board may lay down the terms of the licence.
- (4) The Minister for Culture may lay down detailed rules for tenders under subsection (2). In this connection it may be determined that the Radio and Television Board shall lay down detailed guidelines as to the auctioneer's powers, ownership issues and minimum bids, etc.
- (5) Licences may, however, be granted to Danmarks Radio, TV 2/DANMARK and the regional TV 2 stations as determined by the Minister for Culture.

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

- (2) The minimum amount, calculation basis and payment terms of the concession fee shall be specified in the tender documents.
- (3) The Radio and Television Board may withdraw 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 via 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 broadcasting or transmission.

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

(3) Transmission of local programmes via the public telecommunications networks is permitted only within the area covered by the licence to provide programme services or the registration of programme services. However, local programmes broadcast by means of radio equipment may also be transmitted to the municipalities bordering on the area comprised by the licence and to municipalities bordering on such municipalities.

6. Owners of communal aerial installations shall ensure that the sound and television programmes broadcast by means of radio equipment by Danmarks Radio, TV 2/DANMARK and the regional TV 2 stations, cf. Sections 12, 22 and 31, including the regional programmes intended for reception in the area concerned, are distributed via the installations. This also applies to programmes on the fourth FM radio channel, cf. Section 11 (2). Digital programmes broadcast by Danmarks Radio and TV 2/DANMARK shall only be distributed if other digital programmes are distributed in the installation.

(2) It shall not be permitted to convert the digital programmes stated in subsection (1), clause 3, in communal aerial installations unless a simultaneous digital distribution of the same programmes takes place.

(3) If the installation has more than eight channels, one channel must also be available for local television programmes broadcast in the area concerned pursuant to Chapter 9.

(4) Should the installation distribute programmes in packages,

1) all such packages shall contain the programmes covered by subsections (1), (3) and (5), and

2) an option shall be provided solely to purchase a package which either only contains the programmes stated in subsections (1), (3) and (5), or which only contains these programmes and other programmes for which the price is so low that the price of these supplementary programmes only constitutes a fraction of the total price for the package.

(5) The Minister for Culture may lay down rules concerning the extent to which programmes on the fifth FM radio channel, cf. Section 11 (3), shall be distributed via communal aerial installations.

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

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

8. The National IT and Telecom Agency shall supervise compliance with Section 6 and any regulations issued pursuant to Section 7. The Agency may in conjunction with its supervision direct owners of communal aerial installations to comply with Section 6 and any regulations issued pursuant to Section 7. Decisions pertaining to Section 6 may not be brought before any other administrative authority.

(2) The Minister for Science, Technology and Development may not issue orders to the National IT and Telecom Agency concerning exercise of its official authority in relation to concrete cases, concerning the consideration and decision of individual cases, concerning the Agency's issue 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. Complaints against decisions by the National IT and Telecom Agency pursuant to Section 7 of this Act may be brought before the Telecommunications Consumer Board.

Chapter 3 - Public service activities

10. The overall public service activities shall provide, via television, radio and Internet or similar, 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. The 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. The programming shall cover all genres in the production of art and culture and provide programmes which reflect the diversity of cultural interests in Danish society.

11. Public service programmes are provided by Danmarks Radio, TV 2/DANMARK and the regional TV 2 stations pursuant to the provisions of Chapters 4-6.

(2) Furthermore, the programme services on the fourth FM radio channel and the news coverage on the fifth FM radio channel, cf. subsections (3) and (4), form part of the general public service activities. Licences to provide such programme services shall be granted pursuant to the provisions of Chapter 8.

(3) 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.

(4) Programming for the fifth FM radio channel shall include news programmes from the whole country. The programming may not be regionalised. A licence to provide such programmes may not be granted to Danmarks Radio.

(5) The public services of Danmarks Radio shall be financed through Danmarks Radio's share of licence fees and via income from other services, cf. Section 15 (2). The public services of TV 2/DANMARK shall be financed through TV 2/DANMARK's share of licence fees, via income from advertising on TV 2/DANMARK and via other income, cf. Section 25 (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. The public services of the fourth and fifth FM radio channels shall be financed by the licensees.

Chapter 4 - Danmarks Radio

Public service activities of Danmarks Radio

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

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

(3) Danmarks Radio 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 Chapter 11.

Other activities of Danmarks Radio

14. Danmarks Radio may provide other programme services pursuant to the rules of Chapter 8.

(2) Danmarks Radio 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) Danmarks Radio 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) Danmarks Radio's provision of other services, cf. subsections (1) to (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 Danmarks Radio's other activities.

Organisation of Danmarks Radio, etc.

15. Danmarks Radio is an independent public institution.

(2) Danmarks Radio's activities shall be financed through Danmarks Radio's share of licence fees and via income from the sale of programmes and other services, subsidies, dividend, share of profits, etc. Danmarks Radio shall not receive advertising revenue from programme services and public service activities on the Internet.

(3) Danmarks Radio may raise loans on ordinary market terms to finance its investment, provided that such borrowing does not exceed 4 per cent of the 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 Danmarks Radio.

16. Danmarks Radio shall be managed by a Board of 10 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 Danmarks Radio shall nominate one member and one substitute hereof. 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 the Folketing are not eligible to be members of the Board.

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

(5) In the event of 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 Danmarks Radio. 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 Danmarks Radio and shall appoint the Director General and other members of Danmarks Radio's general management.

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

(2), however.

(3) Decisions made by Danmarks Radio in matters concerning ethics of journalism and right of reply may be brought before the Press Council, however, as laid down in Chapters 5-7 of the Editorial Responsibility Act.

18. The Director General shall hold day-to-day responsibility for the programme services and shall be in charge of the everyday administrative and financial management of Danmarks Radio. Staff not appointed by the Board, cf. Section 17 (1), shall be appointed by the Director General.

19. The Board shall draw up the budget for Danmarks Radio'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 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 the expenses in connection with some of the activities of Danmarks Radio. The terms and conditions shall in such case 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 (2) 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 Danmarks Radio. The equivalent shall apply to Danmarks Radio's obligations to provide employees who are not members of any pension scheme with an ongoing lifelong supplement to the social pension.

Chapter 5 - TV 2/DANMARK

Public service activities of TV 2/ DANMARK

22. TV 2/DANMARK shall provide public service programmes to the general public in accordance with the principles stated in Section 10.

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

(3) TV 2/DANMARK shall prepare an annual statement on its fulfilment of the public service contract.

(4) TV 2/DANMARK shall produce news and current affairs programmes. Other programmes shall primarily be provided via purchases from other producers.

23. Sponsored programmes and advertisements may be included in the public service programmes according to the rules in Chapter 11.

Other activities of TV 2/DANMARK

24. TV 2/DANMARK may provide other programme services pursuant to the rules of Chapter 8.

(2) TV 2/DANMARK 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) TV 2/DANMARK 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) TV 2/DANMARK's provision of other services, cf. subsections (1) to (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 TV 2/DANMARK's other activities.

Organisation of TV 2/DANMARK, etc.

25. TV 2/DANMARK is an independent institution.

(2) TV 2/DANMARK's activities shall be financed through TV 2/DANMARK's share of licence fees and via income from advertising on TV 2/DANMARK, and via income from sale of programmes and other services, subsidies, dividend, shares of profits, etc.

(3) TV 2/DANMARK may raise loans on ordinary market terms to finance its investment, provided that such borrowing does not exceed 4 per cent of the 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 TV 2/DANMARK.

26. TV 2/DANMARK shall be managed by a Board of 9 members, appointed by the Minister for Culture. Eight members shall be nominated by the Minister for Culture (including the Chairman and the Vice Chairman) and shall together represent expertise in media, cultural, management and business affairs. The permanent staff shall nominate one member and one substitute hereof.

(2) Members of the Folketing are not eligible to be members of the Board.

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

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

27. The Board shall have the supreme executive authority over TV 2/DANMARK. 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 TV 2/DANMARK and shall appoint the Managing Director and other members of TV 2/DANMARK's general management.

28. The Managing Director shall hold day-to-day responsibility for the programme services and shall be in charge of the everyday administrative and financial management of -TV 2/DANMARK. Staff not appointed by the Board, cf. Section 27, shall be appointed by the Managing Director.

29. The Board shall draw up the budget for TV 2/DANMARK's activities for each year. The budget shall be submitted to the Minister for Culture for information.

(2) The accounts of the institution shall be prepared by the Board and the general management and 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.

30. Decisions made by TV 2/DANMARK in matters pertaining to the activities of the institution may not be brought before any other administrative authority.

(2) Decisions made by TV 2/DANMARK in matters concerning ethics of journalism and right of reply may be brought before the Press Council, however, as laid down in Chapters 5-7 of the Editorial Responsibility Act.

Chapter 6 - The regional TV 2 stations

Public service activities of the regional TV 2 stations

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 Chapter 11.

Other activities of the regional TV 2 stations

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

(2) The regional TV 2 stations may provide other services, including telecom services, in connection with their programme services, in order to utilise the stations' technical equipment, special expertise, etc.

(3) The regional TV 2 stations may establish new companies or contribute capital to existing companies in order to carry out other activities, or in order to cooperate on media-related activities with other enterprises.

(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.

Organisation of the regional TV 2 stations, 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 new 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, dividend, share of profits, etc.

36. A Board of 5 to 7 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 substitute hereof, while the other members shall be elected by the Board of Representatives.

(2) Members of the Folketing, of county councils, of Bornholm Regional Council and of 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 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 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 everyday 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 institutions 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 as laid down in Chapters 5-7 of the Editorial Responsibility Act.

Chapter 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 seven members and shall together 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) The Minister may lay down rules concerning fees payable for licences to provide programme services, etc. and registration of programme services, to help to cover expenses related to the activities of the Radio and Television Board.

(4) Local radio and television boards, cf. Section 64, and radio and television enterprises, etc. covered by the activities of the Radio and Television Board, shall be under an obligation to provide the Board with the information and documents, etc. requested by the Board. The Board may set a deadline for the provision of information, etc.

(5) The Radio and Television Board may request written statements from local radio and television boards and from radio and television enterprises, etc. covered by the activities of the Radio and Television Board. The Board may set a deadline for the provision of such information, etc.

40. The Radio and Television Board shall be in charge of a number of tasks in relation to radio and television, cf. Sections 41-44. 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 enterprises' statements on their fulfilment of their public service contracts.

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

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 issue of distribution licences.

3) To decide upon revocation of distribution licences, cf. Section 4 (3).

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

1) To make decisions concerning licences to provide national and regional programme services by means of terrestrial analogue broadcasting opportunities, grant such licences and supervise the programme services, cf. Section 45.

2) To register enterprises providing programme services by means of satellite, by means of communal aerial installations to areas exceeding one local area, or by means of terrestrial digital television broadcasting opportunities and short-wave broadcasting opportunities, cf. Section 47.

3) To protest any infringement of the Act and any provisions pursuant to the Act, and any terms laid down in connection with the issue of programme licences.

4) To make decisions concerning withdrawal or lapse of licences to provide programme services, cf. Section 50 (1) and Section 51.

(2) The Board shall supervise programme services provided by means of satellite, by means of communal aerial installations to areas exceeding one local area, and by means of terrestrial digital television broadcasting opportunities and short-wave broadcasting opportunities. The Board may protest any infringement of the Act and any provisions issued pursuant to the Act and may make decisions concerning discontinuation of programme services, cf. Section 50 (2).

43. The Radio and Television Board shall have the following tasks in relation to local radio and television:

1) The Board shall make decisions concerning local boards'

- a) rejections of applications for licences to provide local programme services, cf. Section 60 (3),
- b) withdrawal of licences to provide local programme services, cf. Section 66 (5), and
- c) decisions concerning discontinuation of programme services provided by means of communal aerial installations, cf. Section 66 (5).

2) The Board shall supervise programmes broadcast simultaneously by several licensees or broadcast under a regular cooperation relationship on programme services with other radio and television enterprises (networking) and protest any infringement of the Act, provisions issued pursuant to the Act and the terms of a licence to provide programme services, and may withdraw the licence and make decisions concerning discontinuation of programme services, cf. Section 65 (2) and 66 (1) to (4).

3) The Board shall distribute subsidies for non-commercial local radio and television stations, etc., cf. Section 68.

4) The Board shall approve the establishment of joint boards covering municipalities with a total population of more than 300,000, cf. Section 64 (2).

5) At the recommendation of the National IT and Telecom Agency, the Board shall decide upon the distribution of broadcasting opportunities in local areas, with due regard for the frequencies available.

6) The Board may furthermore at its own initiative, irrespective of Section 65 (2) and (3), take up a case for consideration. In that connection the Board may

- a) direct a local board to decide in a case not previously considered,
- b) direct a local board to reconsider a case previously considered, or
- c) in special cases itself reach a decision in a case. In cases previously considered by a local board, the Board may on occasion reach a more encumbering decision in relation to the licensee than the decision made by the local board.

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

1) The Board shall make decisions concerning identification, placement and extent of advertisements, cf. Sections 72-75.

2) The Board shall make decisions concerning the content of radio and television advertisements, cf. Sections 76 and 77. In cases concerning compliance with the Pharmaceuticals Act and the Act on Advertising of Healthcare Services, the Board shall obtain a prior opinion from the Danish Medicines Agency. The Board may protest infringement of the rules and may direct TV 2/DANMARK or the holder of a licence or registration for radio or television services to publish the decision. The Board may decide in which way and in which form this shall be done.

3) The Board shall make decisions concerning 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 TV 2/DANMARK or 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 upon identification of sponsors and sponsored programmes, cf. Sections 79, 80, 83 and 84.

5) The Board shall decide issues relating to sales encouragement, etc. in sponsored programmes, cf. Sections 82 and 85.

(2) Subsection (1), items 1, 4 and 5 above shall not apply to local radio and television services pursuant to Chapter 9, except in cases of networking, cf. Section 43, item 2.

(3) In connection with local radio and television services, cf. subsection (2), the Board can issue opinions concerning the identification of advertisements and concerning issues relating to sales encouragement, etc. in sponsored programmes.

(4) The Minister for Culture may decide to delegate other tasks relating to advertisements and programme sponsorship to the Radio and Television Board. The Minister may decide that the decision of the Radio and Television Board in such cases cannot be brought before any other administrative authority.

Chapter 8 - National and regional programme activities on the basis of a special licence or registration

45. Provision of programme services by a radio and television enterprise 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, to Danmarks Radio's, TV 2/DANMARK's and the regional TV 2 stations' public service activities under Sections 12, 22 and 31, and to local programme services, cf. Chapter 9.

(2) When granting licences for programme services, the Board may lay down terms for the programme services, etc.

(3) Licences for programme services by means of terrestrial analogue broadcasting opportunities shall be granted by the Radio and Television Board following tendering. The Minister for Culture may lay down detailed rules for tenders under clause 1. In this connection it may be determined that the Radio and Television Board shall lay down detailed guidelines as to the auctioneer's powers, ownership issues and minimum bids, etc.

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

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

46. Programme services provided by a television enterprise not under the jurisdiction of an EC member state and which depend on the use of either a frequency or of satellite capacity of which the utilisation has been authorised by Danish authorities, or which depend on a radio uplink from Denmark to a satellite, shall also be subject to a licence, as provided in Section 45.

(2) Section 45 shall not apply to television enterprises under the jurisdiction of an EFTA member state.

(3) To meet Denmark's international commitments, the Minister for Culture may lay down further rules to the effect that provision of programme services by an operator who otherwise has affiliations to Denmark shall likewise be subject to a licence as provided in Section 45.

47. The provision of programme services by satellite or by means of communal aerial systems to areas exceeding a single local area, as well as programme services by means of terrestrial digital television broadcasting opportunities and programme services by means of short-wave broadcasting opportunities shall not require a licence from the Radio and Television Board as provided in Section 45. Instead, enterprises providing such programme services shall register with the Board.

(2) The Minister for Culture may lay down detailed rules for registration under subsection (1).

48. With regard to television broadcasting services, the Minister for Culture may lay down rules concerning programme services, including rules for the proportion of programmes of European origin to be included, and rules to ensure that consideration is shown for children and young people.

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

(2) Enterprises providing programme services according to this Chapter shall identify themselves at the end of each programme.

50. The Radio and Television Board may withdraw a programme licence 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 the provisions of Section 87 or any order issued pursuant thereto, or

3) disregards the terms upon which the programme licence is granted, or

4) disregards orders issued under Section 88.

(2) The Radio and Television Board may make a decision concerning temporary or permanent discontinuation of programme services under Section 47 if the registered enterprise

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 provisions of Section 87 or any order issued pursuant thereto, or

3) disregards orders issued under Section 88.

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.

Chapter 9 - Local radio and television services

Licences to provide programme services and registration of programme services

52. The provision of programme services by means of radio equipment within a local area is subject to a licence granted by the local radio and television board, cf. Section 64.

(2) The provision of programme services by means of communal aerial installations which do not exceed a single local area does not require a licence granted by the local board. Instead, enterprises providing such programme services shall register with the board.

(3) The Minister for Culture may lay down detailed rules for registration under subsection (2).

53. A licence or registration pursuant to Section 52 shall be subject to the company, association, etc. concerned having local radio or television services as its primary object.

54. Companies, associations, etc. which provide television programme services by means of radio equipment shall be entitled to a programme licence provided that there is an unutilised broadcasting opportunity (frequency) within the area, and provided that the following conditions are met:

1) The enterprise has the provision of local radio or television services as its primary object, cf. Section 53, and

2) daily transmits at least ½ hour of locally produced news and current affairs programmes or other programmes with a local focus, where programme material from other stations in the same county or a neighbouring county engaged in regular cooperation with the enterprise in relation to programme activities may be included in the time calculation, and

3) ensures that a significant proportion of the remaining programmes are in the Danish language or produced for a Danish audience, and

4) schedules broadcasting time for non-commercial stations whose licences are covered by subsection (3) and for municipalities whose licences are covered by Section 56.

(2) A licence pursuant to subsection (1) shall cover the entire broadcasting time on all television broadcasting opportunities in the board area, cf. the obligation to schedule the broadcasting time stated in subsection (1), item 4, however.

(3) Where a licence is granted under subsection (1), during the licence period other television stations may solely be granted licences limited to the broadcasting time stated in subsection (1), item 4.

(4) The Minister for Culture may lay down detailed rules concerning the programmes mentioned in subsection (1), items 2 and 3, and concerning the scheduling and scope of the broadcasting time stated in subsection (1), item 4.

(5) The Minister for Culture may lay down rules concerning the utilisation of broadcasting opportunities for local television services in the City of Copenhagen, the Municipality of Frederiksberg and the County of Copenhagen. In that connection rules may be laid down which depart from the provision in Section 56.

(6) Where it is not contrary to significant local interests, the local radio and television board shall authorise that a holder of a licence to provide programme services pursuant to Section 52 (1) may transfer to terms applying to licensees under subsection (1) for the remainder of the period for which the licence is valid.

55. Companies, associations, etc. providing radio programme services by means of radio equipment and having local radio or television services as their primary object shall be entitled to be granted a programme licence giving access to networking, unless this is contrary to significant local interests.

(2) Where it is not contrary to significant local interests, the local radio and television board shall authorise that a company, an association, etc. which holds a licence to provide radio programme services pursuant to Section 52 (1) may transfer to terms giving access to networking for the remainder of the period for which the licence is valid.

56. Municipalities shall be entitled to be granted a licence as stated in Section 52 (1), provided that the municipality's purpose of providing programme services is solely to make production and broadcasting facilities available to interested citizens, or to disseminate information on local government matters. The licence may be limited to the broadcasting time stated in Section 54

(1), item 4.

57. The local board may in special cases authorise that programmes on single events of a local nature are distributed over shorter periods by means of communal aerial installations within the local area.

(2) For authorisations granted in pursuance of subsection (1), the provisions of Section 61 (1) and (3), Section 62 (1) and (2) and Section 87 shall apply.

58. The provision of programme services by means of communal aerial installations may take place without registration in installations not comprising more than 25 connections in one building or a group of adjacent buildings.

59. When considering applications the local board shall seek to ensure that the overall local programme services within the individual local area are of a versatile nature.

(2) The Minister for Culture may lay down rules concerning the submission and content of applications.

60. Licences shall be granted for a fixed period not exceeding five years for radio and seven years for television. However, licences pursuant to Section 54 (1) shall be issued for a period of seven years. A licence may be renewed on expiry of the period concerned. A licence shall not lapse if the area covered by the licence, within the period of its validity, is wholly or partly transferred to another local board than the board which issued the licence.

(2) In connection with the granting of a licence the board may lay down terms for the programme services, etc.

(3) A decision by the board to reject an application for a licence may be brought before the Radio and Television Board by the applicant within four weeks of the notification of the decision.

(4) The Minister for Culture may lay down rules concerning the issue and content of licences.

Provision of programme services

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

(2) Advertisements may not be included in programme services pursuant to Section 54 (3).

(3) The Minister for Culture may lay down rules concerning programme services in order to ensure that consideration is shown for children and young people.

62. The licensee or the registered enterprise shall ensure that there is a programme manager for each programme. To the extent that it is possible, the programme manager shall have knowledge as to who has participated in or otherwise contributed to the programme.

(2) The licensee or the registered enterprise shall ensure that at the end of each programme

1) information is given on the identity of the programme manager, and

2) the local radio or television station is identified.

(3) For every programme broadcast simultaneously by several licensees or registered enterprises or broadcast under a permanent cooperation relationship with other radio and television enterprises in relation to programme services, the participating licensees or registered enterprises shall ensure that one licensee or registered enterprise is responsible for compliance with the provisions of the Radio and Television Broadcasting Act. This licensee or registered enterprise shall be stated at the end of each programme. Any sanctions pursuant to Section 66 shall be made against this licensee or registered enterprise.

63. As regards local television services pursuant to Section 54 (1), the Minister for Culture may lay down rules concerning the proportion of programmes of European origin to be included.

Supervision of programme services

64. If required, the municipal council shall set up a local radio and television board, cf. subsection (3), however. If circumstances so warrant, one board may be set up for radio services and one board for television services.

(2) Municipal councils in neighbouring municipalities with a total population of up to 300,000 may set up a joint board. The Radio and Television Board may, if circumstances so warrant, consent to the municipal councils in neighbouring municipalities with a total population of more than 300,000 setting up a joint board. Where a joint board comprising neighbouring municipalities with a total population of more than 300,000 has been set up in the previous term of office, a new board comprising the same municipalities may, however, be set up without the consent of the Board. For Bornholm, Bornholm Regional Council shall set up a local radio and television board, if required.

(3) A joint board for television services shall be set up for the City of Copenhagen, the Municipality of Frederiksberg and the municipalities in the County of Copenhagen.

(4) The board shall comprise an odd number of members, and not less than 5.

(5) A minority of the members shall be elected directly by the municipal or regional council. The remaining members shall be elected as follows: Giving at least 14 days' notice, the municipal council or Bornholm Regional Council shall convene a meeting of local associations and organisations selected at the discretion of the municipal or regional council. Emphasis shall be laid on all-round representation of local associations. If the meeting agrees on the election of the remaining members of the board, these shall be deemed to have been elected. If agreement is not reached, the municipal or regional council shall elect the members after having consulted the associations and organisations concerned. For the members representing local associations substitutes may be elected.

(6) The term of office of the board shall follow the local election period. Election to the board shall take place as soon as possible after each local election, but not later than 1 April the following year. The board shall be in office until the end of the month during which a new election to the board has taken place. The municipal council or Bornholm Regional Council may solely shorten the term of office of an existing board in order to set up a joint board and provided that a majority of the members of the existing board adopt the proposal. The term of office of a joint board may solely be shortened in order to set up a larger joint board.

(7) The municipal council or Bornholm Regional Council may lay down rules for the activities of the board.

(8) The Minister for Culture may lay down rules concerning general disqualification as regards members of the local radio and television boards.

65. The holder of a programme licence or a registered enterprise, cf. Section 52 (1) and (2), shall submit to the board the information and documents, etc. requested by a local radio and television board. The board may set a deadline for the submission of such information, documents, etc. Furthermore, the board may request written statements from a licensee or a registered enterprise.

(2) The board shall grant licences to provide programme services. Except for programmes broadcast simultaneously by several licensees or broadcast under a permanent cooperation relationship with other radio and television enterprises in relation to programme services, cf. Section 43, item 2, the board shall supervise the programme services and protest any infringement of the Act, any provisions issued in pursuance of the Act and the terms of the licence and may withdraw the licence, cf. Section 66 (1) to (3) and (5).

(3) Furthermore, the board shall supervise programme services provided by means of communal aerial installations, cf. Section 52 (2) and protest infringement of the Act and any provisions issued in pursuance of the Act and may make decisions on discontinuation of programme services, cf. Section 66 (4).

(4) Should a local radio and television board become aware of circumstances coming within the sphere of the Radio and Television Board, the local radio and television board shall notify the Radio and Television Board.

66. A programme licence may be withdrawn temporarily or permanently if the licensee does not utilise the licence or in the event of a major interruption of the programme services.

(2) A programme licence may likewise be withdrawn temporarily or permanently if the licensee

1) no longer meets the condition in Section 53,

2) infringes the provisions of Section 54 (1), item 4,

3) infringes the provisions of Section 62,

4) infringes the rules on advertisements, sponsored programmes and sale of broadcasting time, cf. Chapter 11 of the Act,

5) disregards the provisions of Section 87 or any order issued pursuant thereto, or

6) disregards any order issued under Section 88.

(3) A licence may also be withdrawn 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 the terms upon which the programme licence is granted.

(4) In cases relating to programme services subject to registration which are provided by means of communal aerial installations, cf. Section 52 (2), the programme services may be temporarily or permanently discontinued if the registered enterprise

1) infringes the Act or any provisions laid down pursuant to the Act, where such infringement is gross or frequently repeated,

2) no longer meets the condition in Section 53,

3) infringes the rules on advertisements, sponsored programmes and sale of broadcasting time, cf. Chapter 11 of the Act,

4) infringes the provisions of Section 62,

5) disregards the provisions of Section 87 or any order issued pursuant thereto, or

6) disregards any order issued under Section 88.

(5) The decision of a local board in pursuance of subsections (1) to (4) may be brought before the Radio and Television Board within four weeks of notification of the decision. A complaint shall have a delaying effect, unless the Radio and Television Board decides otherwise.

Other

67. The Minister for Culture may lay down rules concerning local radio and television services.

68. The Radio and Television Board may on the recommendation of the local radio and television boards provide subsidies for non-commercial local radio and television stations, etc.

(2) The purpose of the subsidy scheme is to contribute to the financing of non-commercial radio and television services and to subsidise educational activities within the sphere of local radio and television, as well as media school services.

(3) The Minister for Culture may lay down detailed rules concerning the distribution of subsidies, conditions for use of the subsidies, submission of applications, presentation of accounts, audit competence and the performance of the audit in relation to subsidies paid out pursuant to this Act. In this connection it may be decided that the Radio and Television Board shall issue guidelines for the submission of applications, payment of subsidies, presentation of accounts, and auditing, etc.

(4) The Radio and Television Board may request further material from beneficiaries for the use of the Auditor General for a more detailed review of the accounts.

(5) Subsidies pursuant to this Act may be paid out in advance.

(6) In cases where beneficiaries do not fulfil the conditions for subsidies or do not complete the

activities for which the subsidies were granted, the commitment to distribute subsidies shall lapse and the reimbursement of subsidies may be required.

(7) The Minister for Culture may lay down rules for the introduction of a pilot scheme for decentralisation of the administration of the subsidy scheme to individual local radio and television boards.

Chapter 10 - Radio and television licence fees

69. The size of license fees payable for radio receivers and television sets shall be determined for one or several years at a time by the Minister for Culture with the consent of the Parliamentary Finance Committee. The licence fees shall be collected by Danmarks Radio and, subject to the Minister's decision, shall be distributed to Danmarks Radio, TV 2/DANMARK, the regional TV 2 stations and for any other media-related purposes.

(2) The Minister for Culture may lay down detailed rules concerning calculation and payment of licence fees for companies, etc. (legal persons).

(3) Following negotiations with the Minister for Social Affairs, the Minister for Culture may lay down rules concerning reduction or lapse of the fees 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.

(4) The Minister for Culture may lay down detailed rules concerning the commencement and termination of the obligation to pay licence fees, on due payment dates 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 respectively the collection and refund of licence fees. Interest shall accrue from the due date. The amount of interest shall be calculated in accordance with the Interest Act. The Minister for Culture may issue rules on extension of payment dates and waiver of arrears.

(5) The reminder fee stated in subsection (4) may not exceed DKK 200.

(6) In accordance with rules laid down by the Minister for Culture, Danmarks Radio may conclude agreements with public authorities to submit information, including electronic information, deemed to be of significance to decisions concerning the reduction or lapse of fees, cf. subsections (1) to (3).

70. In accordance with the rules which may be laid down by the Minister for Culture it is the duty of the owner of a radio receiver or television set to inform Danmarks Radio of the installation of such equipment. Business enterprises selling or hiring out radio receivers or television sets to consumers are under an obligation, subject to the rules which may be laid down by the Minister, to inform Danmarks Radio of any sale or hire of equipment.

(2) The Minister for Culture may issue rules concerning a control fee on infringement of subsection (1), clause 1. The size of this control fee shall correspond to the unpaid licence fee, but minimum DKK 500.

71. Fees and charges as provided under Section 69 and Section 70 (2) which remain unpaid may, together with interest and costs incurred, be collected by the Danish Finance Agency (Finansstyrelsen). The Finance Agency may collect amounts owing by attachment of the amount from the salary, etc. of the person concerned, according to the rules on collection of personal taxes laid down in the Deduction of Taxes at Source Act.

(2) The Minister for Culture may lay down rules concerning the procedure to be followed in connection with the attachment of salaries.

(3) The Finance Agency may obtain any information from the tax authorities and other public authorities concerning the person liable to pay licence fees which is necessary to collect the amounts stated in subsection (1), including information concerning such person's income and

capital assets.

(4) The Finance Agency's decisions concerning attachment of salary and deduction from excess income tax paid may be submitted to the Minister for Finance.

(5) Upon request the Bailiff's Court shall decide cases of protest against the control fee, cf. Section 70 (2), made by the debtor to the Finance Agency concerning the justification of the claim or the justification of an order for attachment of salary and of any actual deduction made. The request shall be submitted to the Finance Agency, which shall bring the protest before the Bailiff's Court. The decision shall be made in accordance with the rules set out in Sections 499 to 503 of the Administration of Justice Act.

(6) Decisions pursuant to subsection (5) shall be made by the Bailiff's Court within the jurisdiction of the debtor's place of residence.

(7) The due date for a request for protest made pursuant to subsection (5) shall be four weeks from the debtor's receipt of notification of attachment of salary or deduction.

(8) Should the deadline set out in subsection (7) be exceeded, the Bailiff's Court shall reject the case. However, in exceptional cases the Bailiff's Court may allow a protest to be considered for up to one year after notification of attachment of salary or deduction. Such request shall be made to the Bailiff's Court within four weeks of notification of such permission. The decision of the Bailiff's Court concerning protests may be appealed to the High Court in accordance with the rules set out in Chapter 53 of the Administration of Justice Act.

Chapter 11 - Advertising and programme sponsorship

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 shall not apply to teletext advertisements.

(2) Advertisement blocks may, however, interrupt sports programmes where breaks occur, or programmes which 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 may occupy maximum 15 per cent of the individual licensee's daily broadcasting time, and maximum 12 minutes per hour.

(2) Subsection (1) shall 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 pharmaceutical products and healthcare services are permitted subject to the provisions of the Pharmaceuticals Act and the Act on Advertisement of Healthcare Services.

(3) Advertisements for employers' organisations or trade unions or for religious movements or political parties are not allowed on television.

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.

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

79. Programme sponsorship shall mean any contribution, direct or indirect, to the financing of radio or television programmes, including teletext pages, from a natural or legal person not engaged in the broadcasting or production of radio or television programmes, films, phonogrammes, 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 or trademark (logo). Such credits may not appear in the programme itself. On teletext the sponsor's name or trademark (logo) shall appear on the individual pages sponsored.

(2) Identification of sponsorship from enterprises the activities of which include production or sale of pharmaceuticals may not be in the form of promotion of specific pharmaceuticals which are prescription drugs under the Pharmaceuticals 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 integrity of the radio or television enterprise.

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 enterprises 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 may be broadcast.

(2) News and current affairs radio programmes which 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.

Chapter 12 - Various provisions

86. Cases and documents concerning the programme service activities and appurtenant business affairs of Danmarks Radio, TV 2/DANMARK 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 Danmarks Radio, TV 2/DANMARK and the regional TV 2 stations shall be exempt from Chapters 4 to 6 of the Public Administration Act.

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

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

89. The Minister for Culture may lay down rules to the effect that, against compensation for expenses incurred, Danmarks Radio shall place recordings of its programmes at the disposal of an archive established for research purposes, and rules concerning access to the recordings on file. Expenses towards the establishment and operation of such an archive shall be defrayed by the Treasury.

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

(2) Television enterprises subject to Danish jurisdiction may not utilise exclusive rights to events which have been declared by another EU member state, or a state with which the Community has concluded an agreement, to be of significant interest to society in such a way that a considerable proportion of the population of that country are 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) In order to secure for the public the right to be kept informed, the Minister for Culture may lay down rules for certain limitations regarding the exploitation by television enterprises of their exclusive rights to transmit broadcasts of major events so that, in certain, well-defined circumstances, other television enterprises may be able to present short news excerpts about the events.

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 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 clause 1 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.

Chapter 13 - Penalties

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,
 - 4) disregards requests made by the Radio and Television Board pursuant to Section 39 (4) and (5),
 - 5) disregards a decision pursuant to Section 44,
 - 6) fails to register in accordance with Section 47 (1) or Section 52 (2),
 - 7) disregards a decision to discontinue programme services under Section 42 (2), clause 2, Section 43, item 1 (c), Section 50 (2), or Section 66 (4),
 - 8) repeatedly or grossly infringes the provisions of Section 70 (1), clause 1, or regulations issued thereunder,
 - 9) infringes the provisions of Section 70, (1), clause 2,
 - 10) infringes the provisions Section 87 or any order issued thereunder, or
 - 11) infringes the provisions of Section 90 (2)
shall be liable to a fine.
- (2) Regulations issued in pursuance of Section 7, 77, 85, 88 and 90 (1) may stipulate fines for the infringement of the provisions contained therein.
- (3) Companies, etc. (legal persons) may incur criminal liability in accordance with the rules of Chapter 5 of the Danish Penal Code.

94. Any person who deliberately or by gross negligence infringes Section 91 shall be liable to a fine. If such infringement is for the purpose of commercial activity, the penalty may be increased to imprisonment for up to six months. The same shall apply to the diffusion as stated in Section 91 to a wider audience, even if such activity is not carried out with a commercial purpose.

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

Chapter 14 - Commencement and transitional provisions, etc.

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

(2) At the same time Act no. 1065 of 23 December 1992 on radio and television broadcasting, as amended, shall lapse.

(3) The rules on the scheduling and extent of the broadcasting time stated in Section 54 (1), item 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 in pursuance of 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 in pursuance of this Act. Infringement of the rules is subject to a penalty according to the provisions applying hitherto.

98. Programme licences pursuant to Chapter 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 departure from subsection (1).

99. Licences to provide programme services which have been granted at the time of the commencement of the Act shall remain in force.

(2) The Minister for Culture may lay down rules concerning relaxation of terms in licences which have been granted at the time of the commencement of the Act.

100. The Pharmaceuticals Act, cf. Consolidated Act no. 656 of 28 July 1995, as amended, shall be amended as follows:

1. Section 27 a shall be repealed

101. Act no. 421 of 6 June 2002 on radio frequencies shall be amended as follows:

1. The wording of Section 32 shall be as follows:

»**32.** The granting of a licence for radio or television activities by the National IT and Telecom Agency shall be subject to the applicant having access to providing programme services or has access to distributing sound and television programmes by means of terrestrial digital broadcasting networks pursuant to the Radio and Television Broadcasting Act.

(2) A licence for radio or television activities granted by the National IT and Telecom Agency shall lapse if the access to providing programme services or access to distributing sound and television programmes by means of terrestrial digital broadcasting networks pursuant to the Radio and Television Broadcasting Act has lapsed or been withdrawn indeterminately.«