

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Denmark

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Denmark	19 satellite/cable channels 50 local television channels <a href="http://www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/">www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/</a>	0	18 (of which 8 are regional channels) Including one Parliamentary Channel <a href="http://www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/">www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/</a>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Denmark	Information requirements (art. 5 AVMS Directive)	The Broadcasting Act	RTB	RTB	RTB/Ministry of Culture
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)	Not implemented in Radio and Television Broadcasting Act. However right of reply is established according to the Media Liability Act. <a href="http://www.pressnaevnet.dk/Information-in-English/The-Media-Liability-Act.aspx">www.pressnaevnet.dk/Information-in-English/The-Media-Liability-Act.aspx</a> (Part 6)	The Press Council	The Press Council	The Press Council
Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	The Broadcasting Act + The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.)	RTB	RTB	RTB/Ministry of Culture	

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Denmark	The Radio and Television Board (RTB) ('Radio- og TV-Nævnet')	<a href="http://www.bibliotekogmedier.dk/english/radio-and-tv/">www.bibliotekogmedier.dk/english/radio-and-tv/</a>	2001	Radio- og TV-Nævnet, Styrelsen for Bibliotek og medier, H.C. Andersens Boulevard 2, DK-1553 København V. Denmark

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Denmark	The Radio And Television Board	Yes	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Denmark	RTB	Not foreseen in statutes/law	Information not available	Not foreseen in law	Information not available	

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Denmark	RTB	The Broadcasting Act <a href="http://www.kum.dk/sw4498.asp">www.kum.dk/sw4498.asp</a> <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=126149">www.retsinformation.dk/Forms/R0710.aspx?id=126149</a>	The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.) <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Denmark	RTB	Independent regulatory board	Yes			<a href="http://www.bibliotekogmedier.dk/english/radio-and-tv/">www.bibliotekogmedier.dk/english/radio-and-tv/</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Denmark	RTB		Yes (§ 11 in The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.)	

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Denmark	RTB	Tick boxes	No	√	√
		Areas	-	In all areas linked to linear and non-linear audiovisual services	Linear and non-linear audiovisual services Licensing, Registration, monitoring compliance with Radio and Television Broadcasting Act and Executive Orders laid down according to the Act. Please see explanatory note about PSB
		Source	-	General act and specific legislation The Radio and Television Broadcasting Act <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=126149">www.retsinformation.dk/Forms/R0710.aspx?id=126149</a> (link to promulgation of the Act 827 of 26 August 2009 – not available in English) , changed by Act 1269 of 16 December 2009 (implementation of the AVMS Directive) <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=129087">www.retsinformation.dk/Forms/R0710.aspx?id=129087</a> A number of Executive Orders concerning different types of television :non commercial (mostly regional), satellite and cable-stations and PSB (not available in English)	

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Denmark	RTB	Quotas	√	√	√			<a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=126149">www.retsinformation.dk/Forms/R0710.aspx?id=126149</a> (link to promulgation of the Act 827 of 26 August 2009 – not available in English) , changed by Act 1269 of 16 December 2009 (implementation of the AVMS Directive) <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=129087">www.retsinformation.dk/Forms/R0710.aspx?id=129087</a> A number of Executive Orders concerning different types of television :non commercial (mostly regional), satellite and cable-stations and PSB (not available in English)
		Advertising	√	√	√			
		Protection of minors	√	√	√			

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Denmark	RTB	Quotas	√ all sanctions are discretionary	N/A	√	√	N/A	According to RTB it can impose penalties under certain circumstances to TV2, which became a government-owned broadcaster in 2003.
		Advertising	√	N/A	√	√	N/A	
		Protection of minors	√	N/A	√	√	N/A	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Denmark	RTB	N/A	No New powers (enacted in 2009)	No New powers (enacted in 2009)	No New powers (enacted in 2009)	√	√	

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Denmark	RTB	√	N/A	No New powers (enacted in 2009)	√ Very few cases over the years, with one exception – a suspension of 1 hour more than 5 years ago – only a couple of local television stations have had their licence suspended or revoked.	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Denmark	RTB	Yes, they are described in §§ 5-11 in The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.) Complaints are addressed in writing and must be sent to the RTB no later than 3 months after the incident; 4 weeks for complaints about advertisements.	<a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Denmark	RTB	Board	8	1	No	No	No	7	No	No information available	<a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Denmark	RTB	Implement regulation, monitor, decide	Decisions are taken by majority and the chairman has a casting vote.	No	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Denmark	RTB	Chairman	No	n/a	The Minister of Culture	n/a	<a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>
		Board members	No	n/a	The Minister of Culture	n/a	/

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Denmark	RTB	Chairman of the board	4 years	No	Yes, no limits	The Broadcasting Act
		Board members	4 years	No	Yes, no limits	The Broadcasting Act

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Denmark	RTB	Chairman of the board	General-not specified	Legal, financial, administrative, business and media/cultural affairs	The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.)
		Board members	General –not specified	Legal, financial, administrative, business and media/cultural affairs	No information available

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Denmark	RTB	Chairman		No						n/a
		Board members		No						n/a
		Senior staff		No						n/a

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Denmark	RTB	Chairman		No				
		Board members		No				
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Denmark	RTB	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Denmark	RTB	Chairman		No				Only the general rules for public administration apply to the situation of possible dismissal of a board member.
		Individual board members		No				

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Denmark		2009	Chairman		No		
			Individual board members	Yes		Conflict of interest. One board member stepped down when she took a position in DR (Danish Broadcasting company)	
		2005-2008	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Denmark	Radio And Television Board	No	State funding 100%	No	No	No	No	Yearly Finance Act <a href="#">Annual Report 2009</a> The secretariat of the Board is part of the Agency for Libraries and Media. It is not possible to break down the budget of the Agency to show the budget of the Board and its secretariat.

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Denmark	RTB	Parliament	Only as provider of information to the Ministry of Finance	The Ministry of Finance, The Government and the Parliament	No	About the Danish Parliament (Folketinget) <a href="http://www.ft.dk/Folketinget/Arbejde_og_opgaver.aspx">www.ft.dk/Folketinget/Arbejde_og_opgaver.aspx</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Denmark	RTB	Yes	Annual	Yes National Audit Office (Rigsrevisionen)	No	No	The Danish Parliament – National Audit Law <a href="http://www.rigsrevisionen.dk/composite-25.htm">www.rigsrevisionen.dk/composite-25.htm</a>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Denmark	The Radio And Television Board	Parliament	No	N/A	N/A
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	(Annual report – the same as to the public in large – to the Minister of Culture)	
		Public at large	Yes	Annual report + press releases after meetings or in special cases	The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Denmark	The Radio And Television Board	The Radio And Television Board	Annual	The Board's activities within the areas covered by the Board's regulation	No	No	No	Executive Order Concerning rules of procedure for the Radio And Television Board <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English) Section 18 The newest available annual report is from 2009, see <a href="http://www.bibliotekogmedier.dk/medieomraadet/radio-og-tv-naevnet/aarsberetninger/">www.bibliotekogmedier.dk/medieomraadet/radio-og-tv-naevnet/aarsberetninger/</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Denmark	The Radio And Television Board	No	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Denmark	The Radio And Television Board	Does anybody have the power to overturn decisions of the regulator?	Yes	Yes If the Minister of Culture delegates a specific task to the RTB outside the specified and defined area for the RTB, the Minister can overturn decisions or recommendations. In other cases: No	No	No	No	The Broadcasting Act § 40, 5.
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes See above	No	No	No	The Broadcasting Act § 40, 5.
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	Yes	Yes See above	N/A	N/A	N/A	The Broadcasting Act § 40, 5.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes	Yes See above	N/A	N/A	N/A	The Broadcasting Act § 40, 5.

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Denmark	The Radio And Television Board	Internal	1	None	Not relevant	Not relevant	Executive Order Concerning rules of procedure for the Radio And Television Board <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English). Section 11
		External	1	(Usually two stages in court cases, special cases may apply for third stage) City court			
			2	Regional court			
			3	High court (in some cases)			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Denmark	The Radio And Television Board	√			N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Denmark	The Radio And Television Board	√	√	√	No legal practice in these areas and nothing specified in law.

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Denmark	The Radio And Television Board	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Denmark	The Radio And Television Board	No	N/A	Yes Not for advice in legal matters, though	-	Legal advice in relation with license tenders

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Denmark	RTB	Change in regulations/law	Yes Decision taken according to subject matter	Varies	Yes	Yes	The Order of Business of the RTB (‘Bekendtgørelse om forretningsorden for Radio- og tv-nævnet’ – 28.01.2010)

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Denmark	The Radio And Television Board	2005-2009	No information available (annual reports have not been published since 2007).

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Denmark	The Radio And Television Board	The Board statements about public value tests*  Decisions and statements of principle importance  Executive Order Concerning rules of procedure for the Radio And Television Board Section 10 and Section 14(3)	Yes Executive Order Concerning rules of procedure for the Radio And Television Board <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English) Section 9 And Public Administration Act. Part 6	No	No
*the existing public value test does not contain a market impact assessment, but it is likely that future rules about public value test will contain a market impact assessment.					

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Denmark	The Radio And Television Board				Cases can be described -recent:
	Cooperation with the IT and Telecom Agency	The Board cooperates with the IT and Telecom Agency about allocation of frequencies. The frequency permission is conditioned of permission to broadcast (according to the Radio and Television Broadcasting Act), which means that the Radio And Television Board has “the upper hand” in relation to the IT and Telecom Agency	Frequency Act  <a href="http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf">http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf</a> Part 7	No	Report on FM spectrum reorganisation

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
	Cooperation with the Consumer Ombudsman	In cases pertaining to consumer law, the Board shall obtain a prior opinion from the Consumer Ombudsman	Executive Order concerning Advertising and Sponsoring of Radio and Television Programmes and of On-demand Audiovisual Services and Conclusion of Partnerships. <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130045">www.retsinformation.dk/Forms/R0710.aspx?id=130045</a> (not available in English)  Section 37 (2)	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Denmark	RTB	Yes	The Broadcasting Act, § 40, 6. See Art.30, AVMS Directive + The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.) §§ 19-20	Names of regulatory bodies not listed