



DECISION

19/12/2014

Ref: 14/02535 etc.

Translation made by Språkservice Sverige AB.

APPLICANT

As per mailing list

MATTER

Licence to broadcast terrestrial television and teletext

DECISION OF THE SWEDISH BROADCASTING AUTHORITY

1. By virtue of Chapter 4, Section 3 of the Radio and Television Act (2010:696), the Swedish Broadcasting Authority issues the following licence to broadcast terrestrial television programming and teletext. A licence entails the right to broadcast a simultaneous programming service in accordance with the terms and conditions stated in decision appendices 1 and 2. These appendices replace those with the corresponding licence number in the authority's decision of 31 March 2014 (ref 13/01812, etc.).

Ref. no.	Licence-holder	Programming service	Appendix
14/02849	Scripps Networks International (UK) Limited	Travel Channel	1 . tv2014:29
14/02874	TV4 AB	TV4 Fakta	2 . tv2014:42



2. The Swedish Broadcasting Authority rejects the following applications for licences to broadcast terrestrial television programming and teletext.

Ref. no.	Applicant	Programming service
14/02820	The Walt Disney Company Ltd	Disney Junior
14/02851	BBC Worldwide Limited	BBC Knowledge
14/02867	Nickelodeon International Ltd	Nickelodeon
14/02868	VIMN Netherlands B.V.	Comedy Central
14/02870	NGC Europe Limited	Nat Geo Wild
14/02873	TV4 AB	TV4 Film
14/02875	Discovery Communications Europe Limited	Investigation Discovery
14/02876	Discovery Communications Europe Limited	Discovery Science
14/02881	C More Entertainment AB	C More Hits
14/02882	CSI SPORTS Networks, Pte.Ltd.	CSI Sports; The #Fight Sports+ network

3. On the grounds that TV4 AB has been granted a licence to broadcast TV4 Fakta in accordance with the application, the conditions for TV4 Film have changed in accordance with appendix 3. This appendix replace that with the corresponding licence number in the authority's decision of 31 March 2014 (ref. no. 13/01812, etc.).

Broadcasting company	Programming service	Appendix
TV4 AB	TV4 Film	3 . tv2014:43

BACKGROUND AND CASE

On 31 March 2014, the authority issued licences to broadcast terrestrial television and teletext to 51 national and six regional programming services. Since then, one licence holder has returned a licence.

Considering this, and the fact that there was reason to assume due to the returned licence that broadcasting space had become available, the authority enquired with Teracom AB regarding the availability of broadcasting space and what compression and broadcasting standard new licences should be combined with. Teracom stated in its response of 30 October 2014 that currently broadcasting space is available for one (1) national programme service, provided the licence is for standard definition television (SDTV) in a broadcasting network where MPEG-4 compression and the DVB-T2 broadcasting standard are used. The available broadcasting space is available immediately and throughout the current licence period, i.e., up to and including 31 March 2020.



On 5 November 2014, the authority announced the possibility to apply for a licence to broadcast television and teletext on the terrestrial network.

Thirteen applications concerning national programme services from eleven different broadcasting companies have been received by the authority. One application was received too late and was rejected (ref. no. 14/02920).

During the administration process, the applicants have been given the opportunity to submit supplementations and statements.

The Swedish Broadcasting Authority has commissioned the consulting company AB Stelacon to assess the financial means of the applicants to broadcast throughout the licence period. AB Stelacon has reported these assessments to the authority both verbally and in writing. According to Stelacon's assessment, all the applicants have the financial means to pursue broadcasting in accordance with their applications. The applicants have been given access to the assessments made by AB Stelacon.

In preparation for the awarding of the licences, the Authority has consulted PTS and the Swedish Competition Authority for matters regarding competition.

The applicants who have been granted a licence to broadcast terrestrial television and teletext in this decision have approved the programming-related conditions. They have also been afforded the opportunity to make a statement on other licence terms and conditions.

More details regarding applications

Ownership groups, broadcasting companies and programming services applied for

Ownership group (Number of licences in the terrestrial network)	Broadcasting company	Programming service (main content)
Walt Disney (2)	The Walt Disney Company Ltd	Disney Junior (children's programming)
BBC (3)	BBC Worldwide Limited	BBC Knowledge (factual)
Bonnier AB (12)	TV4 AB	TV4 Film (film) TV4 Fakta (factual)
	C More Entertainment AB	C More Hits (film)
CSI Entertainment, LLC (0)	CSI SPORTS Networks, Pte. Ltd.	CSI Sports; The #Fight Sports+ network (sport MMA)
Discovery (7)	Discovery Communications Europe Limited	Discovery Science (factual) Investigation Discovery (crime, factual)
Fox International Channels Group (1)	NGC Europe Limited	Nat Geo Wild (nature, factual)
Viacom (5)	VIMN Netherlands B.V.	Comedy Central (television series, comedy)
	Nickelodeon International Ltd	Nickelodeon (children's)



		programming)
Scripps Networks Interactive (1)	Scripps Networks International (UK) Limited	Travel Channel (travel, lifestyle)

Six of the above programming services have at present permits to broadcast during part of the day on the terrestrial network, and for these, applications are now being made concerning an increase in broadcasting hours (Nickelodeon, BBC Knowledge, TV4 Fakta, TV4 Film, Comedy Central and Travel Channel).

REASON FOR THE AUTHORITY'S DECISION

Current legislation, etc.

The Government decides the amount of broadcasting space that may be provided for television broadcasts in different parts of the country and for teletext that require licensing in accordance with the Swedish Radio and Television Act. Licences to broadcast television programmes and teletext are issued by the Government if the broadcasting activities are financed by the radio and television fee and in all other cases by the Swedish Broadcasting Authority. A licence to broadcast television programmes and teletext entails the right to broadcast the number of programming services referred to in the licence simultaneously in each area, during the part of the day specified in the licence (Chapter 4, Sections 1, 3 and 4 of the Radio and Television Act).

A licence to broadcast terrestrial television and teletext may only be issued to broadcasting companies that fulfil the financial and technological requirements to broadcast throughout the entire licence period, and that are willing to collaborate with other licence holders in terms of technological issues (Chapter 4, Section 5 of the Radio and Television Act).

When distributing licences to broadcast terrestrial television and teletext, particular consideration must be given to the broadcasting space being used for varying programming services, so that the broadcasts meet different interests and tastes, both in terms of national, local and regional programming and by several independent broadcasting companies (Chapter 4, Section 6 of the Radio and Television Act).

A licence to broadcast television programmes and teletext may also be subject to certain conditions (Chapter 4, Sections 8–11 of the Radio and Television Act).

A licence issued by the Swedish Broadcasting Authority to broadcast television programmes and teletext is valid for six years. If there are special reasons, the Authority may issue a licence that is valid for a shorter period of time. The period of validity for a particular licence condition may be shorter than the validity of the licence (Chapter 4, Section 12 of the Radio and Television Act).

On 27 February 2014, the Government made a decision regarding the broadcasting space that may be used in various parts of the country for terrestrial television during the period 1 April 2014 – 31 March 2020.



The Government's decision states that seven broadcasting networks throughout the country may be used for licensed television transmissions between 1 April 2014 and 31 March 2017. With effect from 1 April 2017 and until 31 March 2020, at least five broadcasting networks may be used for licensed television transmissions.

In the authority's licensing decision of 31 March 2014, it made the assessment that it would be possible to issue licences to 51 national and 6 regional programming services and that there would be space for these programming services within the available broadcasting space throughout the licence period 2014-2020. Prior to the rescheduling of the broadcasting space, however, it was not possible to definitively establish the available broadcasting space after 31 March 2017. It is therefore stated in the licences intended for broadcasts in high definition picture quality (HDTV broadcasts) that the requirement to broadcast in HD quality only applies if the available broadcasting space permits this.

On 24 April 2014, the Government commissioned the Swedish Post and Telecom Authority (PTS) to produce a national planning solution for terrestrial digital television after 31 March 2017 (N2014/2009/ITP). The planning solution must aim to ensure the frequency bands 174 – 230 MHz and 470 – 694 MHz allow space for at least six network layers (broadcasting networks), five of which will be national, and the sixth covering as large a geographical area as possible.

Assessment of whether the applicants meet the basic requirements to be issued a licence

Financial and technological circumstances

The Authority makes the assessment that all of the applicants are financially and technologically equipped to make broadcasts in accordance with their respective applications.

Collaboration with other licence holders

All applicants have stated that they are prepared to cooperate in matters of a technical nature. The authority's assessment is that they fulfil the requirement of cooperating with other licence holders in matters of a technical nature in order to promote accessibility and competition.

Assessment of which programming services will be granted a license

Point of departure

Since the number of applications that meet the basic requirements for a licence to broadcast television programmes and teletext exceeded the number of licences that can be accommodated within the available broadcasting space, the Swedish Broadcasting Authority will now choose a selection of applicants.



When a licence is issued, the Authority shall consider that the broadcasting space can be claimed to supply programming services that appeal to various interests and tastes, as stated above. There must be a variety in the programme selection with both programming services that offer a mixed content and programming services that have a more specialised content or a specific target audience, i.e., niche channels. A licence to broadcast television and teletext on the terrestrial network is valid for six years as per the main rule, and no rights to an extension can be granted. In each licensing decision, consideration shall be given to how the terrestrial network's selection as a whole best fulfils the requirements stated in the Swedish Radio and Television Act.

Programme selection

At present, 50 programming services have a licence to broadcast television nationally on the terrestrial network. These programming services can be subdivided into the categories of children's programming, mixed content channels and others, factual content/documentaries, films and television series, and news and sports.

Main category	Programming service
Children	Cartoon Network, Disney XD, Disney Channel, Nickelodeon, Nick JR. (as well as C More Fotboll/Hockey/Kids, which come under sport) (all are shared programming slots)
Mixed content channels and others	BBC Entertainment, Comedy Central, Fox, Kanal 5, Kanal 5 HD, Kanal 9, Kanal 11, Kanal Global, MTV, Sjuan, TV3, TV3 HD, TV4, TV4 HD, TV6, TV8, TLC, TV10
Factual content/documentaries	Animal Planet, Axess, BBC Knowledge, Discovery Channel, History Channel, National Geographic Channel HD, Travel Channel, TV4 Fakta, Viasat Explorer
Films and television series	C More First, C More Series, C More HD Mix, Paramount Movie Channel, Silver, TCM, TNT, TV4 Film
News	Al Jazeera, CNN, BBC World News
Sports	C More Sport, Eurosport, Eurosport 2, Horse1, TV4 Sport HD, TV12, TV10, C More Fotboll/Hockey/Kids (as well as C More HD Mix, which is also included in the film category)

The category “music” is not represented in the terrestrial network as the authority established in its licensing decision of 31 March 2014 that technological developments have entailed a reduced interest in this type of content in television broadcasts; a development which was expected to continue through the upcoming licence period.

A number of the licences issued in March 2014 are limited to broadcasts at a certain time of day as they share broadcasting space with another programming service. This is primarily the case for programming services targeted at children, which normally wish to broadcast only at



certain times of the day. The broadcasting space is thus shared with programming services from other categories. The uncertainty surrounding available broadcasting space for the entire licence period meant that when the licences were issued in March 2014, several programming services had to share broadcasting space. A number of programming services that previously had a licence to broadcast around the clock received limited broadcasting hours.

The distribution of licences that took place in March 2014 meant that all categories, apart from music, are well-represented in the terrestrial network.

Dividing programming services into categories does not provide a complete picture of their content, especially since a programming service can be included in several categories and yet still not be considered a programming service with “mixed-content”. However, a primary division of the programming services into different categories can be done based on the applicants' own programme definitions.

Main category	Programming service
Children	Disney Junior Nickelodeon
Factual content/documentaries	BBC Knowledge TV4 Fakta Discovery Science Investigation Discovery Nat Geo Wild
Films and television series	TV4 Film C More Hits Comedy Central
Lifestyle	Travel Channel
Sports	CSI Sports; The #Fight Sports+network

Which programming services should be granted a licence?

As previously mentioned, the authority has conducted a licencing process in which it made an assessment of which selection could be considered to best fulfil the criteria for the choice of programming services as per the Swedish Radio and Television Act. However, due to uncertainty surrounding the available broadcasting space, the assessment of March 2014 entailed that some programming services (TV4 Fakta, TV4 Film and Travel Channel) which were considered to bring value to the terrestrial network's total selection, and which were previously licenced to broadcast around the clock, received reduced broadcasting hours. These programming services have applied for an increase in broadcasting hours in this licencing process and the authority is of the opinion that they should first of all, and where



possible with the broadcasting space now available, be afforded the opportunity of a licence to broadcast around the clock.

Of the three programming services which are now therefore of immediate interest (TV4 Fakta, TV4 Film and Travel Channel), the authority makes the overall assessment that TV4 Fakta and Travel Channel should be licenced to broadcast around the clock.

More details regarding the licence contents, period of validity and terms and conditions

The authority's assessment of which programming services should be granted a licence to broadcast television and teletext on the terrestrial network has meant that TV4 Fakta and Travel Channel now have the right to broadcast television programmes and teletext around the clock.

The terms and conditions stipulated for TV4 Film in the decision announced in March 2014 (tv2014:43) state that the programming service may be broadcast when TV4 Fakta is not being broadcasted. As a result of TV4 Fakta now being granted a licence to broadcast around the clock, the terms and conditions for TV4 Film need to be amended so that the programme service can be broadcasted between 18:00 and 06:00 every day. TV4 AB has consented to this change.

TV4 AB shall enter into an agreement entailing that the party providing the broadcast service for TV4 Film uses MPEG4 compression and the DVB-T2 broadcasting standard.

In its decision of 31 March 2014, the authority has provided detailed information on the various terms and conditions that a licence can and should carry. The Authority is of the opinion that the terms and conditions that previously applied to the programming services should continue to do so and remain unchanged.

According to the main rule, a licence is valid for six years. Under special circumstances, the licence period may be shorter. As the Government's decision on broadcasting space is valid up to and including 31 March 2020, the licences issued in this decision should also be valid up until this date.

This decision was made by Director-General Magnus Larsson following a report provided by Head of Division Kerstin Morast. Ola Vigström and Johannes Wik also participated in making the final decision.

Magnus Larsson

Kerstin Morast

HOW TO APPEAL, see appendix A.

This is an electronic copy of the decision.

All signatures are on the original document, which is kept at the premises of the Swedish Broadcasting Authority.