



Comparative benchmark on must carry

Last update: January 2022

Introduction

This research was carried out in December 2021 for the Ministry of Transport and Communications (Finland).

It reviews the must carry obligations in the member states (except Bulgaria) and in the UK. Two benchmarks were conducted:

- **Table 1** shows if national rules and obligations on must carry have been amended or reviewed since 2017, including to implement article 114 of the European Electronic Communications Code (EECC).
- **Table 2** covers the detailed provisions of the applicable legislation and practice (where available) and in particular the networks concerned, the services that benefit from must carry status, and the rules on remuneration and what ancillary/complementary services are covered.

Background

Article 114(1) of the EECC (that had to be transposed in national legislation by 21 December 2020) states that member states can impose reasonable must-carry obligations for the transmission of specified radio and television broadcast channels and related complementary services (in particular accessibility services to enable appropriate access for end users with disabilities and data supporting connected television services and electronic programme guides, EPGs), on undertakings providing electronic communications networks used for the distribution television and radio broadcasts to the public, where a significant number of end users of such networks and services use them as the principal means to receive radio and television broadcasts.

A recital (310) provides that “electronic communications networks and services used for the distribution of radio or television broadcasts to the public” include cable, IPTV, satellite and terrestrial broadcasting networks, but also possibly other networks to the extent that a significant number of end users use these networks as their principal means to receive radio and television broadcasts.

The same recital adds that must-carry obligations can include: the transmission of complementary services, such as:

- services designed to improve accessibility for end users with hearing or sight disabilities (such as videotext, subtitling audio description, sign language interpretation), and could include access to the related raw data where necessary;
- programme-related data necessary to support connected television and EPG functionalities.

Article 114(2) requires member states to review the obligations by 21 December 2019 (and every five years after that), except if they have carried out this review within the past four years. The reason is to keep the obligations up to date with technology and market evolution and to ensure that they are still proportionate to the objectives to be achieved.

Under the previous article 31 of the Universal Service Directive (now repealed), must carry obligations had to be subject to regular review (and no timeframes were provided in the EU provision).

Article 114(3) specifies that when member states determine appropriate remuneration, they must ensure that this obligation is clearly set out in national law, including where relevant, the criteria/ methodology for determining the remuneration. In the absence of rules on remuneration, a recital (308) provides that radio or TV channels and electronic communications (ECN) providers can agree on a remuneration by contract.

Key findings

The research shows that must carry rules exist in the legislation of all countries except one (Cyprus). In Cyprus, the draft law transposing the EECC (currently before Parliament) includes a provision which would allow the commissioner for communications (a newly created position) to draft must-carry rules.

In seven countries (Croatia, Czech Republic, Greece, Luxembourg, Slovakia, Spain and the UK), rules exist in the law but are not the subject of any decision in practice, or secondary legislation may also be missing (UK, Luxembourg).

Legislative changes and non-legislative reviews of must carry rules and obligations since 2017

Although all member states need to transpose the EEC, the implementation of article 114 has not led to a major review of the national must carry obligations as specified in previous national legislation.

Twelve countries (Croatia, Denmark, Estonia, Finland, France, Germany, Latvia, Romania, Slovakia, Slovenia, Sweden, UK) have not amended their legislation when they transposed the EEC. Where justifications were given, the countries considered that the national legislation was already in line with the new provision.

The other countries did amend their national legislation on must carry but the changes brought were very minor mainly to reflect the fact that the must carry obligations should be reviewed every five years. These modifications did not give rise to a more wide-ranging policy debate (or fundamental changes to legislation) on must carry.

The research shows that more generally and since 2017, the overwhelming majority of countries have not undertaken legislative or non-legislative reviews of the national must carry obligations. However, it is possible that a non-legislative review did take place, but no information was made public.

The countries that have reviewed (since 2017) must-carry obligations (outside or inside of a legislative process) are listed in the table below. More details are provided in Table 1.

Summary – Legislative and non-legislative reviews

Country	Date	Outcome
Belgium (VL)	2019	The government decided that for the next three years (i.e. until 2022) the networks subject to the must carry obligation are Newco 2 (for the municipality of Voere) and Telenet bvba (rest of Flanders). These are cable networks.
Belgium (WA)	2018	The recommendations by the CSA (regulator) were not followed up on by the government.
Denmark	2017	The rules on programme package containing must-carry channels were renewed.
France	2021	Distributors of services are required by law, before starting the carriage of services, to conclude with the providers of carried services a contract setting out the conditions of carriage, distribution and making available of the signal of these services. The aim is to ensure that distributors carry the whole signal (and not only parts of it).
Hungary	2021	An updated set of public broadcast channels to which must-carry rules apply was published.
Lithuania	2021	The National Radio and Television Commission must indicate the scope and duration of the “must-carry” obligation when it adopts a decision.
Malta	2017	MCA confirmed previously imposed must carry obligations on Melita’s digital cable TV network and extended the obligations also to GO’s IPTV network to safeguard the carriage of all general interest TV channels.
Netherlands	2018	The government examined the rules but concluded that no changes should be proposed.
Poland	2019	Proposals made by the regulator were not followed up on by the government. These were to: <ul style="list-style-type: none"> include in must carry obligations all programmes broadcast on DTT over national multiplexes introduce an obligation to present channels in EPGs in the following order: public TV channels, other channels included in must carry obligations (following their LCN number) and the other channels include channels benefiting from must carry obligations in all packages offered by the operator
Sweden	2017	The MPRT proposed that that the scope of must carry should not include more than the current four channels transmitted simultaneously. However, it should be extended to include broadcast teletext, subject to impartiality and objectivity conditions.
	2019	Proposed that searchable teletext is an integrated part of the public service offering and that it is natural to see searchable teletext as part of the overall public service offering. The enquiry therefore proposed that searchable teletext should be included in the must carry obligation. Was included in the legislation.

Transmission networks covered by must carry

Rules apply in theory to all traditional networks (cable, IPTV, DTT and satellite) in Belgium (WA), Hungary, Ireland, Netherlands, Slovenia and the UK.

Only one country (Lithuania) seems to have expressly imposed on entities that distribute services of television programmes and/ or individual programmes on the internet to consumers the obligation to carry all television programmes of the national PSB, LRT, in an unencrypted way.

The law defines the “online distribution of television programme services and/or individual programmes” as meaning “the selection, provision for dissemination and simultaneous dissemination to the public on the internet of broadcast television programmes or individual programmes without modification, including the dissemination to the public via a video-sharing platform service and the dissemination to the public on the internet via conditional access systems.”

It is Cullen International’s understanding that this seems to cover the online distribution of channels and programmes on the open internet and within a closed environment controlled by third-party providers with whom consumers have a service contract (e.g. only accessible through a set-top box or a PIN code).

On this matter, the highest European court (CJEU) ruled that a (French) online provider of television channels cannot fall under the scope of the EU must carry rules as it supplies access to content and is not providing an electronic communications network. The court also ruled that EU rules do not prevent member states from imposing must carry obligations on undertakings offering television channel streaming services. However, the EU ruling has not led to a modification of the must carry rules in France.

Summary table – transmission networks covered

Country	Cable	IPTV	DTT (incl. common antennas)	Satellite	Internet
Austria	Yes	Yes	No	No	No
Bulgaria	Yes	Yes	Yes	No	No
Belgium (FL)	Yes	No	No	No	No
Belgium (WA)	Yes	Yes	Yes (not applicable in practice)	Yes	No
Croatia	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	No
Cyprus	No	No	No	No	No
Czech Republic	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	No
Denmark	Yes	No	Yes (common antenna networks)	No	No
Estonia	Yes	Yes	Yes	No	Yes
Finland	Yes	Yes	Yes (common antenna networks)	No	No
France	Yes	Yes	No	Yes	No
Germany	Yes	Yes	No	No	No
Greece	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	No
Hungary	Yes	Yes	Yes	Yes	No
Ireland	Yes	Yes	Yes	Yes	No
Italy	Not applicable	No	Yes	No	No
Latvia	Yes	Yes	No	No	No
Lithuania	Yes	Yes	Yes	Yes	Yes
Luxembourg	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	No
Malta	Yes	Yes	No	No	No
Netherlands	Yes	Yes	Yes	Yes	No
Poland	Yes	Yes	No	Yes	No
Portugal	Yes	No	Yes	No	No
Romania	Yes	Yes	No	Yes	No
Slovakia	Yes	No	No	No	No

Country	Cable	IPTV	DTT (incl. common antennas)	Satellite	Internet
	(not applied in practice)				
Slovenia	Yes	Yes	Yes	Yes	No
Spain	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	Yes (not applied in practice)	No
Sweden	Yes	Yes	No	No	No
UK	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	Yes (secondary legislation not adopted)	No

Services/ channels to be carried

In all countries where must carry rules exist, the channels/ services that must be carried include those of public service broadcasters (PSBs). Italy is an exception as rules benefit selected radio stations and local TV channels that had to release frequencies or were not allocated spectrum following specific spectrum management initiatives.

A few of these countries apply must carry rules to commercial services/ channels: Germany (for national services which broadcast programmes which are specific to each region – “regional windows”), Ireland (if the services meet public service goals), Poland (for services broadcast on the DTT network), Portugal and Romania (under conditions).

Rules foresee that network operators must transmit regional and/ or local/ community services/ channels in Belgium (FL and WA), Croatia, France (on request), Germany, Hungary (under conditions), Italy, Lithuania, Netherlands, Poland, Portugal, Romania (where they exist), Slovenia and Sweden.

A few countries (Denmark, France, Ireland, and Portugal) impose the transmission of their Parliament’s service/ channel.

The following national specificities can be pointed out:

- In the **Netherlands**, rules apply to distributors with at least 100,000 subscribers. These distributors must also offer a standard package of 30 TV channels (including the must-carry channels), or if analogue transmission is still used, the standard offer should comprise at least 15 TV channels.
- In the **Netherlands**, must carry has been extended to two channels of the Belgian Flemish PSB, VRT.
- **Belgium (WA)** and **Hungary** include in the must-carry obligation an obligation on network operators to place by default some “must carried services/ channels” in a privileged position in their service/ channel offers (e.g. PSB channels must be placed in the first positions of the service/ channel ordering system).
- In **Belgium (WA)**, a procedure exists whereby a television service/ channel can ask the government to benefit from a mandatory distribution right which may then become a channel which benefits from a must carry status (if some conditions are met, such as contributing to the community’s audiovisual production and ensuring the creation of 60 full time jobs). In **Belgium (FL)** and **Lithuania**, it is respectively up to the government and the regulator to decide whether some additional services/ channels should be granted a must-carry status because their programmes have a pluralistic, cultural and public value (such as news, educational and regional programmes).
- Must-carry rules also cover the on demand services of the linear services/ channels benefiting from must carry in **Belgium**. The obligation applies on request from service/ channel providers in **Flanders (and** when a significant part of this service consists of Dutch spoken EU works), and after having been designated by the government in **Wallonia**.
- In **Ireland** and the **UK**, must-carry obligations are mirrored by “must-offer” obligations whereby channels “benefitting from the must carry” must offer their channels to the distributor.

Ancillary/ complementary services to be carried

Around one third of the countries surveyed do not mention ancillary/ complementary services in the law.

Countries with <u>no</u> mention of ancillary/ complementary services in the law	Countries <u>with</u> mention of ancillary/ complementary services in the law
Austria, Belgium (WA), Estonia, Ireland, Italy, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, UK	Belgium (FL), Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden

Among the countries that do mention ancillary/ complementary services in the law, most countries refer to some of the elements that are mentioned in article 114 of the EEC, but without giving further details. This is the case for Belgium (FL), Croatia, Czech Republic, Finland, Greece, Luxembourg, and the Netherlands. The following national specificities can be pointed out:

- **France** mentions that must carry should cover analogue and digital carriage (including in HD and UHD, where any), and the associated interactive services of the Parliament channel (on top of “the services aimed at deaf or hard hearing, and blind or partially sighted people associated to the programmes of the television services offered).
- **Czech Republic** specifically includes the HbbTV signal (and EPGs) in the scope of complementary/ancillary services.
- **German** law refers to «programme-related services». According to Cullen International sources, teletext and audio description are included in practice, but it is disputed between broadcasters and cable network operators whether the HbbTV signal is also covered by the must carry obligation.
- **Malta** refers to the fact that the broadcasting authority should define accessibility services “from time to time”.
- **Portugal’s** law specifies that the complementary services, in particular the accessibility services need to be further specified by the media regulator (ERC). ERC had already specified these in 2011.
- **Sweden** mentions searchable teletext services.

Appropriate remuneration

The table looks at whether legislations in the different countries set rules on what is the appropriate remuneration for carriage (i.e. by the carried TV channels or radio stations to the network operators subject to must-carry obligations).

Rules on the payment of copyright and related rights to be paid by the network operators for the (re) transmission of TV channels are not covered in the table.

The following national specificities can be highlighted:

- In Belgium (Flanders), Finland, Hungary (except for DTT), Ireland, Lithuania, Poland and the UK, network operators must carry channels (and in Sweden local channels) free of charge.
- Croatia, Greece and Portugal specifically mention that the relevant competent authority can determine the appropriate remuneration according to defined criteria or principles. In Malta, the NRA must determine whether remuneration should be provided and assess whether it is justified.
- In all other countries remuneration is (by default) determined by contractual negotiations but:
 - in Austria, when a commercial agreement is not reached, the NRA must decide on the remuneration. In 2020 the NRA mandated 34.07 €cents per connected household and year (most of which can be paid in free advertising slots). This is also the case in theory in the Czech Republic although it has not been applied in practice.
 - in Germany, fees (which must be disclosed to the NRA who also acts as settlement body in case of dispute) must allow local and regional services to broadcast services on reasonable terms;
 - in France, the law specifies that operators are only entitled to charge fees for covering specific costs, such as those related with collection of viewing data.

Table 1: Review of must-carry laws and obligations

The table shows in the selected countries:

- if national legislation on must carry was amended to reflect art. 114 (first column);
- when the last review of the rules took place, and where it occurred after 2017, what were the main outcome of that review (e.g. what options were considered and implemented) (second and third columns). The review can either be a legislative change or any revision of the must carry obligations (e.g. the channels that must be carried) that may take place outside of a legislative process.

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Austria	<p>Must carry is regulated by § 20 Act on audiovisual media services (AMD-G), which was adopted in 2001. The last amendment of § 20 was in 2015.</p> <p>Cable networks must carry the radio and TV programmes of the public broadcaster ORF</p> <p>Cable networks must carry other programmes that contribute significantly to media plurality in the respective area, on request.</p> <p>The substantive provisions on must carry were not amended to implement art. 114.</p>	<p>§ 20 AMD-G was amended in 2004, 2006, 2010 and 2015.</p> <p>The last amendment of in 2015 changed the criteria for assessing "significant contribution to media plurality" in the third paragraph. In particular, the new wording now also refers to the "cultural, political and socio-political relevance" and the "contribution to the Austrian identity".</p> <p>The law does not foresee a review of the obligation to carry the programmes of ORF, nor a review of the law itself. However, if the regulator KommAustria imposes a specific must-carry obligation, any party (in particular the cable network) may request a review of that decision.</p> <p>When parliament adopted a new Telecommunications Act 2021 to transpose the EECC into Austrian law it made some minor changes to the AMD-G but the same obligations apply.</p>	<p>Parliament adopted the 2015 amendment based on a bill of the federal government, which introduced several changes to media laws.</p> <p>According to the bill, the new wording aligns the wording with the regulator's guidance for state aid in the media sector.</p> <p>The previous amendments took place in 2004 (must carry extended to the new analogue regional TV channels in their respective areas), 2006 (clarification that must carry continues after digital switchover) and in 2010 (only private broadcasters that make a "significant contribution to media plurality" can benefit from must carry).</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Belgium (VL)	<p>Rules on must carry are included in Title II “Distribution possibilities and distribution obligations” of the Flemish Media decree of 27 March 2009</p> <p>When the EECC was implemented, the frequency of the review of must carry obligation was changed but the substantial rules were not changed.</p> <p>(Decree from 2 July 2021 on the partial transposition of the EECC).</p>	<p>The last review took place in 2021, where the term for the revision of the networks in scope was changed from every three to every five years. (Decree from 2 July 2021 on the partial transposition of the EECC).</p> <p>The Flemish government decided in 2019 that for the next three years (i.e. until 2022) the networks subject to the must carry obligation are Newco 2 (for the municipality of Voere) and Telenet bvba (rest of Flanders). These are cable networks.</p> <p>(Decision of 28 June 2019)</p>	<p>The reasoning of the 2021 review was the implementation of the EECC.</p> <p>According to the Flemish media decree, the Flemish government designates on the advice of the media regulator the networks which are the primary means of receiving television broadcasting programmes for a significant number of end users.</p>
Belgium (WA)	<p>Same as above: only the rules on the frequency of the review were changed. It must now take place every five years.</p> <p>(Decree on audiovisual media services of 4 Feb. 2021, art. 7.2-2)</p>	<p>The last non legislative review was carried out by the media regulator, CSA, in 2018.</p> <p>The CSA confirmed the need to maintain must carry rules for the reasons explained in the last column.</p> <p>It recommended that the government should improve and modernise the rules so as to:</p> <ul style="list-style-type: none"> • expressly specify the general interest objectives pursued (like in other linguistic communities) • specify in a coherent way the must offer in the different audiovisual legislations (and in particular remove any ambiguity on the fact that the PSB, RTBF, is also subject to this obligation) • extend the notion of must carry to complementary services, including accessibility services (“to ensure appropriate access to disabled end-users”, not further defined) • consider that must carry for analogue transmissions should be reduced (e.g. by limiting it to geographic zones where analogue must carry is still needed) or stopped (if users are given a free digital converter) • create a new paragraph in the decree to address the issue of numbering of television services separately from the must-carry aspect <p>None of these recommendations were included in the decree of 4 Feb. 2021.</p>	<p>In the review of 2018, the CSA concludes that must carry rules:</p> <p>ensure that the objectives of preserving the pluralistic character and cultural diversity of the programme offer are met</p> <ul style="list-style-type: none"> • are necessary for providers benefiting from it (especially RTBF, local TV stations and TV5) and ensures de facto a strong link between providers and distributors, which all contribute to the vitality of the audiovisual sector in the French community • play a significant role for various disadvantaged audiences, such as senior citizens, people with sensory impairments and those who cannot afford the high costs of receiving a wide enough pluralistic offer • maintain the notion of reciprocity between the three linguistic communities through PSB RTBF, VRT and BRF – see Table 2). This means that the decree of the French community requires the compulsory distribution of VRT (Flemish PSB) and BRF (German-speaking community PSB), the decree of the Flemish community requires the distribution of RTBF and BRF, and the decree of the German-speaking community requires the distribution of RTBF and VRT <p>See also the objectives of the “mandatory distribution right” in the last column of Table 2.</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Croatia	<p>Must-carry rules are included in Law on electronic communications of 2011, art. 97)</p> <p>The rules were not updated to take account of art. 114. No information on the reasoning was found.</p>	<p>The law is unchanged since 2011, and the changes made at that time were mainly to add to the rules complementary/ancillary services, especially those in respect to accessibility.</p> <p>However, the rules are not applied in practice.</p>	Not applicable
Cyprus	<p>There are no must carry rules in Cyprus at the moment.</p> <p>The only publicly available draft law on the implementation of the EECC dates from 2020. It creates the possibility that a newly created Commissioner of Communications could draft secondary legislation on must-carry rules.</p> <p>Since then, the draft has not moved forward at all and there is no public information on its current status or the main points of discussion at a policy level.</p>	Not applicable	Not applicable
Czech Republic	<p>Rules on must carry are contained in:</p> <ul style="list-style-type: none"> • Art. 72 of the electronic communications act (in force from Jan. 2022). The wording was changed to reflect the terminology of art. 114. • Art. 5n of law on providing of radio and television broadcasting (unchanged) 	<p>According to the media regulator (RRTV), the latest review of must carry took place in 2014–2015 resulting in no obligation imposed (RRTV annual report 2015).</p> <p>Must-carry obligations are therefore not enforced in practice.</p> <p>RRTV has announced that it would carry out a review must carry in 2022.</p> <p>The r</p>	No applicable

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Denmark	<p>Rules on must carry are included in the Executive order on Radio and Television Operations section 6 (04/09/2020), and into the Executive order on programmes in common antenna networks.</p> <p>The rules were not updated to take account of art. 114 presumably because they are in line with the new provisions (source: Cullen International, not backed by public information)</p>	<p>The previous review took place in 2017, when the rules on programme package containing must-carry channels were renewed (see Table 2).</p> <p>If the distribution of channels in common antenna or cable systems takes place in more than one package, all packages must contain the must-carry programmes (with an amendment to the executive order, which took effect on 1 July 2017).</p>	-
Estonia	<p>The amendment to the Electronic Communications Act to transpose the EECC (adopted in parliament on 25 Nov. 2021) did not modify the earlier regulation on must carry (art. 90 as of Dec. 2021).</p>	<p>The review of art. 90 of the Electronic Communications Act (since its adoption in 2004) was carried out in Oct. 2012, when the act was amended to allow providers of television services with unrestricted access to charge electronic communication networks for the re-transmission of their content.</p> <p>The working group established in 2020 by the Ministry of Economics and Communications to analyse and propose necessary amendments to the Electronic Communications Act to transpose the EECC, skipped the adoption of provisions of art. 114 (1) and (2) of the EECC without further explanation (appendix 1 of the explanatory letter to the law amendment).</p>	Not applicable
Finland	<p>No</p> <p>Must-carry rules are included in section 227 of the Act on Electronic Communication services, which was not changed following the transposition of the EECC</p> <p>According to p. 527 of Government Bill 98/2020 for the transposition Act, section 227 was in line with art. 114 of the EECC.</p>	<p>No reviews after 2017</p> <p>The last review took place in 2016, with changes taking effect on 1 Jan. 2017 (ministry press release).</p> <p>The obligation as defined in the law covers public service programming of Yle, incl. related ancillary/supplementary services and nationwide free-to-air commercial channels that contribute to general interest objectives and are subject to subtitling and audio description requirements.</p> <p>Some commercial channels were regarded as programmes with general interest objective according to their licence terms (until the end of 2016, when the licence was renewed). Since the start of 2017, only Yle channels have the must-carry status (press release).</p>	-
France	<p>Rules on must carry are included in the General Broadcasting Law (arts 34-2, 34-5, 45-3) (as amended,</p>	<p>The last important review took place with the adoption of Law 2004-669 of 9 July 2004 on electronic communications and audiovisual communication services (which among others transposed the first telecoms package</p>	<p>Reasons for the 2021 modifications</p> <p>See previous column (1st bullet)</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
	<p>see next column) and have not been amended to take account of art. 114.</p> <p>In its response to the government's public consultation on the transposition of the 2002 telecoms package, the media regulator, CSA, explains that the must-carry obligation should not be formally part of the telecoms package. It seems legitimate that it should not be imposed on the network operator (in line with the US Directive), but on commercial distributors, an activity not covered by the telecom package.</p> <p>The CSA also states that "it seems preferable for the free-to-air terrestrial offer to be included in the commercial distributor's service plan, to guarantee easy access within the framework of a subscription (access via a decoder), rather than imposing it on the network operator".</p> <p>Lastly, the CSA says that "since the must carry obligation would be incumbent on commercial distributors, France would not be bound by the clause on the periodic review of this obligation, nor by the clause on the compensation of this obligation."</p>	<p>(including art. 31 of Directive 2002/22/EC on universal service and users' rights) into French law.</p> <p>Since then, the core rule (i.e. art. 34-2) was modified:</p> <ul style="list-style-type: none"> • in 2021 to add a §IV to art. 34-2 to require distributors of services before starting the carriage of services, to conclude with the providers of carried services a contract setting out the conditions of carriage, distribution and making available of the signal of these services. The aim is to ensure that distributors carry the entire signal (and not only parts of it) • in 2011 to require distributors of services to make available (free of charge) accessibility services for blind or partially sighted people (i.e. audio description). This obligation already existed for accessibility services to the benefit of those with a hearing impairment • in 2009 to guarantee that must-carry rules apply to all PSB channels broadcast in digital format (including in HD) in France's overseas territories 	

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Germany	Must-carry rules are included in art. 81 of the Interstate Media Treaty . The rules were not changed to take account of the new wording of art. 114 (no indication on reasoning).	No formal review process. The legislation has not changed since 2000.	Nationwide must-carry regulations were introduced in Germany with the 4 th amendment of the Interstate Broadcasting Treaty Amendment in April 2000. The aim was to standardise the requirements for retransmission for digital broadcasting throughout Germany. According to the treaty's explanatory memorandum, it was intended to increase the network operators' "freedom of action," but on the other hand, the law also wanted to "define transmission capacities [...] for broadcasting in which constitutionally required diversity is guaranteed and to declare the retransmission of certain programs to be mandatory [...]." The scope of application was limited to digital broadcasting, while analogue broadcasting remained in the domain of the individual state media laws. (More information: thesis on must carry, 2015)
Greece	Law 4727/2020 (23 Sep. 2020) reflects art. 114. (but must carry is not applied in practice)	In practice, must-carry obligations have never been imposed on any provider in Greece, and therefore have never been further specified. The law is amended to reflect the wording of the EU provisions Must-carry obligations were included in the previous electronic communications Law 4070/2012 of 10 April 2012 transposing the previous European Directives of 2002, amended by those of 2009.	Not applicable
Hungary	Rules on must carry are included in the 2010 CLXXXV (§73-75). Act on provision of media services and mass communication. Some very minor changes were made to the law when the EECC was transposed on 8 July 2019 but these do not concern the substantive rules.	There has been no amendment to the 2010 CLXXXV. Act., but there is an updated set of public broadcast channels to which must-carry rules apply (3 Dec. 2021). No direct public info on the official review.	Not applicable
Ireland	Rules on must carry are included in the Broadcasting Act 2009 , section 77. The rules were not changed to take account of the new wording of art. 114 (no indication on reasoning).	In 2009 when the Broadcasting Act 2009 was approved.	<u>The reasoning in 2009</u> "Must carry is a concept long established in both domestic and European law and is based on the idea that certain television channels should be made available to the public on any television platform in a particular jurisdiction. These channels are generally the public service channels, and the intention is that all television viewers, regardless of platform,

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
			should have access to them. This reflects the fact that viewers may already have paid for these channels, for example, by means of the television licence fee or that it is appropriate that certain channels should always be available in the context of cultural identity and diversity and media pluralism.” (Deputy Eamon Ryan, Dail Eireann debate , 17 June 2009)
Italy	<p>Legislative decree implementing the EEC of 8 Nov. 2021 entered into force on 24 Dec. 2021.</p> <p>Art. 98vicies-septies states that the ministry and the NRA can (each one for its competence) impose must carry obligations.</p> <p>The rest is a verbatim transposition, except that it does not mention data supporting connected television services and electronic programme guides (EPGs) among the complementary services.</p>	<p>Not applicable</p> <p>In Italy, must-carry type of rules were imposed in the past in the framework of certain spectrum management initiatives (i.e. launch of radio DAB transmission and 700 MHz band refarming) on certain DTT network operators that retained spectrum to allow access certain local TV channels and radio providers that had to hand back spectrum to the state/were not allocated spectrum.</p>	Not applicable
Latvia	<p>The must-carry obligations are included in the Electronic Mass Media Law (2010)</p> <p>No modification since 2010 (no indication as to why)</p>	In 2010, when the Electronic Mass Media Law was adopted.	-

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Lithuania	<p>Must-carry obligations are covered in the Law of Public information (arts 33.7, 33.9) and in the Rules of broadcasting licencing (section 5)</p> <p>The renewed Electronic Communications Law (valid from 1 Dec. 2021) indicates that secondary legislation concerning the engagement into electronic communication activities may take into account “must-carry” rules (art. 36.2 of Electronic Communications Law)</p>	<p>Art. 33 of the Public Information Law was reviewed in Jan. 2021 (amendments of the Law).</p> <p>Broadcasting licensing rules were revised in March 2021 (Decision on amendments).</p>	<p>No clear outcome stems from the information available, but it seems that the main change is that the National Radio and Television Commission must indicate the scope and duration of the “must-carry” obligation when it adopts the respective decision.</p>
Luxembourg	<p>Art. 129 of Law implementing the EECC of 17 Dec. 2021, entered in force on 26 Dec. 2021 foresees that must carry can be imposed through an implementing regulation.</p>	<p>No review process and must carry has never been imposed in practice.</p>	<p>-</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Malta	<p>The law reflects exactly the wording of art. 114 (the EECC was transposed, see Act LII of 2021 adopted on 27 July 2021).</p> <p>The MCA considers imposition of must-carry obligations on the basis of its Must-Carry Obligations Guidelines of 2 Dec. 2011 which specify that:</p> <ul style="list-style-type: none"> • Network is used by a significant number of users • Network is used as the principal means to receive TV broadcasts • Alternative measures for the General Interest TV Channels to be seamlessly available to all end-users of that network provided that no undue burdens are placed on end-users • Remuneration for the retransmission of the General Interest TV Channels should only be provided for if it is justified 	<p>The MCA carried out the latest review of the imposition of must-carry rules on the basis of the Guidelines in its Decision of 17 Jan. 2017 on the Review of Must-Carry Regulations.</p>	<p>In 2017, MCA confirmed previously imposed must-carry obligations on Melita's Digital Cable TV network and extended the obligations also to GO's IPTV network to safeguard the carriage of all the General Interest TV Channels.</p>
Netherlands	<p>The rules on must carry are included in the para 6.3.1.2 Media Law 2008.</p> <p>Under the proposed law implementing the Code, the must carry rules remain the same, except that the draft includes a new obligation to review the rules every five years.</p>	<p>In 2017–2018 the government considered amending the distribution obligations (must carry and a standard programme package). However, the results of the study conducted for the ministry showed that “adjustments to the retransmission provisions could have unforeseen consequences and side effects due to the complex interplay of all actors and interests in the market, which could significantly disrupt the existing ecosystem”.</p> <p>According to the study, eliminating the distribution obligations implies that, in principle, the bargaining position of package providers becomes stronger and that of content providers weakens. At the same time, positions of the parties in the value chain is influenced by vertical integration. What</p>	<p>In the letter dated May 2018, the Minister for Media stated that access of broad segments of the population to public media services through traditional distribution networks still serves the public interest.</p> <p>The Dutch legislator when imposing must carry obligations and an obligation to provide a standard package with at least 30 TV channels, including the PSB channels, had two objectives in mind:</p> <ul style="list-style-type: none"> • Accessibility of the PSB content through traditional distribution networks

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
		influence this power shift can have on the policy goals behind the must carry i.e. pluralism and accessibility of the PSB channels as well as on innovation is uncertain. Besides that, the latter changes are not expected to have substantial positive changes for consumers in the short and medium term. According to the study, limiting or cancelling the must carry obligation could lead e.g. to negative consequences for the accessibility of the regional and local PSB channels as well as Flemish PSB channels.	<ul style="list-style-type: none"> • A diverse broadcasting offer accessible to the general public in addition to the main PSB channels (See the Dutch government website on must carry)
Poland	<p>The rules on must carry are included in the Broadcasting Act, art. 43.</p> <p>The EECC is not transposed yet and the draft is not publicly available.</p> <p>The draft act implementing EECC is included in the register of legislative works and should have been adopted by Q4 2021. However it has not been adopted by Council of Ministers and sent to Parliament.</p>	<p>According to the law, the chairman of the KRRiT should assess the fulfilment of the must carry obligation at least once every two years, being guided by social interest with regard to the provision of information, ensuring access to culture and art, facilitating access to learning, sport and scientific achievements, as well as the dissemination of civic education (art. 43(3) of the Broadcasting Act).</p> <p>Dec. 2019, the media regulator (KRRiT) reviewed the fulfilment of the must carry obligations and published a report (in Polish). This is a non-legislative process.</p>	<p>Following the 2019 report, the chairman of KRRiT sent a proposal for legislative changes to the Minister of Culture and National Heritage which proposed to:</p> <ul style="list-style-type: none"> • include in must carry obligations all programmes broadcast on DTT over national multiplexes • introduce an obligation to present channels in EPGs in the following order: public TV channels, other channels included in must carry obligations (following their LCN number) and the other channels • channels benefiting from must carry obligations should be included in all packages offered by the operator <p>However, no legislative steps have been made so far.</p>
Portugal	<p>Rules on must carry are laid down in art. 43 of the Electronic Communications Law.</p> <p>Art 161 of the draft law transposing the EEC Code on brings a few minor changes to the current legislation, except for the review of the rules which would need to take place every five years.</p> <p>The Regulatory Authority for the Media (ERC) needs to specify which television programmes are subject to the must carry obligations imposed by ANACOM (art. 25(2) of the Television Law)</p>	<p>Rules on must carry were included in the first version of the Electronic Communications Law (Law 5/2004, of 10 Feb.) and amended only once by Law 51/2011, of 13 Sep. The amendment aimed to include obligations for the transmission of complementary services, in particular accessibility services to enable appropriate access for disabled end users.</p> <p>Aside from these amendments to the law, there have been no other reviews of the must-carry rules.</p>	Not applicable

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
Romania	<p>Rules on must carry are included in Audiovisual Law 504/2002 (art. 82).</p> <p>No change is proposed in the EECC draft law adopted by the government and sent to the Chamber of Deputies, as the government considered that art. 114 EECC is already covered by art. 82 of law 504/2002.</p>	<p>The last review of art. 82 was made in 2009 by law 333/2009 (modifying law 504/2002) and included several audiovisual media services obligations. Art. 82 was modified also to cover redistribution of TV services, where the obligation is established by international treaties that Romania is part of.</p>	Not applicable
Slovakia	<p>Must-carry rules are currently included in the Broadcasting and Retransmission Act and were not amended to reflect Art. 114.</p> <p>The Act on electronic communications adopted by Parliament on 24 Nov. 2021 transposed the EECC without art. 114 (no explanation given, but the must carry legislation is not put into effect in practice).</p>	There has been no review of the rules.	Not applicable
Slovenia	<p>Must-carry rules are included in arts 111–114 of the Mass Media Act (first adopted in 2006).</p> <p>Art. 114 of the EECC is not included in the proposed draft of the new Electronic Communications Act that will transpose the EECC.</p>	<p>The last important review took place in 2012 when must-carry rules were extended to DTT.</p> <p>A new Media Act was proposed by the government in 2019. Art. 37 of the proposal contained must-carry rules transposing art. 114 of the EECC. The proposal did not receive the required support in the inter-ministry consultation and was pulled from the legislative procedure.</p> <p>Timeline for the adoption of the new act was not made public.</p>	Not applicable
Spain	The draft general telecommunications law which will transpose the EECC into Spanish law was approved by the government on 16 Nov. 2021.	A review was carried out in 2014 when the current Telecommunications Law was approved.	<p>The Telecommunications Law regulatory impact report of 2013 states that:</p> <p>"The draft aims to establish a framework that provides legal certainty in the imposition of obligations on telecommunications operators who carry out the transmission and transport of multiple services and products through their networks, with the aim of avoiding that these</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
	<p>Verbatim transposition proposed in the draft law (seventh additional provision) except, relating to complementary services, “data supporting connected television services and EPGs” which are not included.</p> <p>The only difference between the draft bill and the current telecommunications law relates to how the obligation can be approved (i.e. by royal decree approved by the council of ministers in the current law, whereas by order of the Ministry of Economic Affairs and Digital Transformation in the draft bill).</p>		<p>operators are penalised even more with respect to the existing obligations for carrying out their intermediation actions of services or products from other sectors"</p> <p>In a CNMC report of 2016, it is specified that the council of ministers never approved the royal decree to impose must carry obligations (no further details). The report also notes that “the importance of must carry and must offer (“correlative of must carry” and which apply in Spain) obligations lies in ensuring that free-to-air television signals reach all subscribers of pay TV, regardless of the operator contracted”.</p> <p>CNMC concludes that this “different situation (i.e. between must carry and must offer) and the consequences that could arise in the sector are being analysed in relation to the scope and competitive impact that could be generated in the audiovisual field and market.”</p>
Sweden	<p>Rules on must carry are included in Chapter 9 of the Act on Radio and Television Operations. No change was brought to the legislation as the rules seem to be in line with art. 114 (source: Cullen International, not backed by public information)</p> <p>A condition for the application of must carry is that a significant number of connected households use the network as their principal means of receiving television broadcasts. To be considered "principal means" implies that more than a limited number of programme services are transmitted in the network. The providers however are</p>	<p>On 1 Feb. 2017 the Press and Broadcasting Authority (MPRT) published a report on the must-carry obligations.</p> <p>In 2019, the rules were reviewed in connection with the enquiry (SoU) on the implementation of the AVMSD to include searchable teletext (see table 2).</p> <p>The committee of freedom of speech has published a report on the protection of freedom of speech in Sweden.</p> <p>A Government bill was published on 10 Nov. 2021. The government bill suggests further clarification into the must carry obligation with regard to techniques that help people with disabilities. The aim is to extend the obligation to include audio subtitling, sign language and other relevant techniques and to have the amendments in force by 1 Jan 2023.</p>	<p>The MPRT proposed that that the scope of must carry should not include more than the current four channels transmitted simultaneously. However, it should be extended to include broadcast teletext, subject to impartiality and objectivity conditions (2017).</p> <p>The 2019 review was largely based on the report provided by the MPRT in 2017. The Inquiry (SoU) considered that searchable teletext is an integrated part of the public service offering and that it is natural to see searchable teletext as part of the overall public service offering. The Inquiry therefore proposed that searchable teletext should be included in the must-carry obligation, provided that the broadcasts are carried out under conditions in terms of impartiality and objectivity. Since searchable teletext primarily consists of news and information, a condition on a diversified range of programmes that must include news coverage should not be required.</p> <p>See also previous column.</p>

Country	Was must carry legislation amended to reflect art. 114?	When was the last review of the rules carried out? If after 2017, what are the main outcomes?	Where information is available, what was the reasoning behind the imposition of the new rules?
	not obliged to retransmit to detached houses or other households that have the ability to receive terrestrial broadcasts via their own antenna.		
UK	<p>The Communications Act 2003 (s. 64) was not amended.</p> <p>The UK government considered that art. 114 “largely replicates art. 31 of the Universal Service Directive, which was implemented into UK law by way of the Communications Act 2003. Subsection 4, section 64 of the Communications Act 2003 extends the must carry requirement in the UK to ‘every service which is an ancillary service by reference to the listed service including, but not limited to, a service enabling access for disabled end-users: no further legislative changes are required” (Government statement 22 July 2020)</p>	<p>There has been no review of the rules per se.</p> <p>But there is a wider ongoing debate on possibly imposing prominence for live and on-demand public service content across all major TV services and platforms (Ofcom’s recommendations to the government on the future of public service media, July 2021)</p>	<p>The most recent government position on must carry/must offer was delivered in 2016 in the context of a follow up to a consultation carried out the previous year on the balance of payments between PSBs and television platforms. One of the questions was if the must-offer/must-carry regime should be amended or removed to create freer negotiations between PSBs and platforms and if Ofcom should have an added role in deciding commercial disputes between players when there is a consumer harm.</p> <p>In this document, the government decided not to change the current must-offer/must-carry rules as any change in the rules could undermine the objective of achieving universal access to PSB services.</p>

Table 2 – Must carry obligations

The table shows in the selected countries:

- what distribution networks are covered;
- who benefits from the rules;
- if there are rules on appropriate remuneration, and if yes what are these rules. The table does not cover the payment of copyright/related rights fees.
- which complementary or ancillary services are included in the obligation (e.g. services to improve accessibility, HbbTV standard...);
- any other national specificity.

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
Austria	The law refers to "cable networks". However, the definition is technology neutral and covers also IPTV. (Act on audiovisual media services (AMD-G), §20) In the case Puls4 vs. A1 Telekom Austria (2020), it was not disputed that the IPTV platform A1TV is a "cable network" under the law.	PSB, ORF (all programmes) Other programmes if they contribute significantly to media plurality. The regulator, KommAustria, can only adopt three must-carry obligations for other programmes per cable network.	No Remuneration to be agreed between cable network and media service. If no agreement can be found, KommAustria decides on the remuneration which should be based on the cable operator's price list or on comparable prices. In the case Puls4 vs. Liwest (2020) KommAustria mandated 34.07 €cents per connected household and year, 13.14 €cents of which are to be paid as fee by the carried TV channel and the rest as advertising slots (to be offered for free to the cable operator). KommAustria calculated the average of 13 prices already agreed in other contracts.	None	See the decisions of KommAustria on RTR's website Must carry in cable networks is regulated directly by law. Access to DTT platforms was regulated by market analyses. Access to the analogue FM radio network of ORS is still regulated by obligations imposed after a market analysis (Market Analysis Database)
Belgium (VL)	Service distributors that use networks that are the primary means of receiving television broadcasting programmes for a significant number of	Following linear services: <ul style="list-style-type: none"> • PSB VRT channels • regional broadcaster channels provided free of charge (supply and transmission), simultaneously and in full 	Not applicable The law excludes a possibility to pay a remuneration to distributors. The Media decree states that they cannot owe a fee to the	Distributors must carry associated services of the channels in scope of must carry (see the second column). Such services include subtitles, audio description, sign language and spoken subtitles.	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/complementary services are included in law (if any)?	Other national specificities
	<p>end users. These networks are designated by the Flemish government on the advice of the media regulator. (Media decree, art. 186)</p> <p>The Flemish government decided that for the next three years (i.e. until 2022) that these networks are Newco 2 (for the municipality of Voere) and Telenet bvba (rest of Flanders). These are cable networks. (Decision of 28 June 2019)</p>	<p>within the broadcasters' service area</p> <ul style="list-style-type: none"> • two radio and two TV channels of the PSB of the French community and the radio channel of the German-speaking community • two radio channels and the TV channel of the Dutch PSB <p>The government can decide (based on the regulator's opinion) to grant a must-carry status to other linear channels if they:</p> <ul style="list-style-type: none"> • bring a fully-fledged news programme that is produced by their own editorial staff consisting mainly of recognized professional journalists • provide a varied, diverse, and pluralistic offer, including informative and cultural programmes and consisting of at least a certain percentage of Dutch-language programmes • subtitle a certain percentage of the programs for deaf- and hearing-impaired people <p>(Media decree, art. 186)</p> <p>Since 16 June 2019, distributors which provide linear and on-demand services must provide access to the on-demand service of one or more broadcasting channels when a significant part of this service consists of Dutch spoken EU works, and if the broadcaster requested this access. (Media decree, art. 184/0)</p>	<p>service distributor for the obligatory transmission of the programmes and related services. (Media decree, art. 186)</p>	<p>(Media decree, arts 185, 186)</p>	

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
Belgium (WA)	<p>Must-carry obligations apply to distributors of services.</p> <p>They also apply to network operators (cable, IPTV, DTT and satellite) if a significant number of people use their networks as their principal means of receiving audiovisual media services.</p> <p>(Decree on audiovisual media services of 4 Feb. 2021, arts 7.2-2, 7.3.1-1, 7.3.1-2)</p>	<p>Cable and IPTV</p> <ul style="list-style-type: none"> The services of PSB, RTBF (designated by the government), of which at least two of them must be placed by default in the two first positions of the distributors' service offer, and a third RTBF service (designated by the government) which must be placed by default among the first nine positions in the distributors' service offer the local service in its coverage area, which must be placed by default in the first fifteen positions of the distributors' service offer the services (designated by the government) of international service providers in which RTBF has a stake, including TV5 Monde, which must be placed by default among the first fifteen positions in the distributors' service offer two PSB services from the Flemish community if the distributors of services from that community are required to transmit two RTBF television services one or more PSB services of the German-speaking community if the distributors of services in that community are required to transmit one or more RTBF television services linear television services declared or authorised under this decree and benefiting from 	<p>No</p> <p>Not foreseen in the decree. Left to negotiation between distributors and service providers.</p>	<p>None</p>	<p>“Mandatory distribution right” regime (for linear services)</p> <p>A service provider can ask the government that one or several of its linear TV services benefits from a “mandatory distribution right”.</p> <p>The granting of this right is conditional on the conclusion of an agreement (“convention”) between the service provider and the government.</p> <p>The government grants the right (after the CSA' s opinion) if the service meets the following conditions:</p> <ul style="list-style-type: none"> to highlight the (cultural) heritage of the French community and its various regional aspects to offer a minimum number of hours of programmes per day to offer at least one general news programme per day to contribute to the French community audiovisual production (at least 24% of annual turnover) to create in the French Community minimum 60 full-time jobs under

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
		<p>a compulsory distribution right (see last column)</p> <ul style="list-style-type: none"> television services (designated by the government) of any EU service provider and which have concluded an agreement on the promotion of cultural production in the French community and the EU, providing a financial contribution to such promotion some linear audio services (e.g. those of RTBF broadcast in FM mode...) and non-linear audio services designated by the government <p>The following audiovisual non-linear services (designated by the government) must be distributed:</p> <ul style="list-style-type: none"> RTBF services the local services in their coverage area (designated by the government) the providers of international services in which RTBF has a stake. <p>DTT Not applicable The PSB, RTBF, owns and operates the free DTT platform in the French community (launched in 2007). The following main channels are available on the platform: the three TV services of RTBF and the international news channel Euronews (French version).</p> <p>Satellite</p> <ul style="list-style-type: none"> The linear and non-linear audiovisual media services of RTBF (designated by the government) 			<p>employment contracts, regardless of the number of broadcast services</p> <p>Once granted, this right is applicable to distributors of services following the must-carry rules (art. 7.2-2).</p> <p>(Decree, art. .4.1.2-1)</p> <p>Must carry of services of general interest</p> <p>The decree includes in the must-carry rules the obligation for distributors to place some services having a must-carry status in a privileged position in their service offer (see 2nd column).</p> <p>Parliament preparatory works on the decree mention that “in accordance with art. 7a of the AVMS Directive, § 1 (of art. 7.2-2) is intended to ensure appropriate visibility of audiovisual media services of general interest in the basic offers of service distributors, without any technical manipulation being required on the part of the customers of these distributors”.</p> <p>(Decree, art. 7.2-2)</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
		<ul style="list-style-type: none"> The linear and non-linear services of international service providers in which the RTBF has a capital stake <p>An exception applies if the RTBF itself distributes the services mentioned above on similar networks which have been made available by the government.</p>			
Croatia	<p>Operators of public communication networks</p> <p>The Regulatory Authority for Network Industries (HAKOM) determines which public communication network operators must fulfil must-carry obligations, based on a decision of the Agency for electronic media (AEM).</p> <p>However, no decision has ever been adopted.</p> <p>(Law on electronic communications, art. 97)</p>	<p>The law mentions radio and/ or television channels in Croatia at state, regional or other level.</p> <p>The AEM must determine which are these channels/ services, but no decision has ever been adopted.</p>	<p>Not as such</p> <p>But the law states that where a fee is set (by the AEM), it must comply with the principles of proportionality, transparency and non-discrimination.</p> <p>(Law on electronic communications, art. 97/3)</p>	<p>The law mentions "ancillary services, in particular accessibility services providing adequate access to end users with a disability" (not further specified).</p>	<p>Rules are not applied in practice.</p>
Cyprus	<p>No must-carry rules</p> <p>The 2020 draft implementing law contains a provision which would allow the future drafting of must carry rules by the Commissioner for Communications. The up-to-date draft has not yet been submitted to Parliament and is not publicly available.</p>	<p>Not applicable</p> <p>The draft law refers to television and/ or radio broadcasts.</p>	<p>Not applicable</p> <p>Full draft law not yet published, information not available.</p>	<p>Not applicable</p> <p>Full draft law not yet published, information not available.</p>	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
Czech Republic	DTT, cable TV, IPTV networks No must carry imposed in practice (operators settle the matter through commercial negotiation)	Public service broadcasting (Česká Televize). Its channels must be included and transmitted by law.	No (but the telecoms NRA has the power to settle disputes).	EPG, HbbTV According to art. 5(n) of the law on broadcasting.	-
Denmark	Must-carry rules apply to common antenna networks and cable TV. (Executive order on Radio and Television Operations , section 6 and into the Executive order on programmes in common antenna networks)	Services of: <ul style="list-style-type: none"> TV Channel FOLKETINGET (parliamentary television channel) News programmes with sign language from DR and TV 2/DANMARK A/S Programmes of DR1 and DR2 with audio description <p>If the distribution of channels in common antenna or cable systems takes place in more than one package, all packages must contain the must-carry programmes. These channels must be available for purchase for viewers also in packages that do not contain high-pay programmes (with a cost of more than DKK 32 (€4.3) per month, including VAT).</p> <p>(Act on Radio and Television Operations, section 6 and Act on Transmission of Programmes in Common Antenna Networks, section 3)</p>	No	Must-carry rules are applied only to news programmes of DR and TV2 with sign language and regular news programmes are excluded. Similarly, must carry is applied to programmes of DR1 and DR2 with visual translation. (Executive order on Radio and Television Operations , section 6 and into the Executive order on programmes in common antenna networks)	-
Estonia	Must-carry rules apply to communications undertakings which provide "cable distribution services". Cable distribution service" means a publicly available electronic communications service	<ul style="list-style-type: none"> Television programmes of the Estonian public service provider (ERR – Eesti Rahvusringhääling) Television programmes transmitted by a provider of television services with unrestricted access that are received in the cable network area, at a signal intensity 	No But the law states that a provider of television services with unrestricted access has the right to require a reasonable charge for retransmission of television programmes from the communications undertaking which provides cable distribution services.	None	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/complementary services are included in law (if any)?	Other national specificities
	<p>which consists in the transmission of television or radio broadcasts or television or radio programmes to end users for an agreed charge</p> <p>This covers cable, IPTV and DTT networks.</p> <p>(Electronic Communications Act, arts 2(11), 90, 901)</p>	<p>compatible with the technical requirements and for the transmission of which the television service provider requires no charge (currently only France24 broadcast over the DTT network of Levira, a broadcasting transmission company). Technical requirements for the must-carry obligation of these programmes are defined by the decree of the Minister of Economics and Communications of 19 Oct. 2005.</p>			
Finland	<p>Must-carry rules apply to operator of cable TV and IPTV networks and operators of common antenna networks.</p> <p>(Act on Electronic Communication Services, section 227)</p>	<p>Public service programming of Yle, incl. related ancillary/supplementary services (until end 2016, two commercial broadcasters were also benefiting from must carry)</p> <p>But there is:</p> <ul style="list-style-type: none"> no must-carry obligation if the capacity is used by the network operator's own TV/radio operations or reserved for its reasonable future needs no need to significantly invest in network capacity improvements to fulfil the must-carry obligation 	<p>Not applicable</p> <p>A telecoms operator providing a network service over a cable TV network must transmit over the network without compensation. Must-carry channels have to be provided to the end users without charge.</p> <p>Network operators are entitled to charge a reasonable fee to the end users for the maintenance of the network.</p>	<p>The law states "All ancillary/complementary services"</p> <p>(Act on Electronic Communication Services, section 227)</p>	
France	<p>Must-carry rules apply to distributors of services (on networks not using terrestrial frequencies assigned by the media regulator, CSA, i.e. cable, IPTV and satellite).</p>	<p>Cable and IPTV</p> <ul style="list-style-type: none"> Services of PSB, France Télévisions, Arte and TV5 (analogue and digital, high definition (HD) and ultra-high definition (UHD), where any) Programmes and associated interactive services of the 	<p>Not as such</p> <p>The law states that distributors of services (whether they operate a transmission network or not according to the law, see definition in 1st column) bear:</p> <ul style="list-style-type: none"> the transport and distribution costs stemming 	<ul style="list-style-type: none"> Analogue and digital carriage (including in HD and UHD, where any) Accessibility services (for people with hearing and sight impairments) associated with the programmes of the television services offered 	<p>CJEU case</p> <p>In Dec. 2018, the highest European ruled that PlayMedia (an online provider of TV channels) cannot fall under the application of art. 31 of the Universal Service Directive on must-carry as it</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	<p>(General broadcasting law, art. 34-2)</p> <p>A “distributor of services” is defined as “anyone who enters into a contractual relationship with television channels and on-demand audiovisual media providers with a view to elaborating an audiovisual communication service offer that will be made available to the public through an electronic communications network. Is also considered distributor the one who constitutes such a service offer by setting up contractual relationships with other distributors.”</p> <p>(General broadcasting law, art. 2-1; Table)</p>	<p>Parliament’s channel (“La Chaîne parlementaire”)</p> <ul style="list-style-type: none"> On request, regional programmes of France Télévisions (i.e. France 3 service) On request, services of local public initiative (aimed at giving information on local life produced directly or indirectly by local authorities). There are exceptions, for example, the rule does not apply if the number of subscribers is below 3% of the households in the geographic area of the local service, or where the reception device’s main function is not the reception of radio and TV services. <p>Satellite</p> <ul style="list-style-type: none"> Services of PSB, France Télévisions, Arte and TV5 (analogue and digital, HD and UHD, where any) Programmes and associated interactive services of the Parliament’s channel (“La Chaîne parlementaire”) On request, regional programmes of France Télévisions (i.e. France 3 service) <p>(General broadcasting law, arts 34-2, 34-5, 45-3; Decree 2005-1355 on the declaratory regime of distributors of audiovisual communication services and the making available to the public of local public initiative services, arts 14 and 15)</p>	<p>from the must-carry obligations</p> <ul style="list-style-type: none"> the transport and distribution costs of services of local public initiative from their operating site the costs of accessibility services and their necessary technical arrangements (see next column) <p>Distributors can require payment from carried service/ channel providers to compensate:</p> <ul style="list-style-type: none"> the possible digitisation costs of services of local public initiative the technical costs they directly incur to collect and make available anonymised data relating to the consumption of their programmes. Before starting the carriage of the services, distributors must conclude with the service providers a contract setting out the conditions of carriage of the signal of these services (see Table 1). This contract guarantees that service providers get access to anonymised data on the consumption of their programmes, without any further financial conditions, except the technical costs mentioned above. <p>(General broadcasting law, arts 34-2, 45-3; Decree 2005-1355, art. 14)</p>	<ul style="list-style-type: none"> Associated interactive services of the Parliament’s channel (“La Chaîne parlementaire”), see 2nd column 	<p>supplies access to content (and not an electronic communications network). But it also ruled that art. 31 does not prevent a member state from imposing must-carry obligations on undertakings which offer TV channel streaming services.</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
Germany	Cable and IPTV networks	<p>The transmission network must ensure that within a maximum of one third of the overall capacity for the digital transmission of broadcasting, the following channels are carried:</p> <ul style="list-style-type: none"> national television programmes and regional TV and radio programmes of public service broadcasters, including programme-related services (the regional windows in the regional channels must be distributed only within those states for which they are determined) commercial television services which contain regional windows regional and local television services and open access channels licensed in the respective state (open access channels ("Offene Kanäle") are open to the public to create and distribute their own TV broadcasts) <p>Current list of platform providers captured by the regulation (Interstate Media Treaty, art. 81)</p>	<p>Not as such</p> <p>The law specifies that</p> <ul style="list-style-type: none"> the conditions of access, in particular charges and rates, shall be disclosed to the competent state media authority fees and rates shall be designed in such a way that regional and local services can also be broadcast on reasonable terms If no agreement can be reached on the conditions, any of the parties involved may appeal to the competent state media authority <p>(Interstate Media Treaty, art. 83)</p> <p>Public service broadcasters (PSBs) ARD and ZDF and the major cable network operators had a long-standing legal dispute about whether PSBs must pay fees for the distribution of their (must-carry) channels on cable networks at all. In 2018, out-of-court settlements between PSBs and cable operators were reached (press article). The companies did not disclose the financial details of the agreement.</p>	<p>The law mentions "programme-related services".</p> <p>There is no legal definition of programme-related services in German law. According to Cullen International sources, teletext and audio description are included in practice, but it is disputed between broadcasters and cable network operators whether the HbbTV signal is also covered by the must-carry regulation (press article)</p>	-
Greece	EECC transposed "as is" in Law 4727 , which means that the networks covered are "undertakings providing electronic communications networks and services used for the distribution	Transmission of "specified radio and television broadcast channels and related complementary services" (not further specified)	<p>Yes (if government decides to) EECC transposed "as is" in Law 4727.</p> <p>Therefore, the government can determine, by publishing a relevant decision appropriate remuneration, if any, ensuring that, in similar circumstances, there is no discrimination in the</p>	<p>EECC transposed "as is" in Law 4727.</p> <p>It is mentioned that complementary services include in particular accessibility services to enable appropriate access for end users with disabilities and data supporting</p>	In practice must-carry obligations have never been imposed on any provider in Greece, and therefore have never been further specified.

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	of radio or television broadcast channels to the public.” Rules do not apply in practice (see last column).		treatment of providers of electronic communications networks and services, the criteria for calculating such remuneration is clearly set out and it is applied in a proportionate and transparent manner.	connected television services and EPG.	
Hungary	<p>Must-carry rules apply to media services distributors distributing media services on a transmission system or network used for broadcasting radio and audiovisual media services to the public.</p> <p>Transmission systems or networks include in particular, cable television networks, satellite and terrestrial media service distribution networks (with the exception of analogue audiovisual broadcasting networks), as well as transmission systems allowing for transmission of media services via the Internet Protocol, if:</p> <ul style="list-style-type: none"> • the nature and conditions of the service are identical to those of media service distribution; or • this substitutes the media service distribution carried out by any other means 	<p>Media service distributors must transmit four linear audiovisual media services and three linear radio media services of the PSB, MTV, free of charge, except for media service distribution performed by means of broadcasting transmission (plus three linear channels in HD quality if they transmit in HD).</p> <p>In addition, distributors on digital platforms must transmit three linear PSB services.</p> <p>Distributors must:</p> <ul style="list-style-type: none"> • by default place the PSB channels in the first place in the order of their channel offer (following the order specified by the Media Council) • make available to subscribers the PSB channels in a separate basic service package (except on analogue networks) <p>For regional and local services, distributors must conclude contracts for the provision of technically and economically viable regional or local audiovisual media services, but:</p> <ul style="list-style-type: none"> • up to 10% of the total capacity of their networks • for maximum three media services 	<p>Not applicable</p> <p>No fee for the transmission services according to the must-carry rules (except for DTT).</p> <p>Subscription fee can be charged to end users (except for DTT) but it shall not exceed the cost of access.</p>	None	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	(2010 CLXXXV. Act on provision of media services and mass communication, §73-75)	In addition to media services subject to a specific must-carry obligation, the Media Council can require distributors to transmit up to two additional linear public service media services to achieve the media policy objectives set out in the Act, and a maximum of one linear community service for which the distributor is required to contract for a technically and economically sound contractual offer.			
Ireland	Must-carry rules apply to appropriate network operators used by a significant number of end users as their principal means of receiving transmissions of programme material. This covers DTT, cable, satellite IPTV networks. (Broadcasting Act 2009, art. 77)	<ul style="list-style-type: none"> • Free-to-air channels of PSB, RTE • Irish language public channel, TG4 • Parliamentary channel, Oireachtas Channel (where digitally carried) • The (to be launched) Irish Film channel (where digitally carried) • Channels of commercial broadcasters that meet some public service goals (following a contract with the regulator, BAI) (on request). Currently this only concerns Virgin Media One (ex TV3) • On request of BAI, community television broadcaster carried on digital or analogue networks • each RTE national sound broadcasting service and each sound broadcasting of contract holder (on request of RTE or the contract holder) 	Not applicable The law states that the supply of must carry must be without a charge. (Broadcasting Act 2009, section 77(7))	None	Must-offer obligations are imposed to mirror must-carry obligations. (Broadcasting Act 2009, section 77(11))
Italy	Legislative decree implementing the EECC of 8 Nov. 2021 (to enter into force on 24 Dec. 2021) gives power to the	Must-carry type of obligations were imposed in the past, following certain spectrum management	No rules on remuneration in legislative decree implementing the EECC.	Not applicable	Must-carry type of rules are imposed on certain DTT network operators that are required to allow access to certain

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	<p>ministry and the NRA to (each one for its competence) impose must-carry obligations.</p> <p>Must-carry type of obligations were imposed in the past, following certain spectrum management initiatives, to the operators listed below.</p> <p>Radio (DAB+) Radio network operators that were allocated spectrum at the current initial stage of DAB+ market development (PSB operator must give 216 units; commercial operators must give 144 units each)</p> <p>(AGCOM rules on the launch of DAB transmission as latest amended in 2019)</p> <p>700MHz band</p> <ul style="list-style-type: none"> Transition phase: PSB regional multiplex (2019 budget law) After the release (by 30 June 2022): local operators that will be assigned UHF spectrum (art. 1(1033) of 2018 budget law) <p>Spectrum interference with neighboring countries Local network operators that following the release</p>	<p>initiatives, in favor of certain local TV channels and radio stations.</p> <p>Radio (DAB+) Independent providers of radio content that are not members of consortium of existing radio stations (which were assigned spectrum).</p> <p>700MHz band</p> <ul style="list-style-type: none"> Transition phase: local channels that were broadcasting from frequencies channels 51 and 53 and have to release them by end 2021 (earlier than others) After the release (by 30 June 2022): local channels to be selected in tender procedure according to criteria set by the Ministry of Economic Development <p>Spectrum interfering with neighboring countries Local channels that released frequencies and were chosen by the ministry (see list) on the basis of certain criteria</p> <p>800MHz band Local channels that handed the frequencies back to the state.</p>	<p>But rules on remuneration were imposed for must-carry type of rules below</p> <p>Radio (DAB+) AGCOM rules require fair and reasonable pricing conditions. Service offers, which must include pricing conditions, must be notified to AGCOM and made publicly available. Potential disputes are settled by AGCOM (AGCOM rules on the launch of DAB transmission as latest amended in 2019).</p> <p>700 MHz band</p> <ul style="list-style-type: none"> Transition phase: AGCOM rules include pricing conditions defined in Euros per Mbit for inhabitant per region in annex After the release (by 30 June 2022): determined by commercial agreements, but operators of regional (so-called primary) networks that are required to carry certain local channels of local areas that are not covered by local (so-called secondary) networks, must apply economic conditions proportionate to the population of the area (i.e. price of service offer reduced within a limit defined by the tender on the basis of the population of the local area, see ministry guidance) <p>Spectrum interfering with neighboring countries AGCOM rules set pricing conditions defined in max. Euros</p>		<p>transmission capacity from selected TV and radio providers that had to release frequencies/were not allocated spectrum following specific spectrum management initiatives.</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/complementary services are included in law (if any)?	Other national specificities
	<p>were assigned alternative frequencies that were not in use or were broadcasting from non-interfering frequencies (2015 budget law).</p> <p>800MHz band</p> <p>Local operators that retained frequencies following the release (decree n.34 of 31 March 2011 and decision 353/11/CONS)</p>		<p>per Mbit for inhabitant (622/15/CONS, Annex).</p> <p>800 MHz band</p> <p>AGCOM rules set pricing conditions defined in min. and max. Euros per Mbit for inhabitant (art. 27.3 of 353/11/CONS).</p>		
Latvia	<p>Must-carry rules apply to cable TV networks, including IPTV. (Electronic Mass Media Law, art. 19(8))</p>	<p>Channels which are available for free on terrestrial broadcasting networks. (Electronic Mass Media Law, art. 19(8))</p>	<p>No</p> <p>But if must-carry obligations create disproportionate damage to the operator then the National Electronic Mass Media Council is entitled to do the following:</p> <ul style="list-style-type: none"> • exempt the network from must-carry obligations • conclude an administrative contract for the fulfilment of must-carry obligations and remuneration <p>(Electronic Mass Media Law, art. 19(10))</p>	None	-
Lithuania	<p>Must-carry obligations apply to:</p> <ul style="list-style-type: none"> • retransmitters of television programme services (on all networks), and • other entities providing distribution services of television programmes and/or individual 	<p>Only unencrypted programmes of national PSB, LRT, must be transmitted free of charge.</p> <p>The Radio and Television Commission can decide that other programmes must be under must-carry obligation, after having assessed their cultural or public value (so called mandatory retransmitted or distributed programmes). These can only be cultural, educational, news, scientific, sport or regional TV</p>	<p>Not applicable</p> <p>The law states that:</p> <ul style="list-style-type: none"> • broadcasters, retransmission operators and other providers of distribution services of television programmes and/or individual programmes on the internet cannot be liable to pay each other for the programmes subject to must carry 	None	See status of mandatory retransmitted or distributed programme in the 2 nd column.

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	<p>programmes on the internet to consumers (Public Information Law, art. 33.5)</p>	<p>programmes and must be retransmitted/ distributed free of charge. No such decision was adopted so far. The regulator can also exempt from the obligation to retransmit and/or to distribute online unencrypted LRT programmes, provided that it does not restrict the consumer's ability to view these programmes with the technical means available. In 2020, the regulator adopted a decision to exclude one of the uncoded LRT programmes (LRT Plus) from must carry status following a (justified) request of AS TV Play Baltics. (Public Information Law, arts 33.6, 33.9)</p>	<ul style="list-style-type: none"> programmes benefiting from the mandatory must-carry status (see previous column) must be transmitted/ distributed free of charge (Public Information Law, arts 33.7, 33.9) 		
Luxembourg	<p>Must-carry obligations apply to “electronic communications networks and services used for the distribution of radio and television services to the public, where a significant number of end users use such networks and services as their principal means to receive radio and television channels.” Law implementing the EECC of 17 Dec. 2021, art. 129 The draft law implementing the EECC mentioned:</p> <ul style="list-style-type: none"> cable television networks, IPTV and satellite and terrestrial 	<p>No specific mention in the law implementing the EECC. However, the draft law implementing the EECC mentioned “radio and television services to the public”. These notions are defined in art. 2, al. 1, 19)–20) of the law of 17 Dec. 2010 modifying the media law.</p>	<p>No specific mention in the law implementing the EECC. However, the draft law implementing the EECC specified that a grand-duchy regulation can set the methodology and criteria to calculate the appropriate remuneration, while ensuring that, under similar conditions, there is no discrimination between providers of EC networks and services. By default, providers will be able to contractually agree on a proportionate remuneration.</p>	<p>No specific mention in the law implementing the EECC. However, the draft law implementing the EECC stated that the complementary services will be:</p> <ul style="list-style-type: none"> accessibility services for disabled end users (e.g. videotext, subtitling for deaf and hard-of-hearing end users, audio description, spoken subtitling and sign language interpretation services) program data necessary to support the connected TV and EPG 	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	<p>broadcasting networks</p> <ul style="list-style-type: none"> other networks to the extent that a significant number of end-users use these networks as their primary means of receiving radio or television channels 				
Malta	Melita's digital cable TV network, and GO's IPTV network	General Interest TV channels selected by the broadcasting authority, according to the criteria set in S.L. 350.32 .	Yes Guideline 4 of the MCA Must-Carry Obligations (Guidelines of 2 Dec. 2011) states that when determining whether remuneration for the retransmission of the General Interest TV Channels should be provided, the MCA will need to satisfy itself that any remuneration provided can be justified.	The MCA requires retransmission, alongside the respective general interest TV channel, of: <ul style="list-style-type: none"> teletext and EPG services, where applicable accessibility services as may be defined by the Broadcasting Authority from time to time. 	-
Netherlands	<p>Must-carry rules apply to distributors ("package providers") with at least 100,000 subscribers in the Netherlands.</p> <p>A distributor is defined as a natural or legal person who distributes program package(s) against payment (or has them distributed) by means of a broadcasting network or a broadcasting channel. (Media Law, art. 6.12, 6.9a)</p>	<p>On cable, IPTV, DVB-T and satellite networks:</p> <ul style="list-style-type: none"> national PSB channels (NPO 1,2 and 3) regional PSB channels (one from the same province and from the neighbouring provinces) one local PSB channel up to two local PSB channels aimed at special groups including minorities three channels from the Flemish PSB (Dutch speaking Belgium) <p>Distributors via satellite are exempted from carrying regional and local PSB channels. (Media Law, arts 6.13, 6.14, 6.14b)</p>	No Determined by contractual negotiations	Subtitles and audio description (Media decree , art. 18a)	Distributors in scope in addition to must carry also have to provide a standard package of 30 TV channels (including must-carry PSB channels). For analogue distributors a standard package must consist of at least 15 TV channels.

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/complementary services are included in law (if any)?	Other national specificities
Poland	Cable, satellite, IPTV (Broadcasting Act , art. 43)	<ul style="list-style-type: none"> Telewizja Polska I, Telewizja Polska II (PSB) One regional PSB channel transmitted by Telewizja Polska (relevant for that area) (PSB and commercial free-to-air) channels transmitted on the date of entry into force of the Act of 30 June 2011 on the launch of DTT (Official Journal Dz.U. 2016 item 649, consolidated text). Licences to transmit these channels on analogue terrestrial network were held by Telewizja Polsat, TVN, Polskie Media, Telewizja Puls 	Not applicable According to the law, there can be no remuneration for carriage. (Art. 43(2) of the Broadcasting Act)	None	-
Portugal	Must-carry obligations apply to “undertakings providing public communications networks used for the distribution of radio or television programme services to the public... “. (Electronic Communications Law , art. 43(1)(2)) In its decision of 5 Oct. 2011 , the Regulatory Authority for the Media (ERC) specified the services subject to the must-carry obligations imposed by ANACOM: DTT and cable.	<ul style="list-style-type: none"> Public service broadcasting – RTP (including four national television channels, two regional television channels, two international television channels, three national radio channels and two international radio channels) Private free-to-air channels (SIC, TVI) Parliamentary channel (ARTV) 	Yes (if NRA decides to) Art. 43(3) of the Electronic Communications Law states that ANACOM may determine appropriate remuneration in respect of imposed must-carry obligations, which shall be applied in a proportionate and transparent manner, while ensuring that, in equivalent circumstances, there is no discrimination in the treatment of undertakings providing electronic communications networks.	Must-carry obligations include complementary services, in particular accessibility services to enable appropriate access for disabled end users, which shall be specified under the law by the competent body of the media area (art. 43(1) Electronic Communications Law). ERC’s decision of 5 Oct. 2011 determined that operators must ensure that the networks they operate carry complementary services (including teletext) or functionalities providing access to broadcasts of services for people with visual and hearing impairments. This rule also refers to art. 34(3) of the Television Law , which determines that ERC shall define the set of obligations regarding the accessibility of television and audiovisual services on demand by people with special needs, namely, and	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
				considering the nature of the service, the use of subtitling, sign language interpretation, audio description or other techniques deemed appropriate, as well as the availability of easily understandable navigation menus.	
Romania	<p>Must-carry obligations apply to “any distributor retransmitting programme services by means of electronic communication networks, except those using radio spectrum”. (Law 504/2002, art. 82 – unofficial English translation)</p> <p>A distributor is defined in art. 1(1)14 as “any person that makes and provides the public with an offer of retransmitted programme services to be received, upon signed contract provisions with broadcasters or with other distributors.”</p>	<ul style="list-style-type: none"> Services of PSB Romanian Television Corporation (RTC) broadcast for the public in Romania Other programme services of private broadcasters under Romania’s jurisdiction, free for retransmission and free of technical or financial restraints, within a limit of 25% of the total number of the programme services distributed by the respective network TV services for which the retransmission is made compulsory by means of international agreements that Romania is a party to <p>Distributors must also include in their offer at regional and at local level at least two regional and two local programmes, where these programmes exist.</p> <p>Where practicable, they must include in their offer the public programmes services of RTC, those of a radiobroadcaster with national coverage and those of a local, private broadcaster.</p>	<p>No</p> <p>In rural areas, for networks with less than 100 subscribers, RTC may provide for free reception, with a view to retransmission.</p>	None	<p>The criterion for evaluating private broadcasters is the decreasing order of their annual rating, updated by the audiovisual regulator (National Audiovisual Council, CNA).</p>
Slovakia	<p>No</p> <p>The Act on electronic communications adopted by Parliament on 24 Nov. 2021</p>	<ul style="list-style-type: none"> PSB Local DTT broadcaster 	No	None	<p>Multiplex providers must provide broadcasters non-discriminatory pricing, billing and technical conditions.</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	<p>transposed the EEC without art. 114.</p> <p>Current must-carry rules included in the Broadcasting and Retransmission Act have not changed significantly since 2000.</p> <p>Art. 17 of the act imposes an obligation on cable retransmission providers to include in their basic programme offer free programmes of both PSBs and licensed broadcasters, as well as of a local DTT broadcaster. The broadcasting council can, upon provider's request, partially or fully withdraw the obligation, considering the number of users and network capacity.</p> <p>Conditions set on case-by-case basis in individual licences of retransmission providers (see list of providers). Rules do not apply in practice.</p>				<p>DTT multiplex providers must upon request of public administration allow use of max 10% of the multiplex public capacity for provision of eGovernment services. (Act on digital broadcasting, arts 8–11)</p>
Slovenia	<p>Must-carry rules apply to operators, which are defined as "a legal entity or a natural person that transmits and broadcasts programme via low-lying terrestrial networks, via satellites, or via cable distribution or cable communications systems or in any other method, and thus</p>	<ul style="list-style-type: none"> • PSB Radio Television Slovenia channels • Local channels • Regional channels • Student channels • Non-profit channels 	<p>No</p> <p>For DTT, Radio Television Slovenia must as a multiplex operator provide free of charge dissemination</p>	<p>None</p>	<p>-</p>

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
	provides broadcasters of media with technical capacity for disseminating programme to the interested public.” (Mass Media Act , art. 11-114) The rules were extended to DTT in 2012. (Mass Media Act , art. 114a)				
Spain	Electronic communications network operators that distribute radio or television programmes to the public, but the rules do not apply in practice. (Telecommunications Law of 2014, seventh additional provision)	Not applicable	No	The law mentions “complementary services to enable appropriate access to people with disability” (Telecommunications Law of 2014, seventh additional provision, § 4)	Must-carry rules do not apply in practice.
Sweden	Must-carry rules apply to owners and operators of electronic communication networks that are used to deliver TV broadcasts and searchable teletext to viewers via wires (i.e. cable and IPTV). (Act on Radio and Television Operations , Chapter 9, Section 1)	National PSB channels and programmes of local broadcasters appointed by the Press and Broadcasting Authority, MPRT. SVT1, SVT2, SVT24, Barnkanalen and Kunskapskanalen. Regional broadcasts of these channels must be transmitted in the areas for which they are intended. In a network with both analogue and digital broadcasts, viewers should be able to receive all channels subject to the must-carry obligation at least in digital format and SVT1 and SVT2 also in analogue format. However, the network operators do not have the obligation to support analogue broadcasts (if only digital broadcasts are supported in the	Not applicable to the carriage of local channels that need to be carried free of charge. For national channels, no mention of remuneration but must-carry programme services shall be distributed without cost to the recipient. The network operator, however, has the right to charge to recipients a reasonable service and maintenance fee for the network (Act on Radio and TV Operations , chapter 9, section 1).	Searchable teletext (Act on Radio and Television Operations , Chapter 9, section 1)	-

Country	What transmission networks are covered?	In favour of whom?	Any rules on appropriate remuneration? If yes, what are the rules?	What ancillary/ complementary services are included in law (if any)?	Other national specificities
		<p>network, there is no obligation to maintain support for analogue broadcasts).</p> <p>Cable TV networks that reach more than 100 homes are required to retransmit programmes of the local broadcasters appointed by the Swedish Radio and TV Broadcasting Authority as "local cable transmission organisations".</p> <p>The appointment provides access to a free channel on each cable network within a municipality and its purpose is to expand freedom of expression and give smaller actors the opportunity to transmit programmes on cable networks.</p> <p>(MPRT website)</p>			
UK	<p>Cable, DTT, IPTV, satellite</p> <p>"Public electronic communications services provided they are used by a significant number of end users as their principle means of receiving television programmes."</p>	<p>Public service broadcast channels:</p> <ul style="list-style-type: none"> • The BBC's television services • Channel 3 services • Channel 4 • Channel 5 • S4C • Public teletext service <p>The secretary of state has the power to review the list.</p> <p>(Communications Act 2002, s 64)</p>	<p>Not applicable</p> <p>(In practice, no fees are paid)</p>	<p>Not mentioned, except for the teletext.</p>	<p>Must-offer obligations are imposed on the PSB channels that must be carried (s. 272 and 273 Communications Act 2003).</p>