[SE] Broadcasting Commission Asks Court to Fine SVT and TV4

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Helene Hillerström
TV4 AB

A novelty in Swedish Radio and TV Act which came into force in December 1996, is the ability of the Swedish Broadcasting Commission to ask the courts to impose certain fines on TV and radio broadcasting companies. The Commission has recently used this possibility in three decisions of which one concerns the public service television broadcaster SVT and two concern TV4, a private commercial (but also terrestrial) television broadcaster. Consequently, the Commission asked the County Administrative Court for the County of Stockholm to impose fines on SVT and TV4.

SVT should, according to the Commission, pay SEK 1,000,000 in return for its broadcasting of sponsorship billboards in breach of the Radio and TV Act which stipulates that sponsorship information should be given at the beginning and/or at the end of a programme. The definition of "programme" has been subject to several decisions by the Commission before and in this case the Commission found SVT violating the rules when SVT broadcasted billboards in the course of changes from one channel to the other, namely SVT1 and SVT2. Contrary to SVT the Commission is of the opinion that the change from one channel to a new channel does not constitute a change from one programme to another programme.

TV4 has been subject to two applications by the Commission to pay respectively SEK 500,000 and 1,000,000. The first fine due to alleged surreptitious advertising whereby the Commission found a wine test in the morning news programme with TV4's wine expert violating the rule that programmes shall not favour commercial interests in an important manner. The second fine applied for is due to both a commercial break and the sponsorship of two local weather forecasts.

The Commission considered the commercial break in question to be placed within a programme, which is in breach of the rule that no programmes shall be interrupted by advertisements.

TV4 admitted that the two programmes could be questioned in regard to the concept of "programme" in the Radio and TV Act and that the advertising break was a mistake. In the case of the sponsored local weather forecasts the Commission found them in breach of the Radio and TV Act since the Commission

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is of the opinion that nothing else than a whole programme (in the legal sense, thus according to the Radio and TV Act) may be sponsored. The local weather forecasts were not "own" programmes according to the Commission.

The decisions and application of fines have been opposed by both SVT and TV4. The County Administrative Court will examine the Commission decisions' conformity to the Radio and TV Act in order to decide on the fees.

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Decision SB 474/97 of the Broadcasting Commission

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Decision SB 356/97 of the Broadcasting Commission

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Decision SB 2/98 of the Broadcasting Commission

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