[CH] New Principles for Radio and Television Licensing

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In response to a proposal by the Federal Department for Environment, Transport, Energy and Communications (Eidgenössischen Departements für Umwelt, Verkehr, Energie und Kommunikation - UVEK), the Swiss Government adopted principles for future licensing practice on 25 February 1998, setting its media policy on a new and more liberal basis.

In its report, the Government assumes that, as licensing authority, it enjoys a wide measure of discretion, since no one apart from Swiss Radio and Television (Schweizerische Radio- und Fernsehgesellschaft - SRG) is in principle entitled to a licence. It is not entirely free, however, but must respect the general principles of law and the rules on freedom of opinion laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Its decisions on licensing are not open to appeal in the ordinary courts, but may be subject to review by the European Court of Human Rights in Strasbourg. Government practice in the matter of licensing reflects a view of the media which requires broadcasting bodies to provide certain services for the whole country, in all its cultural diversity.

SRG has a special role and special responsibilities in that regard.

Referring to Swiss advertising and programme windows on foreign channels, the Government notes that preventing these in the long run will be all but impossible, since international agreements do not provide the protection needed to do this. Rejecting RTL's application for a window has not given SRG and the press the protection they had hoped for. Instead, considerable sums are now being spent on advertising in Germany. On Sat.1 applied for a Swiss programme window. It is planning a Swiss sports programme 21 November 1997, with the emphasis on football, and a Swiss game-show as well. Recent developments at European level suggest that Switzerland should use this proposal to seize the initiative. If it turns the application down, one of the Land media authorities in Germany will probably yield to expansionist pressures from Sat.1 and give it a licence. A Swiss licence would allow the government to lay down clear conditions and so influence the programme. The licensee might be required, for example, to work with the Swiss audiovisual sector and to concentrate Swiss commercial slots around the programme window. It might also be required to ensure that its programmes did not clash with fundamental public service programmes (e.g. the news). In deciding on the application, the criteria applying to language region/national

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programmes should be borne in mind as wellalways remembering that a simple programme window, and not a full programme lasting several hours, is involved.

Bericht "Grundsätze für die Konzessionierungspraxis des Bundesrates bei Radio und Fernsehen" vom 25. Februar 1998

The report «Principles for Government radio and television licensing practice» of 25 February 1998

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