[CH] Time Signal Transmissions May Be Sponsored

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On 1 September 1992, the Swiss Radio and Television Corporation (SRG) began broadcasting time signals on its original three (and now four) channels after concluding sponsoring agreements with different sponsors. The time signals were broadcast directly before the start of the daily editions of the news, and later also before the start of the information programme " 10 vor 10", depending on the content of the different agreements. The time signal sequence was composed of two elements, the one consisting in a grey band in the lower half of the screen, taking up approximately 1/8 of the screen's surface, showing the time in digital form together with the sponsor's billboard. The second element, taking up the remaining screen, is made up of a background freely chosen by the sponsor. In return for the fading-in of their billboard together with the time signal, sponsors pay a lump-sum amount specified in the agreement.

On 21 November 1997, the supervisory authority, the Federal Office of Communication (BAKOM) ruled that by transmitting the sponsored time signals the SRG had violated Article 18 RTVG (Radio and Television Act) (separation of advertising and programmes) in connection with Article 10 RTVV (Radio and Television Decree) and Article 19 RTVG (naming the sponsor at the beginning and end of a programme). The SRG lodged an administrative complaint with the Department of the Environment, Transport, Energy and Communication (UVEK).

The Department, in its decision of 8 December 1998, concluded that sponsored time signals constituted the transmission of information in relation to the time financed by third parties. The requirement of Article 19 § 2 RTVG to fade in or announce the name of the sponsor at the beginning and end of a programme did not apply by virtue of the short transmission duration. Reference to the sponsor throughout the entire duration of the information broadcast was deemed lawful, since viewers recognise that it is a sponsored service. In addition, on account of the clear separation with the previous programme service and/or following news programme, such time signals were considered to possess the characteristic of a programme. Sponsored time signals were not thought to mislead the public as long as the principle of truthfulness and the need for transparency were respected. In the light of these considerations, it had therefore to be considered lawful to refer to sponsors not at the beginning and at the end but permanently in programmes providing an indication of the time of such short duration broadcast prior to news programmes.

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Entscheid des Eidg. Departements für Umwelt, Verkehr, Energie und Kommunikation (UVEK) vom 8. Dezember 1998.

Decision of the Federal Department of the Environment, Transport, Energy and Communication (UVEK) of 8 December 1998.

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