[CH] Federal Act on Cinematographic Culture and Production Comes into Force

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The Federal Act on cinematographic culture and production of 14 December 2001 (Cinema Act - LCin) came into force on 1 August 2002 (see IRIS 2002-2: 12). The Act has now been supplemented by the Cinema Order (OCin), finalised on 3 July 2002 by the Swiss Federal Council.

The OCin governs promotion of the diversity of the offer of films shown in public in Switzerland. The Office fédéral de la culture (Swiss Ministry of Culture - OFC) is responsible for carrying out an annual evaluation of the diversity of the cinematographic offer. A number of representatives of the cinematographic branch, particularly distribution and projection companies, will be called upon to comment on the OFC's evaluations. If the evaluations reveal a reduction in the diversity of the cinematographic offer in a specific region of Switzerland, the OFC will invite the distribution and projection comwill then carry out another evaluation in order to ensure that diversity has indeed been re-established.

If the second evaluation indicates that the diversity of the offer has not increased substantially in the region concerned, the OFC may ask the Département fédéral de l'intérieur (Swiss Home Office) to introduce an incentive tax. As the actual diversity of what is on offer depends in the first instance on the cinematographic branch itself, levying a tax can only be a last-ditch attempt to re-establish a situation in keeping with the aims of the Cinema Act. The OCin lays down a certain number of additional rules in this respect, providing more particularly that the amount of the tax, which may not exceed CHF 2 per ticket, would be determined on the basis of foreseeable ticket sales and the cost of implementing the measures intended to re-establish diversity. The tax may be levied until such time as diversity has been re-established, but for no more than three consecutive years. The distribution and projection companies may however be exempt from payment of the tax if they undertake formally to make a specific contribution to the diversity of the offer of films shown in public.

The LCin requires the Swiss distribution and projection companies to be listed in a public register kept by the OFC. Production, distribution and projection companies must also communicate regularly the titles and technical data of films, together with operational results. The Office fédéral de la statistique (Swiss Statistics Office) is responsible for analysing the relevant data for the OFC in order to evaluate the diversity of what is on offer.

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Loi fédérale du 14 décembre 2001 sur la culture et la production cinématographiques (loi sur le cinéma, LCin), publiée au Recueil officiel des lois fédérales n° 29 du 23 juillet 2002, pages 1904 ss.

http://www.admin.ch/ch/f/rs/443_1/index.html

Federal Law of 14 December 2001 on cinematographic culture and production (Cinema Act LCin), published in the gazette of federal legislation, no. 29 of 23 July 2002, page 1904 et seq.

Ordonnance sur le cinéma du 3 juillet 2002, publiée au Recueil officiel des lois fédérales N° 29 du 23 juillet 2002, pages 1915 ss.

http://www.admin.ch/ch/f/rs/443_11/index.html

Cinema Order of 3 July 2002, published in the gazette of federal legislation, no. 29 of 23 July 2002, page 1915 et seq.

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