# [CH] Communiqué Concerning the complete Revision of the Radio and Television Act

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On 18 December 2002, the Bundesrat (Council of Ministers) submitted to Parliament a Communiqué concerning the complete revision of the Radio- und Fernsehgesetz (Radio and Television Act - RTVG). The key objectives of this document are to guarantee a strong public broadcasting service (required by constitutional law) and, at the same time, to relax the rules for private broadcasters.

The new Radio and Television Act makes particular provision for an independent Swiss broadcasting service that serves all the language regions equally and is able to compete with wealthier broadcasters from neighbouring countries. Competition has become much fiercer, particularly in the television sector, where foreign channels now account for more than 50% of Swiss viewing figures, higher than anywhere else in Europe. Limited Swiss resources therefore need to be concentrated on the SRG, which continues to receive the majority of TV licence fee revenue (this totalled around CHF 1.1 billion in 2001) to enable it to fulfil its public service remit.

In connection with its broadcasting remit and licence fee income, the SRG will be answerable to an independent professional body, which will monitor whether the SRG is actually fulfilling its remit. This body, which aroused controversy at the discussion stage, will observe the SRG's programming activities and publish reports on the subject. The Bundesrat believes that this will stimulate public debate concerning the public service.

Specific journalistic projects at local/regional level will be fostered through the allocation of a share of licence fee revenue to private radio and TV broadcasters. In order to ensure that these funds are used as efficiently as possible, the Bundesrat intends to offer this financial support to only a small number of private broadcasters, who will be responsible for implementing these projects. In the TV sector, for example, this funding will go to no more than ten broadcasters in Switzerland, or twelve at the absolute limit. The Bill proposes that the funds allocated in this way to private radio and TV broadcasters should total a maximum of 4% of the licence fee revenue (ie CHF 44 million based on the 2001 total of CHF 1.1 billion). The Bundesrat will determine the exact figure. At present, local/regional broadcasters receive around CHF 12 million of licence fee revenue

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each year.

The Bill also improves conditions for private broadcasters in general. In particular, it removes certain provisions that put Swiss providers at a disadvantage compared to their foreign competitors. Rules governing commercial breaks and the advertising of alcohol, for example, are relaxed. In future, private broadcasters will be allowed to advertise beverages with a lower alcohol content (such as wines and beers), but not spirits. In addition, market access will be less restricted for commercial broadcasters, who will only require a licence for channels benefiting from priority access to frequencies or a share of licence fee revenue.

In order to allow commercial broadcasters to develop, the Bill seeks to redress the balance between the SRG, which is largely funded through the licence fee, and the other Swiss broadcasters: advertising restrictions will be tighter for the SRG than for private broadcasters, while the SRG's programming must primarily be aimed at national or linguistic-regional audiences. The SRG is also limited in terms of producing channels aimed at certain groups, special interest channels and non-programming activities.

A large section of the Bill is devoted to the technical aspects of radio and TV broadcasting, particularly the impact of digitisation. For example, it takes into account the increasing convergence of the previously separate fields of broadcasting and telecommunications. In this context, the Bill stipulates that a sufficient range of frequencies should be made available to broadcasters in the future.

The convergence of broadcasting and telecommunications is also reflected in the restructuring of the regulatory authorities. In future, both sectors will be regulated by a single, independent commission, which will also assume the functions currently performed by the Kommunikationskommission (Communications CommissionComCom) and the Unabhängige Beschwerdeinstanz für Radio und Fernsehen (Independent Radio and TV Complaints Authority - UBI). A separate body with independent decision-making powers will be set up within the new commission to take over the UBI's programme monitoring duties and to deal with complaints about transmitted programmes. The Bundesamt für Kommunikation (Federal Communications Office - Bakom) will be detaMedialex ched from the federal administration and will take charge of the new commission. This structure is based on the model of the Wettbewerbskommission (Competition Commission).

The Bill includes many other reforms. For example, it creates instruments to combat media concentration, amends monitoring procedures (for example, by introducing administrative sanctions) and strengthens the legal protection of broadcasters. It also contains new provisions on the protection of minors, the provision of programmes for the partially sighted and hard of hearing, support for

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the Swiss music and film industries by the SRG, audience research, support for the transmission of radio programmes in mountainous regions, the collection of licence fees and access for broadcasters (and thus the public) to public events.

The Bill will now be considered by Parliament. The next stage of the legislative process is consultation by the relevant parliamentary commission. The revised Act is unlikely to enter into force before 2005.

### *Loi fédérale sur la radio et la télévision (LRTV ; projet du 18 décembre 2002)*

http://www.bakom.ch/imperia/md/content/francais/rtvg-revision/12.pdf

*Draft Federal Act on Radio and Televison (as at 18 December 2002)*

### *Message relatif à la révision totale de la loi fédérale sur la radio et la télévision (LRTV) du 18 décembre 2002*

http://www.bakom.ch/imperia/md/content/francais/rtvg-revision/11.pdf

*Communiqué concerning the complete revision of the Federal Act on Radio and Televison, 18 December 2002*

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