# [CH] Full payment of licence fee for Swiss television channels even if not all channels can be received

**IRIS 1996-1:1/11**

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Anyone wishing to receive radio and television programmes requires a licence from the post, telephone and telegraph authorities and must pay a reception fee (Art.55-1 of the Radio and Television Act (RTVG)). According to Article 55(a) of the Federal Constitution, the service is directed at the public electronic media system as a whole; in principle, therefore, individuals cannot make a claim against the State in respect of terrestrial reception of a given channel. While it is true that it a fundamental concern in the RTVG that radio and television channels should reach the largest possible area, the legislator was nevertheless aware that for technical (shortage of frequencies) and financial reasons, not to mention topographical reasons, it would not be possible everywhere to receive all the radio and television channels offered by SRG. However if, given the circumstances, the legislator had foreseen varying the fee according to the number of channels received or reception quality, this would have to have been included in Article 55 of the RTVG.

The Swiss Federal Court made this ruling in an administrative court case brought by a television viewer who was able to receive only three of the possible four channels of Swiss television (SRG/SSR) using an outdoor aerial. The plaintiff was prevented from receiving the fourth channel, Schweiz 4, by the shortage of frequencies, without being connected to a cable network.

***Bundesgerichtsentscheid vom 19. Juni 1995 (2A.10/1995/err), D. gegen Schweizerische PTT-Betriebe.***

*Federal Court ruling of 19 June 1995 (2A.10/1995/err), D. vs Schweizerische PTT-Betriebe.*

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