[CH] New Radio and Television Act Adopted

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On 24 March 2006, the Swiss Parliament adopted a new Radio and Television Act, which will ensure that the *Schweizerische Rundspruchgesellschaft* (SRG) continues to provide a strong public broadcasting service in the future. The Act also relaxed certain restrictions on private broadcasters and strengthened support for local and regional private broadcasters from licence fee revenue (fee sharing).

The dual model originally proposed in the draft Radio and Television Act (with SRG on the one hand as a public service broadcaster funded through the licence fee, and private broadcasters in free competition on the other) was rejected following the parliamentary debates on the matter. Private broadcasters will continue to receive a share of licence fee revenue. The proportion they receive will even increase in the future: eligible private radio broadcasters will receive 4% of radio licence revenue (around CHF 16 million compared to CHF 7 million up to now) and private TV broadcasters 4% of TV licence revenue (around CHF 28 million compared to CHF 6 million up to now). However, in future the number of Swiss TV broadcasters entitled to this income will be limited to 10 or 12 at the very most. Furthermore, the proportions due will no longer be redefined every year, but set over a period of several years, primarily in accordance with the size and economic potential of the area covered by the broadcaster.

Other private broadcasters which do not receive licence fee income must meet certain requirements if they wish to obtain a licence to broadcast their programmes terrestrially (mainly via FM frequencies at present, but in future via digital platforms as well). The number of such licences is to be limited to two television and two radio licences per media organization. It will soon also be possible to broadcast radio and television channels in Switzerland without a licence. However, providers of such programmes will not receive any licence fee income nor will they be guaranteed terrestrial frequencies.

The SRG can further safeguard its dominant position in the Swiss broadcasting market. However, at the same time, the Act requires it, *inter alia*, to broadcast educational programmes and report any non-programme activities (eg online activities) which could interfere with the position and role of other media organizations.

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In the advertising field, the provisions on commercial breaks and alcohol advertising are relaxed for private broadcasters and brought into line with European standards. However, alcohol advertising remains prohibited on all SRG channels. The *Bundesrat* (Council of Ministers) will also issue decrees imposing further restrictions for the SRG (eg in relation to commercial breaks). The new Act also contains a provision on the protection of minors from certain forms of advertising and sponsorship.

Another new development is the fact that the whole area of technical transmission will no longer be regulated by the RTVG , but in the *Fernmeldegesetz* (Telecommunications Act - FMG). The RTVG will merely contain special provisions guaranteeing access to wireless terrestrial and cable transmission for licensed channels. Cable transmission capacity may also be permitted for additional national and foreign services, provided these contribute to the fulfilment of the broadcaster's constitutional law remit.

Bundesgesetz über Radio und Fernsehen (RTVG) vom 24. März 2006

http://www.bakom.ch/dokumentation/gesetzgebung/00512/01031/index.html?lang=de&download=M3wBPgDB/8ull6Du36WenojQ1NTTjaXZnqWfVpzLhmfhnapmmc7Zi6rZnqCkkIN1gHl7bKbXrZ6lhuDZz8mMps2gpKfo

Federal Radio and Television Act of 24 March 2006

RTVG Revision, “Neues Radio- und Fernsehgesetz” (RTVG)

http://www.bakom.ch/dokumentation/gesetzgebung/00512/01031/index.html?lang=de

Information on the Revised Radio and Television Act

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