[CH] New Decree on Radio and Television

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The Law on Radio and Television (LRTV) adopted by Parliament on 24 March 2006 (see IRIS 2006-4: 8) overhauled the Swiss audiovisual legal regime. To implement the provisions of the law, the Federal Council adopted a new Decree on Radio and Television (DRTV). The Decree entered into force on 1 April 2007.

Broadcasters who command neither a share of fees nor guaranteed distribution, will no longer require a licence and will not have to fulfil a service mandate. They will merely be subject to compulsory registration. Private broadcasters now have more advertising options, and the share of the reception fees for local/regional radio stations and television channels is increased (fee splitting). The Decree specifies that the financing of an individual broadcaster may amount to no more than half of its operating costs. However, in the case of regional television broadcasters in areas that are particularly expensive to operate, the upper limit is set at 70%.

The Decree also implements the legal provisions on the admissibility of advertising and sponsorship. Private broadcasters have significantly more commercial freedom (duration of advertising, commercial breaks, introduction of new forms of advertising such as split-screen and virtual advertising). For the public broadcaster SRG SSR Idée Suisse the status quo remains, with a few exceptions: the SRG is now also banned from broadcasting commercial programme windows, as well as independent advertising and sponsorship on the Internet. On the other hand, its options have been extended with regard to television (among other things, the inclusion of virtual and split-screen commercials during the transmission of sports programmes). Furthermore product placement is still permitted. Provisions relating to brief reports on public events have doubled the maximum time slot to three minutes. In addition, an obligation to indicate aurally or visually any programmes on freely available television channels that could be potentially inappropriate for young viewers was added.

Where cable distribution of programmes is concerned, the Federal Council has implemented the provision making it possible to oblige cable network operators to broadcast certain foreign programmes in addition to Swiss programmes. The following eight foreign television channels are concerned: Arte, 3sat, Euronews, TV5, ARD, ORF 1, France 2 and Rai Uno. The Decree also fixes the maximum number of programmes that a cable network operator is obliged to broadcast (25

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analogue television channels, this includes both foreign and Swiss channels).

The Federal Council also implemented its preliminary decision of 8 December 2006 to increase television reception fees by a total of 2.5 percent: similarly, the new DRTV increases television reception fees by 4.1 percent. Radio reception fees will remain unchanged so as to take into consideration the fact that television costs are evolving differently from those in radio.

"New rules for radio and television from 1 April 2007", press release of 9 March 2007

http://www.bakom.admin.ch/dokumentation/medieninformationen/00471/index.html?lang=en&msg-id=11358

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