[CH] Renewal of MEDIA Agreement with the European Union

IRIS 2008-1:1/9

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The agreement on Switzerland's participation in the MEDIA programme, concluded on 26 October 2004 between Switzerland and the European Union (EU) as part of the second round of bilateral negotiations, reached the end of its term on 31 December 2006 (see IRIS 2006-5: 9). Further to the negotiations launched in March 2007, the Swiss Confederation and the EU signed, on 11 October 2007, the renewal of this agreement so that Switzerland would be able to participate fully in the 2007 MEDIA programme.

The text of the new agreement is only very slightly different to that of the agreement concluded in 2004. As a result, Switzerland remains associated as a full partner in all the activities of the MEDIA programme. Swiss professionals in the cinema and audiovisual sectors will therefore be able to benefit from the same incentives as their colleagues in EU countries. Switzerland's overall financial contribution to the 2007 MEDIA programme will be almost EUR 41 million. In return for Switzerland's participation in the 2007 MEDIA programme, the EU has required that the freedom of reception and retransmission of television broadcasts must be brought into line with the demands of the "Television Without Frontiers" Directive with regard to the law applicable to advertising. Switzerland has therefore promised that advertising broadcast by foreign channels directed at Switzerland shall cease to be governed by Swiss law and shall be governed exclusively by the national law of the State from which the channel is broadcast. This condition, which should come into effect in November 2009, requires that the national parliament amend the national Radio and Television Act (LRTV).

Under the new MEDIA agreement, the application of the "Television Without Frontiers" Directive will henceforth be compulsorily binding in relations between Switzerland and all the countries of the EU. As a result, Switzerland will no longer be able to claim the benefit of Article 16 of the Convention in respect of those Member States of the EU signatory to the European Convention of 5 May 1989 on transfrontier television (ECTT), which provides that foreign advertising must comply with Swiss statutory provisions governing advertising on television. This implies, for example, that Switzerland's ban on advertising of alcohol, and for political parties and religious groups will cease to be binding on foreign television channels whose broadcasting is directed at Switzerland.

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The MEDIA agreement will have to be submitted to the national parliament for approval. Meanwhile, it has been applied provisionally since 1 September 2007 so that Swiss professionals in the cinema and audiovisual sectors could have the benefit, from 2007, of the support measures provided for under the programme.

Accord entre la Communauté européenne et la Confédération suisse dans le domaine de l'audiovisuel, établissant les termes et conditions pour la participation de la Confédération suisse au programme communautaire MEDIA 2007 - Acte final - Déclarations. Journal officiel de l'Union européenne n° L 303 du 21 novembre 2007 p. 0011 - 0023

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22007A1121(01):FR:HTML

Agreement between the European Community and the Swiss Confederation in the audiovisual field, laying down the terms and conditions for the Swiss Confederation's participation in the Community's 2007 MEDIA programme - Final document - Declarations. Official Journal of the European Union, no. L 303 of 21 November 2007, pp. 0011 - 0023

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