[CH] Amendment to the MEDIA Agreement with the European Union

IRIS 2009-2:1/11

Patrice Aubry
RTS Radio Télévision Suisse, Geneva

On 26 November 2008, the Swiss Federal Council referred to the Parliament the additional message on Switzerland's participation in the European Union's MEDIA Programme. The Swiss Confederation and the EU had signed an agreement on 11 October 2007 enabling Switzerland to continue to participate in the MEDIA Programme. In exchange for this agreement, however, the EU had demanded that Switzerland fully incorporate into its national legislation the country of origin principle arising from the Community's "Audiovisual Media Services" Directive (AVMSD). This requirement would mean that it would no longer be possible to impose Switzerland's more restrictive advertising provisions on foreign advertisements. More particularly, it would cease to be possible to require foreign television channels broadcasting advertisements directed at Switzerland to abide by the rules for advertising alcohol and political and religious advertising in force in Switzerland. The implementation of these amendments would, however, require a revision of Switzerland's Radio and Television Act (LRTV) and would therefore need to be approved by the Federal Parliament (see IRIS 2008-1: 9).

In December 2007, however, the Parliament rejected the Federal Council's bill and invited it to submit a proposal that took greater account of Swiss interests in respect of foreign advertising spots. The Federal Council then embarked on new negotiations with the EU which resulted in a satisfactory solution that involved adapting Annex I of the MEDIA Agreement. These adaptations allow Switzerland to continue to apply stricter rules on advertising to foreign advertising spots, on condition that these rules are proportionate, non-discriminatory, and motivated by public interest. If these conditions are met, Switzerland would be able to renounce application of the country of origin principle.

Switzerland could then maintain its bans on religious and political advertising, and on advertising for spirits and mixed drinks ("alcopops"). On the other hand, advertising for beer and wine would henceforth be allowed. In order that Swiss broadcasters would not be at a disadvantage compared with foreign competitors in this respect, the Federal Council has proposed that the adoption and financing of the MEDIA Agreement should be accompanied by a revision of the LRTV which would authorise advertising for wine and beer during any programmes broadcast in Switzerland, whether broadcast by private channels or by the Swiss national broadcasting company (SRG SSR idée suisse). Lastly, if any foreign advertising were to infringe Switzerland's rules on advertising, Switzerland would be able to

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instigate a conciliation procedure with the broadcasting State and the European Commission.

Message additionnel au message du 21 septembre 2007 portant approbation de l'accord sur la participation de la Suisse au programme communautaire MEDIA pour les années 2007 à 2013 et relatif à un arrêté fédéral portant sur le financement de la participation ; modification de la loi fédérale du 24 mars 2006 sur la radio et la télévision du 26 novembre 2008

http://www.admin.ch/ch/f/ff/2008/8165.pdf

Message in addition to the message of 21 September 2007 approving the agreement on Switzerland's participation in the European Community's MEDIA Programme for the years 2007-2013 and on a Federal Decree on the financing of such participation; amendment of 26 November 2008 of the national Radio and Television Act (LRTV) of 24 March 2006

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