

[SE] New legislation on radio and television

IRIS 1996-9:1/19

*Joakim Mansson
European Audiovisual Observatory*

On 19 July 1996 the Swedish Parliament adopted a new Radio and Television Act, which is to come into force on 1 December 1996.

The Act sets out the first unified legislative framework for broadcasting in Sweden. In principle, it will cover all television broadcasting (terrestrial, cable and satellite) and radio broadcasting (nation-wide, commercial and non-commercial) aimed at the general public.

Television broadcasts via satellite will be covered by the main regulation in Chapter 1, Section 4, if they can be received in an EEA State and the broadcaster's official registered office is in Sweden. For commercial local radio, Chapter 5 of the Act refers to the special Local Radio Act of 1993. Previous legislation on broadcasting - namely the Radio Act of 1966, the Non-Commercial Local Radio Act of 1982, the Cable Television Act of 1991 and the Satellite Television Act of 1992 - will all be repealed when the new Act comes into force.

Under Chapter 2 of the Act the following broadcasts will require a licence: terrestrial broadcasting of television programmes and radio programmes which can be received throughout the country will require a government licence, as before; local radio broadcasting for non-commercial bodies will require a licence from the national radio and television authority (Radio- och TV-verket), and this will also apply to commercial local radio - this is dealt with in Chapter 2, Section 2 of the Local Radio Act; television broadcasting via satellite or cable will also require a licence. For cable broadcasting, this follows on from the 1882 basic law on freedom of expression. Broadcasters of broadcasts for which a licence is not required (ie television broadcasts via cable and satellite) must however be listed in a register kept by the radio and television authority (Chapter 2, Section 3).

The most important new features of the Act are as follows. Two new regulations have been included in the content regulations (Chapter 6). Under Section 2, broadcasts which include certain scenes of violence or pornography may not as a rule be broadcast at a time or in such a way that there is a likelihood of children being able to watch. Section 8 includes the "European content regulation" from the EU television directive, which includes the provision that at least 50% of the annual broadcasting time of television broadcasting under a government licence and television broadcasts via satellite must comprise programmes produced in

Europe. Under Chapter 9, Section 1, the Justice Chancellor - the government's lawyer - is to check that broadcasts do not contravene Chapter 6, Section 2 by means of additional controls and may, under Chapter 10, Section 11, order broadcasting to cease. A particular fine of between SEK 5 000 and SEK 5 million would apply mainly to infringements of certain advertising regulations in Chapter 7 (Chapter 10, Sections 5 and 6). Lastly, the Chapter 11 of the new Act includes the conditions for withdrawing a licence issued under Chapter 2; this is the first time this has been provided for specifically in legislation.

As a result of the new Radio and Television Act coming into force, changes must also be made to a number of other Acts: In the Local Radio Act (no.120, 1993), firstly the regulations on advertising (Sections 24-27a) must be brought into line with the Radio and Television Act, which has somewhat stricter regulations on advertising, and secondly a penalty regulation (Section 31a) and regulations on a "special fee" (Sections 31b, 31d-e) must be introduced in keeping with the regulations contained in the Radio and Television Act. These changes will also come into force on 1 December 1996.

-

Radio and Television Act of 20 August 1996.

