[CH] Consultation on Draft Revision of Radio and Television Act

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On 9 May 2012, the Federal Council (the Swiss Government) launched a consultation procedure on plans to partially revise the radio and television broadcasting Act (LRTV). Interested parties and the cantons, the political parties and umbrella associations involved in the economy were invited to notify the Federal Communication Office (Office Fédéral de la Communication - OFCOM) of their position by 29 August 2012. The main aim of the revision is to replace the current fee by a new reception fee, to be paid by all households and companies whether or not they have any reception equipment (see IRIS 2012-2/11). This change in the system has been made necessary by the development of multifunctional appliances (smartphones, computers, tablets, etc.) that considerably facilitate access to radio and television programmes. The new fee will also make it possible to save the considerable expense that is currently incurred by the collection agency in checking whether households and companies possess a reception appliance.

The bill also provides for greater flexibility in attributing a proportion of the fee to private radio stations and television channels; instead of the fixed percentage provided for in the current LRTV, the Federal Council proposes allocating a flexible percentage of between 3 and 5%. The system will make it possible to pay the full proportion of the fee to private broadcasters. The present scheme results in an accumulation of surpluses that cannot be distributed, mainly because the commercial revenue of the broadcasters, which determines the amount of the fee to which they are entitled, is often below the threshold for payment.

The Federal Council also proposes requiring regional television channels that have the benefit of a concession to provide subtitling for the hard of hearing on their main news programmes. This service will be funded by the reception fee. These broadcasters will also be authorised to transmit their programmes throughout Switzerland and not just in their respective regions.

Supervision of the SSR’s on-line offer will henceforth be delegated to a specific independent authority (Authorité Indépendante d'Examen des Plaintes en matière de radio-television - AIEP). This supervision is currently in the hands of OFCOM, which is to retain residual competence in this field; the AIEP already has responsibility for investigating complaints about radio and television broadcasts. This attribution of competence is intended to ensure the autonomy of

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programmes required by the Federal Constitution. The bill also removes a loophole regarding the independence of private broadcasters vis-à-vis the State: in the absence of specific provisions in the LRTV, such independence cannot currently be guaranteed for broadcasters other than those subject to the granting of a concession. The bill therefore proposes introducing a legal foundation in order to extend this guarantee to the other broadcasters, i.e., those that are only subject to the obligation of notifying the OFCOM of their existence.

Projet de loi et rapport explicatif du Conseil fédéral concernant la modification de la loi fédérale sur la radio et la télévision

http://www.bakom.admin.ch/dokumentation/gesetzgebung/00909/04016/index.html?lang=fr

Federal Council bill and explanatory report on amending national legislation on radio and television

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