[CH] No Advertising on Internet for Public-Service Radio and Television, but More Freedom Regarding Content of On-Line Offer

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An important stage has been reached in the longstanding face-off between the Swiss broadcasting company Société Suisse de Radiodiffusion et Télévision (SSR) and newspaper editors. Although a degree of rapprochement has been reached on a number of issues, two years of negotiations between the public-service broadcaster and the editors have failed to make it possible to reach an agreement on collaboration in the field of the Internet. The Federal Council (Switzerland's Government) has therefore finally made a decision: the ban on advertising on the SSR's Internet sites is to be maintained, but the company will have greater freedom regarding the content of its online offer.

The Federal Council nevertheless reserves the right to revise its decision if the SSR's income from advertising should decrease; indeed it hinted that the company might be in need of new sources of income from advertising from 2017 onwards. In this way, the Federal Council confirms the position it expressed in 2010: in the interests of people paying the reception licence fee, the SSR should be allowed to carry out a commercial activity on the Internet in the medium term (see IRIS 2011-1/13). In the light of the positive evolution of the SSR's advertising revenue in the last two years, however, the Federal Council feels that such a move would be premature at the present time. The ban ought to support the economic development of the press, which is facing the erosion of its income from advertising, and opposes the sale of advertising space on the SSR's Internet sites. Since newspaper editors would like to launch a fee-paying Internet offer, they feel that the copy and photos made available free of charge on the SSR's Internet sites - financed by the reception licence fee - constitute unfair competition. The SSR for its part considers that opening up advertising on the Internet is strategically essential, particularly in the light of consumers' new ways of using the media.

The Federal Council felt that the current framework of regulations was too rigid and unsuited to the evolution in the public's consumption habits, and that the time had come to allow the SSR more flexibility in its on-line offer, so that the public service would not be relegated to the background by growing competition from large international companies. The SSR should therefore be authorised, within a clearly delimited framework, to put online content that is not directly

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linked to the radio and television programmes it broadcasts. More flexibility in the SSR's concession will therefore be proposed by spring 2013. As it stands at present, Article 13 of the concession provides that the SSR may only include programme-linked multimedia contributions if they are directly linked in terms of time and topic with the programmes being broadcast.

The Federal Council is also proposing the creation of an extra-parliamentary commission on the media. Most of its members would be representatives of the branches and specialists, and its main task would be to observe the evolution and the importance of Switzerland's media marketplace and public sector, and to assess public requirements. It would also act as a consultative committee, and could provide support for the Federal Council whenever changes were made to the legal framework concerning the media.

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