[SE] Radio and Televisions Act Applies to Newspapers' Web TV Services

IRIS 2013-1:1/35

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On 29 October 2012, Granskningsnämnden för radio och TV (the Swedish Broadcasting Commission - SBC) delivered four decisions regarding the application of Radio- och TV-lagen (The Radio- and Televisions Act - RTL) in relation to Web TV sections on newspapers' websites. The cases concerned more or less similar circumstances for the websites of the newspapers Aftonbladet, Dagens Nyheter, Helsinborgs Dagblad and Norran.

Firstly the SBC had to decide whether the RTL applied to a Web TV service as such. According to the travaux préparatoires of the RTL, which refer to the Audiovisual Media Services Directive 13/2010/EU, the primary objective of a service must be to provide a programme in order for the service in question to fall within the definition of an audiovisual media service. The SBC found that the TV programmes on the websites constituted separate services compared to other content on the newspapers' websites. Moreover, the programmes were made available to the general public at the request and at the time chosen by the user, and programmes were also classified in catalogues such as "Sports" and "News". In light of these facts, SBC established the Web TV sections of the newspaper websites were on-demand TV (non-linear audiovisual media services) and thereby subject to the RTL.

Secondly, as a consequence, the newspapers must follow the rules on unfair promotion of commercial interests and advertisements under the RTL. In this respect all four newspapers were able to successfully defend themselves that they had not breached the rules on unfair promotion of commercial interests.

However, the SBC considered that Aftonbladet had not provided indications that clearly differentiated the advertising from the rest of the content and had accordingly breached the RTL. When it came to sanctions, this time, the SBC found no reason to impose a special fine on Aftonbladet.

The cases are interesting as they clearly state that the scope of the RTL will cover newspapers' Web TV services in many cases. Newspapers must therefore consider and adhere to the RTL's rules on promotion of commercial interests and advertisements.

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Granskningsnämnden för radio och tvs beslut i Dnr 12/00777 av den 29 oktober 2012

http://www.radioochtv.se/CaseDecisions/206404.pdf

Swedish Broadcasting Commission's decisions in Case No. 12/00777 of 29 October 2012

Granskningsnämnden för radio och tvs beslut i Dnr 12/00778 av den 29 oktober 2012

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Swedish Broadcasting Commission's decisions in Case No. 12/00778 of 29 October 2012

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Swedish Broadcasting Commission's decisions in Case No. 12/00779 of 29 October 2012

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