[CH] Parliament adopts universal broadcasting charge

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On 26 September 2014, the Swiss Parliament approved the introduction of a new broadcasting charge, which all households and businesses will have to pay whether they own a reception device or not. The Government (Bundesrat) had proposed the idea in May 2013 in response to technological advances, including the possibility of watching TV programmes on mobile phones. Both Chambers of Parliament approved the new system (the Nationalrat by 109 votes to 85 with 4 abstentions and the Ständerat by 28 votes to 14 with 3 abstentions).

However, the introduction of the new charge is still not guaranteed and it seems likely that the amendment of the Radio and Television Act- (Radio und Fernsehgesetz - RTVG) approved by Parliament will be submitted to the Swiss population for a decision after the Swiss Trades Association called for a referendum against the draft amendment. A referendum must be held if 50,000 signatures are collected before the deadline of 15 January 2015. The Swiss Trades Association is contesting the proposal that all companies with an annual turnover of at least CHF 500,000 must pay the charge.

Like the broadcasting charge introduced in Germany in 2013, the system adopted by the Swiss Parliament also requires that all households pay the charge. However, an opt-out rule will apply for a five-year transitional period, enabling households without a device that can receive radio or television programmes to request exemption from the charge for an initial period after its introduction. The smaller Chamber of Parliament (Ständerat) had originally opposed the new Article 109c RTVG, preferring to introduce the new broadcasting charge in June without such a transitional arrangement (see IRIS 2014-8/14). After the Nationalrat insisted on the opt-out rule being included for a limited time, the smaller chamber relented in September.

The household charge will be collected by a private organisation chosen by the State after a public tendering procedure (Billag AG currently collects the charge). The company charge, however, will be collected by the Swiss federal tax authorities, which can refer to data on VAT.

The purpose of the charge has not changed: it will be used to fund SRG programmes and private channels with a public service remit across all parts of Switzerland. The private broadcasting sector will be allocated between 4% and

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6% of the total income generated by the charge (Art. 40(1) of the amended RTVG). Under the system adopted by the Bundesrat, the new charge should not result in SRG and the other recipients being paid more than before. Since the total amount will be paid by a greater number of households and businesses, the charge to be paid by individual households should be lower in future. They are expected to pay less than the current annual broadcasting charge of CHF 462 (approximately EUR 380), which only applies to homes with a reception device.

The new system is unlikely to be introduced before 2018. Until then, the Billag company will remain responsible for collecting the existing broadcasting charge.

As well as the new system for the funding of broadcasting, the amendment of the RTVG, as approved by the Swiss Parliament, deals with a series of other, less controversial topics. These include responsibility for monitoring SRG's online service, the improved implementation of regional TV broadcasters' independence from the State, as well as licensing obligations and various other conditions applicable to private channels (for example, those concerning subtitling).

Texte des nouvelles dispositions de la loi sur la radio et la télévision adoptées par le Parlement, 26 septembre 2014

http://www.admin.ch/opc/fr/federal-gazette/2014/7085.pdf

Text of the amended Radio- und Fernsehgesetz (Radio and Television Act - RTVG) approved by the Swiss parliament, 26 September 2014

Chronologie des travaux législatifs

http://www.parlament.ch/f/suche/Pages/geschaefte.aspx?gesch_id=20130048

Chronology of legislative documents

Annonce du référendum contre la modification de la loi sur la radio et la télévision sur le site de l'usam

http://www.sgv-usam.ch/fr/billag-steuer.html

Announcement of referendum against the RTVG amendment on the website of the Swiss Trades Association (sgv - usam)

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