[SE] Swedish Authorities Want to Stop Alcohol Advertising and Sponsorship in UK Broadcasts

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The Swedish Radio and Television Act (Radio- och TV-lagen), which has transposed the Audiovisual Media Services Directive 2010/13/EU (AVMS Directive) into Swedish law, includes a ban on the advertising of alcohol and on sponsorship by alcohol companies of television and radio broadcasts.

Nevertheless, there are some television channels (TV3, TV6, TV 8, Kanal 5 and Kanal 9) that - even though they are more or less exclusively directed towards Swedish viewers - broadcast under UK licences and are subject to UK jurisdiction. UK law permits the activities described above.

The AVMS Directive is based on the “country of origin” principle. Therefore, the Swedish ban cannot be enforced on broadcasts from the UK. In practice this means that the ban does not apply to such broadcasts and that television commercials of alcohol are not uncommon on Swedish television.

The Swedish Broadcasting Authority (SBA) (Myndigheten för radio och tv) had previously submitted a formal request to the British regulator, Ofcom, to urge the concerned broadcasters to adhere to the stricter Swedish rules. The broadcasters, however, chose not to follow the request. This caused the SBA, supported by the Swedish Consumer Agency (Konsumentverket), on 19 December 2014, to notify the European Commission and the UK, in accordance to Article 4 of the AVMS Directive, of their intention to take measures against broadcasts from the UK breaching the Swedish rules.

The Swedish authorities argue that the broadcasters circumvent Swedish law by having established themselves in the UK. Before the Swedish authorities can take any action the European Commission must decide within three months if the measures are compatible with EU law.

Consequently, if the European Commission allows the measures, then Swedish law (including sanctions, such as injunctions or special fees) could be enforced against the broadcasters established in the UK.

Myndigheten för radio och tv, Underrättelse till EU-kommissionen och Storbritannien om åtgärder i enlighet med artikel 4 i AV-direktivet,

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http://www.konsumentverket.se/Global/Konsumentverket.se/press/Underr%c3%a4ttelse%20till%20kommissionen%20och%20Ofcom%20i%20enlighet%20med%20artikel%204.4%20i%20AVD.pdf

Swedish Broadcasting Authority, Notification to the European Commission and the UK of measures in accordance with Article 4 of the AVMS Directive, 19 December 2014

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