[CH] New rules for SRG: more public service, no targeted advertising

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Franz Zeller
Federal Office of Justice, FOJ

The Swiss Government has granted a new licence to the Schweizerische Radio- und Fernsehgesellschaft (Swiss Broadcasting Corporation - SRG) for the 2019-2022 period. The licence imposes more stringent requirements concerning the public service provided by the broadcaster. It comes barely six months after the referendum on the popular initiative entitled “Yes to the abolition of radio and television licence fees (abolition of Billag fees)”, which had called the SRG’s future into question. The initiative had been overwhelmingly rejected on 4 March 2018, with 71.6% of voters opposed to it. However, the majority of people questioned in a survey had said that the SRG should now be reformed and downsized (see IRIS 2018-06).

The new licence contains a host of new obligations for the SRG. For example, it must spend at least half of its licence fee income on news services (Article 6 of the new licence). It must also invest adequate resources in culture and education (Article 7(4)), with the Bundesrat (Federal Council) expecting a similar level of spending in this area as is currently the case (that is to say, around 25% of the licence revenue). In the entertainment category, the SRG should lead by example (Article 9). The new licence increases the requirement for SRG channels to be distinctive, demanding a unique overall service with innovative in-house productions that reflect the Swiss identity (‘Swissness’). The licence now also regulates sports reporting, which is popular with the public (Article 10). The SRG must report not only on major events such as the Olympic Games and the football World Cup, but also on minority and grassroots sports.

In general terms, the licence requires the SRG to be willing to take risks and innovate (Article 11), to take all language regions into account (Article 12), and to serve young people (Article 13), people with a migrant background (Article 14) and people with sensory disabilities (Article 15). It clarifies and extends quality assurance requirements. For example, the SRG must establish quality standards for all types of content, and processes for evaluating compliance with those standards.

The SRG’s rights and responsibilities are regulated not only in the licence but also in the Radio- und Fernsehgesetz (Radio and Television Act - RTVG) and the Bundesrat’s Radio- und Fernsehverordnung (Radio and Television Ordinance - RTVV). Amongst other things, these instruments regulate admissible forms of

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advertising. At the end of August 2018, the Bundesrat rejected the idea of allowing new forms of advertising under the RTVV. The government had originally proposed that the SRG should be allowed to broadcast different commercials for different target groups (targeted advertising). However, this had been strongly opposed in the public consultation. For example, serious doubts had been expressed over the compatibility of targeted advertising with the notion of public service. Targeted advertising promoted the commercialisation of media services financed through the licence fee and would lead to greater audience fragmentation. The Eidgenössische Medienkommission (Swiss Media Commission - EMEK), an independent committee of experts set up by the Bundesrat, was also sceptical: public service providers should not use people's private data to target them with commercial messages. In view of the results of the consultation process, the Bundesrat withdrew its proposal. Targeted advertising therefore remains reserved for unlicensed television broadcasters.

Concession octroyée à SRG SSR (Concession SSR) du 29 août 2018 (état au 1er janvier 2019)

https://www.bakom.admin.ch/dam/bakom/fr/dokumente/bakom/elektronische_medien/Infos%20%C3%BCber%20Programmveranstalter/SRG%20SSR/srg-konzession-2019.pdf.download.pdf/SRG-Konzession_FR.pdf

SRG licence for the 2019-2022 period

Concession SSR - Rapport explicatif

https://www.bakom.admin.ch/dam/bakom/fr/dokumente/bakom/elektronische_medien/Infos%20%C3%BCber%20Programmveranstalter/SRG%20SSR/erl%C3%A4uterungen-srg-konzession-2019.pdf.download.pdf/Erl%C3%A4uterungen_FR.pdf

Explanatory report on the new licence

Rapport de l'OFCOM, Avril 2018 : « Procédure de consultation concernant la modification de l'ordonnance sur la radio et la télévision - Résumé des résultats »

https://www.admin.ch/ch/f/gg/pc/documents/2905/ORTV-publicite-ats_Rapport-resultats_fr.pdf

Report of the Federal Communication Office "Consultation on the amendment of the Radio and Television Ordinance - summary of results", April 2018

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