[CH] Proposed Electronic Media Act replaced with rapidly implementable support measures

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The Swiss government (Bundesrat) has abandoned its plan to fundamentally reform media law. It had originally planned to replace the existing Radio- und Fernsehgesetz (Radio and Television Act – RTVG) with a new Bundesgesetz über elektronische Medien (Electronic Media Act – BGeM) and, in June 2018, had launched a public consultation with interested parties concerning its draft Electronic Media Act (see IRIS 2018-06/11).

Under the draft tabled in 2018, public funding for services forming part of the public service would no longer have been limited to radio and television. Online media would also have been eligible, except those that offered purely text-based content. The draft also provided for the creation of an independent Kommission für elektronische Medien (Electronic Media Commission – KOMEM). The government had hoped that this regulatory authority would ensure greater independence from the state in terms of the granting and monitoring of public service mandates. The regulatory constraints on media without such a mandate, on the other hand, were eased under the draft, which even proposed the complete deregulation of purely commercial radio services. The draft would not have brought Swiss law fully into line with the provisions of the revised EU Audiovisual Media Services Directive (AVMSD).

Responses to the government's plans were mixed, to say the least. Many of the 253 written submissions concerning the draft considered a new law unnecessary and thought a partial revision of the RTVG would suffice. Most cantons, political parties and media representatives rejected the proposal for an independent KOMEM. The proposed financial support for free online services was also controversial. Several respondents called for stronger support for regional radio and television providers, and greater funding for print media. They thought there was an urgent need for action to support the press, since falling revenue for print media was leading to the amalgamation of editorial teams and job cuts.

In view of the consultation results, the government decided not to introduce the original draft. Instead, on 28 August 2019, it adopted a package of measures that will simply amend existing laws. It thought measures to support the media that could be implemented efficiently and quickly were "sensible and necessary". The government will therefore submit its package of media support measures to the

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Swiss Parliament in the first half of 2020.

Under the amended RTVG, the government plans to support online media that offer paid content to the public to the tune of CHF 50 million per year in the medium term. Free online services will not be funded. The government wishes to support online content on account of the growing democratic importance of digital media, which are difficult to finance through subscription and advertising revenue. Financial support will be available to anyone who tries to promote the long-term financial sustainability of online journalistic services by selling digital media content. Contrary to the draft Electronic Media Act, support will be offered to services that do not form part of the public service. Beneficiaries will only need to meet general requirements such as a minimum proportion of editorial content, a continuous service and compliance with journalistic standards.

On the government's behalf, the Departement für Umwelt, Verkehr, Energie und Kommunikation (Department for the Environment, Transport, Energy and Communication – UVEK) will now examine whether state aid systems in similar countries could also work in Switzerland.

Communiqué de presse du Gouvernement suisse (Conseil fédéral) du 28 août 2019: « Le Conseil fédéral propose un paquet de mesures en faveur des médias »

https://www.bakom.admin.ch/bakom/fr/page-daccueil/l-ofcom/informations-de-l-ofcom/communiques-de-presse.msg-id-76208.html

Swiss government media release of 28 August 2019: "Federal council proposes package of measures to support the media"

Rapport du Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC) sur les résultats de la procédure de consultation sur l'avant-projet de loi fédérale sur les médias électroniques (LME)

https://www.bakom.admin.ch/bakom/fr/page-daccueil/l-ofcom/organisation/bases-legales/consultations/consultation-sur-la-nouvelle-loi-sur-les-medias-electroniques.html

Report of the Department for the Environment, Transport, Energy and Communication on the results of the consultation on the draft Electronic Media Act, August 2019

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