[CH] Swiss public vote to amend Federal Film Act

IRIS 2022-6:1/2

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With a 58.42% majority and a turnout of just over 40%, the Swiss electorate voted to amend the *Bundesgesetz über Filmproduktion und Filmkultur* (Federal Act on Film Production and Culture – FiG) in a referendum held on 15 May 2022. The amendment had previously been agreed by the Swiss legislative bodies, the *Nationalrat* (National Council) and the *Ständerat* (Council of States), in October 2021. The referendum had been instigated by opponents of the amendment, but their initiative failed when the majority of voters rejected their proposal that the amendment of the Act should be cancelled.

Under the FiG, Swiss television broadcasters are obliged to invest 4% of their turnover in Swiss film production in order to help safeguard the national film-making industry. However, there has so far been no such obligation for streaming services. According to the proposed amendment, which will go ahead following the referendum result, streaming services will also be required to invest 4% of the revenue they generate in Switzerland in Swiss film-making. They can either participate directly in Swiss film and series productions of their choice or pay a substitute levy that benefits Swiss film production. A quota rule will also be introduced, requiring streaming services to ensure that 30% of their content consists of films or series produced in Europe (but not necessarily Switzerland). The quota for streaming services will therefore be lower than that for television broadcasters, which will remain at 50%. The proposed measures are designed to reduce the unequal treatment of TV broadcasters and streaming services, strengthen Swiss film-making and contribute to the cultural diversity of digital services. Opponents of the amendment had claimed in particular that it could lead to a rise in the subscription costs for streaming services.

Although Switzerland is not a member of the European Union and therefore not required to implement the Audiovisual Media Services Directive (Directive 2010/13/EU – AVMSD), the proposed 30% quota replicates similar obligations for EU states enshrined in Article 13 AVMSD, as amended by Directive (EU) 2018/1808. The AVMSD also permits member states to require broadcasters to contribute financially to the production of European works, which is why Switzerland has created a similar rule. Most EU member states have introduced such obligations to invest in film production or pay corresponding levies in their national legislation.

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Ergebnisse des Referendums vom 15. Mai 2022, Bundesrat

https://www.admin.ch/gov/de/start/dokumentation/abstimmungen/20220515/aenderung-des-filmgesetzes.html

Results of the referendum of 15 May 2022, Federal Council

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