



Telecoms Newsletter Switzerland

Regulatory changes within the transmission of radio and television programs

Currently, the radio and television legal framework is undergoing a few changes, in particular concerning the transmission of radio and television programs. These changes are mainly due to the convergence of the telecommunication equipment: today, people increasingly watch television on mobile devices and listen to the radio through a free app or while playing games on their game-station connected to the internet, etc.

1. Must-carry rule

Analog broadcast of TV programs is being replaced by digital broadcast, in particular when TV programs are offered by cable network operators. This led the Federal Department of the Environment, Transport, Energy and Communications (DETEC) to soften the must-carry rule and cable network operators will be permitted to not transmit must-carry programs in analog format, provided access to the must-carry programs in digital form is free of charge, meaning that no additional subscription fee or the purchase or lease of a box or other device may be imposed on the consumer.

2. Coupled services

Coupled services are telecommunications services which constitute a functional unit with the program service or which are necessary for the use of the program service. In particular, program accessibility for people with disabilities is provided through such coupled services. With the proposed revision of the Radio and Television Ordinance, the obligation to provide program accessibility for people with disabilities has been explicitly introduced for must-carry programs. As an exception, radio and television services providers with operating expenses of less than CHF 1 million do not have to provide coupled services for persons with disabilities.

Together with the radio and television programs, telecommunication service providers have to transmit the following coupled services: text or image data,

different audio channels and electronic program guides.

DETEC will be entitled to set out technical regulations in this regard.

3. Reception fees

The current revision of the radio and television act foresees that the radio and television reception fee will be replaced by a device independent flat fee for each household and company. The amount of the flat fee and its distribution to the various radio and television operators is still under discussion.

In parallel to the revision in parliament, an initiative has been introduced, which aims at abolishing any reception fee. The outcome of the initiative is still open.

4. Registration obligation for service providers

As it is the case for the telecommunication service providers, radio and television operators have to register with the Federal Office of Communications (OFCOM). In order to lower the administrative burden, the revision of the ordinance now foresees that this obligation only applies to operators with operating expenses of less than CHF 1 million. The same reduction is currently in discussion with regard to the notification obligation of telecommunication service providers.

5. Conclusion

Although the outcome of the changes set out above are still open, all changes take the convergence of the networks into consideration and lower administrative burden.

The Swiss legislator must stay abreast of the fast changing technical environment and the nomadic use access to radio and television from mobile devices.



One may even ask the question, whether the must-carry rule is still adequate in the today's world, where the access to information, radio and television programs is not limited anymore to the programs delivered by the cable operator, but are available over the internet.

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