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Federal Act on Radio and Television (RTVA)

of 24 March 2006 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,

having regard to Articles 71, 92 and 93 of the Federal Constitution (FC)¹,
and having regard to the Federal Council Dispatch of 18 December 2002²,
decrees:

Title 1 Scope and Definitions

Art. 1 Scope

¹ This Act regulates the broadcasting, processing, transmission and reception of radio and television programme services. Unless this Act provides to the contrary, the transmission of programme services using telecommunications techniques is based on the Telecommunications Act of 30 April 1997³ (TCA).

² Programming of minor editorial importance does not fall under this Act. The Federal Council shall determine the criteria.

Art. 2 Definitions

In this Act:

- a. *programme service* means sequence of programmes which are offered continuously, defined in time and transmitted using telecommunications techniques and which are intended for the public;
- b. *programme* means part of a programme service which is self-contained in terms of form and content;
- c. *editorial programme* means a programme which is not advertising.

AS 2007 737

¹ SR 101

² BBI 2003 1569

³ SR 784.10

- ^c^{bis}.⁴ *editorial publication* means an editorial programme in a Swiss broadcaster's programme service or a contribution produced by the editorial staff as part of the other journalistic services of the Swiss Broadcasting Corporation (SRG SSR) (Art. 25 para. 3 let. b);
- d. *broadcaster* means the natural or legal person bearing responsibility for the creation of programmes or for the compilation thereof into a programme service;
- e. *Swiss programme service* means a programme service which is subject to Swiss sovereignty in accordance with the provisions of the European Convention on Transfrontier Television of 5 May 1989⁵; these provisions also apply, *mutatis mutandis*, to radio programme services;
- f. *transmission by means of telecommunications techniques* means the electrical, magnetic, optical or other electromagnetic sending or receiving of information by wire or radio (Art. 3 let. c TCA⁶);
- g. *broadcasting* means the transmission by means of telecommunications techniques and intended for the general public;
- h. *telecommunications service* means the transmission of information for third parties by means of telecommunications techniques (Art. 3 let. b TCA);
- i. *coupled service* means a telecommunications service which constitutes a functional unit with the programme service or which is necessary for the use of the programme service;
- j. *processing* means the operation of services or technical procedures for the transmission, bundling, encryption or marketing of programme services or for the selection thereof on reception equipment;
- k. *advertising* means any public statement in the programme service, the purpose of which is to promote the conclusion of transactions concerning goods or services, the support of a cause or idea, or the achievement of another effect desired by the advertiser or by the broadcaster and which is broadcast in return for payment or similar consideration or for self-promotion purposes;
- l. *offer for sale* means advertising which invites the public to directly conclude a transaction concerning the presented goods or services;
- m. *tele-shopping programme* means a programme which exclusively contains offers for sale and lasts for at least 15 minutes;
- n. *tele-shopping programme service* means a programme service which consists solely of offers for sale and other advertising;

⁴ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS 2016 2131; BBl 2013 4975).

⁵ SR 0.784.405

⁶ SR 784.10

- o. *sponsorship* means the participation of a natural or legal person in the direct or indirect financing of a programme, with a view to promoting their own name, their own trade mark or their own image.

p.⁷ *radio and television fee*: the fee in terms of Article 68 paragraph 1.

Title 2 Broadcasting of Swiss Programme Services

Chapter 1 General Provisions

Section 1 Obligation to Notify and to Obtain a Licence

Art. 3⁸

Any person wishing to broadcast a Swiss programme service must:

- a. notify this in advance to the Federal Office of Communications (OFCOM);
 or
- b. hold a licence in accordance with this Act.

Section 1a⁹ Independence from the State

Art. 3a

Radio and television are independent from the state.

Section 2 Content Principles

Art. 4 Minimum requirements for programme service content

¹ All radio or television programmes must respect fundamental rights. In particular, programmes must respect human dignity, must be neither discriminatory nor contribute to racial hatred, nor endanger public morals nor glorify or trivialise violence.

² Editorial programmes with information content must present facts and events fairly, so that the audience can form its own opinion. Personal views and commentaries must be identifiable as such.

³ The programmes must not jeopardise the internal or external security of the Confederation or cantons, their constitutional order or the observance of Switzerland's obligations under international law.

⁷ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS **2016** 2131; BBl **2013** 4975).

⁸ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS **2016** 2131; BBl **2013** 4975).

⁹ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS **2016** 2131; BBl **2013** 4975).

⁴ Licensed programme services must appropriately express the variety of events and opinions in the totality of their editorial programmes. If a coverage area is served by an adequate number of programme services, the licensing authority may release one or more broadcasters in the licence from the variety obligation.

Art. 5 Programmes unsuitable for young people

Through the choice of transmission time or other measures, broadcasters must ensure that minors are not confronted by programmes which jeopardise their physical, mental, moral or social development.

Art. 5a¹⁰ Minimum requirements for other journalistic services from SRG SSR

Contributions produced by the editorial staff as part of the other journalistic services from SRG SSR must comply with the programme service principles set out in Articles 4 and 5. The variety requirement (Art. 4 para. 4) applies only to dossiers related to elections and popular votes.

Art. 6 Autonomy¹¹

¹ Unless federal law provides otherwise, broadcasters are not bound by the instructions of federal, cantonal or communal authorities.

² In the design of their editorial publications and the advertising, in particular in the choice of themes, handling of content and representation, they are free and shall bear the responsibility therefor.¹²

³ No-one may demand that a broadcaster broadcast specific presentations and information.

Art. 7 Other requirements for programme services of television broadcasters¹³

¹ The Federal Council may require television broadcasters, within a framework of practical feasibility and with appropriate resources:

- a. to reserve a substantial proportion of the relevant broadcasting time for Swiss and other European works;
- b. to reserve an appropriate amount of broadcasting time or programme costs in their television programme services for the broadcasting of Swiss and European works by independent producers.

¹⁰ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS 2016 2131; BBl 2013 4975).

¹¹ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS 2016 2131; BBl 2013 4975).

¹² Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS 2016 2131; BBl 2013 4975).

¹³ Amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS 2016 2131; BBl 2013 4975).

² Television broadcasters with a national or regional-language programme service which broadcast films in their programme service must spend at least 4 per cent of their gross revenue on the purchase, production or co-production of Swiss films or pay a corresponding support fee not exceeding 4 per cent. This obligation also applies to broadcasters of a national or regional-language programme service window in a foreign television programme service which broadcasts films. However, it does not apply to the SRG SSR.¹⁴

³ Television broadcasters with a national or regional-language programme service must prepare an appropriate proportion of programmes in a form suitable for the hard of hearing and the visually impaired.

⁴ Licensed regional television broadcasters shall subtitle their main information programmes. The Federal Council shall determine the extent of this obligation. The cost of processing programmes for persons hard of hearing is funded in full from the radio and television fee (Art. 68a).¹⁵

Art. 8 Publication obligations

¹ SRG SSR and the broadcasters with a licence under Article 38 paragraph 1 letter a or Article 43 paragraph 1 letter a must:¹⁶

- a. insert in their programme services without delay urgent police messages which are indispensable to the maintenance of public order and safety or the safety of persons, as well as official alerts and instructions;
- b.¹⁷ inform the public of decisions of the Confederation which are published urgently under Article 7 paragraph 3 of the Publications Act of 18 June 2004¹⁸ (PublA) or by means of extraordinary publication under Article 7 paragraph 4 PublA.

² The authority requiring the broadcasts in accordance with paragraph 1 is responsible for them.

³ When necessary, the Federal Council shall extend the obligations in paragraph 1 letter a to telecommunications service providers which broadcast programme services.

⁴ It shall ensure that the population is assured of information by radio in crisis situations. The licensing authorities regulate the details in the licences of the SRG SSR and of the radio broadcasters mentioned in Articles 38-43.

¹⁴ Sentence amended by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS **2016** 2131; BBl **2013** 4975).

¹⁵ Inserted by No I of the Federal Act of 26 Sept. 2014, in force since 1 July 2016 (AS **2016** 2131; BBl **2013** 4975).

¹⁶ Amended by Annex No 6 of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

¹⁷ Amended by Annex No 6 of the Federal Act of 26 Sept. 2014, in force since 1 Jan. 2016 (AS **2015** 3977; BBl **2013** 7057).

¹⁸ SR **170.512**