

Licence for the SRG SSR idée suisse¹ (SRG licence)

of 28 November 2007 (status as of 1 June 2013)

The Swiss Federal Council,

having regard to Article 25 para. 1 of the Federal Act of 24 March 2006² on Radio and Television (RTVA)

and in implementation of the Radio and Television Ordinance of 9 March 2007³ (RTVO),

grants the SRG SSR idée suisse (SRG) the following licence:

Section 1: General

Art. 1 Licensee and object

The SRG broadcasts radio and television programme services in accordance with the provisions of the RTVA, the RTVO and this licence and provides other services in its other editorial offerings.

Art. 2 Programme mandate

¹ The SRG fulfils its programme mandate primarily through the entirety of its radio and television programme services; the programme services are provided equally in all official languages.

² In its programme services it promotes understanding, cohesion and exchange between the parts of the country, linguistic communities, cultures, religions and social groupings. It promotes the integration of foreigners in Switzerland, promotes closer links between Swiss citizens living abroad and their home country and promotes Switzerland and the understanding of its concerns abroad. It takes into account the particularities of the country and the needs of the cantons.

³ Within the prescribed programming and financial framework, the SRG takes into account the different concerns and interests of the public.

⁴ The SRG contributes to:

- a) free opinion-forming of the public through comprehensive, diverse and appropriate information, in particular about political, economic and social contexts;

¹ FG 2007 8557, 2008 5779, 2009 4811 6829, 2010 7913; 2011 7967; 2011 7969; 2012 9073; BRB of 1 May 2013, entry into force on 1 June 2013/1 September 2013

² CC 784.40

³ CC 784.401

- b) cultural development and strengthening of the cultural values of the country, as well as the promotion of Swiss culture with particular consideration of Swiss literature as well as Swiss music and film-making, notably through the broadcasting of independent Swiss productions and broadcasts produced in house;
- c) education of the public, particularly through the regular broadcasting of programmes with educational content;
- d) entertainment.

⁵ In important information broadcasts of interest beyond the language and national frontier, the default language shall generally be used.

⁶ The SRG provides its services in particular through:

- a) a high proportion of diverse and innovative in-house productions that make a contribution to the Swiss identity;
- b) close cooperation with the Swiss film industry;
- c) granting an appropriate share of contracts to the independent Swiss audio-visual industry;
- d) the broadcasting of Swiss and European works that have been produced by independent producers;
- e) close cooperation with the Swiss music industry;
- f) appropriate consideration of Swiss literature and literary events;
- g) an appropriate proportion of programmes for hearing and visually impaired people.

Art. 3 Programme quality

¹ The SRG's programme-making must meet high qualitative and ethical requirements. The individual programme areas are based on the programme service mandate and are characterised by credibility, accountability, relevance and editorial professionalism. The SRG ensures the distinctiveness of its programme services and differentiates itself in this way from commercially oriented broadcasters.

² The SRG aims for a high level of acceptance among the various target audiences. It does not measure acceptance primarily by market shares.

³ In relation to the implementation of the provisions referred to in paras. 1 and 2 it defines substantive and formal quality standards. It publishes these standards, conducts regular internal quality control and informs the public of the results.

Section 2: Programme services and transmissions

Art. 4 Radio programme services

¹ For the German-, French- and Italian-speaking regions, the SRG broadcasts three programme services respectively, which comply in their entirety with the fundamen-

tal parts of the programme service mandate. The programme services are broadcast as follows:

- a) in the respective linguistic regions on FM;
- b) at least in the respective linguistic regions via T-DAB (Terrestrial – Digital Audio Broadcasting)⁴;
- c) via satellite;
- d) the respective first programme services throughout Switzerland via T-DAB and extensively via FM;
- e) *repealed*⁵.

² In the first programme service of the linguistic regions, time-limited regional information transmissions (regional journals) may also be broadcast, with the approval of DETEC. Sponsorship is prohibited in the regional journals. They are broadcast as follows⁶:

- a) in the respective regions on FM;
- b) at least in the respective regions on T-DAB.

³ The SRG broadcasts a Rhaeto-Romance programme service. This is broadcast as follows:

- a) in the canton of Grisons on FM;
- b) throughout Switzerland on T-DAB.
- c) via satellite.

⁴ It broadcasts one of the programme services respectively for the German- and French-speaking regions referred to in para. 1 in a modified form. These modified programme services include at least the current information services of the basic programme service in identical form and are broadcast as follows:

- a) *repealed*⁷;
- b) at least in the respective linguistic regions on T-DAB.
- c) via satellite;
- d) the French-speaking programme service in Geneva and the Lower Valais on FM.

⁵ It broadcasts a youth programme service for German-speaking Switzerland. This is broadcast as follows:

- a) at least in German-speaking Switzerland on T-DAB⁸;
- b) via satellite.

⁴ FG **2009** 6829

⁵ FG **2008** 5779

⁶ FG **2012** 9073

⁷ FG **2010** 7913

⁸ FG **2009** 6829

6 In the areas of classical music, jazz and pop it broadcasts one music programme service respectively. The music and event information may be adapted for the German-, French- and Italian-speaking regions. The programme services are broadcast as follows:

- a) throughout Switzerland on T-DAB.
- b) via satellite.

7 It broadcasts a German-language information programme service. This is broadcast as follows:

- a) at least in German-speaking Switzerland on T-DAB⁹;
- b) via satellite.

8 It broadcasts a national English-language programme service for the English-speaking population in Switzerland¹⁰. This is broadcast as follows:

- a) throughout Switzerland on T-DAB.
- b) in the Geneva region on FM.
- c) via satellite.

Art. 5 Television programme services

¹ The SRG broadcasts two programme services respectively for the German-, French- and Italian-speaking regions. These are broadcast as follows:

- a) *repealed*¹¹;
- b) in the respective linguistic regions via DVB-T (Digital Video Broadcasting – Terrestrial);
- c) via satellite (usually encrypted);
- d) one programme respectively throughout Switzerland via DVB-T.

² It may broadcast a German-language information programme service that consists of information broadcasts and contributions that have previously been broadcast in the programme services referred to in para. 1¹². It may also broadcast original transmissions on events of national importance, provided that these programmes are limited in time and cannot be broadcast in the programme services referred to in para. 1 for capacity reasons, or owing to a clash with the regular children's and young people's broadcasts¹³. Such broadcasts must be notified to the Federal Office of Communications (OFCOM) at least one month in advance. In the case of unforeseeable extraordinary events, the notification may also take place later or after the fact. The programme service is broadcast as follows:

- a) usually unencrypted via satellite;

⁹ FG 2009 6829

¹⁰ Paragraph 8 repealed as of 1 September 2013; BRB of 1 May 2013

¹¹ FG 2010 7913

¹² FG 2011 7967

¹³ FG 2010 7913

b) if possible via DVB-T¹⁴.

³ The SRG may broadcast one German-, French- and Italian-language programme service respectively with constantly updated information and programme announcements without advertising or sponsorship on the internet.

⁴ *repealed*¹⁵

⁵ The SRG also broadcasts Rhaeto-Romance transmissions in the programme services referred to in para. 1.

Art. 6 Short-term events and technology trials

With the approval of OFCOM, the SRG may broadcast events the duration of which is not more than 30 days within one year, and temporary trials with new technologies. The number of short-term events is limited to 16 approvals per year¹⁶.

Section 3: Broadcasting

Art. 7 Wireless terrestrial broadcasting

OFCOM regulates the wireless terrestrial broadcasting of radio and television programme services.

Art. 8 Broadcasting by wire

¹ The SRG has the following entitlement to the broadcasting of its programme services by wire in accordance with Article 59 para. 1 let. a RTVA:

- a) national broadcasting: radio programme services referred to in Article 4 paras. 1, 3 and 8, as well as the television programme services referred to in Article 5 para. 1;
- b) language-regional broadcasting: radio programmes referred to in Article 4, paras. 5 and 7, as well as the television programme services referred to in Article 5 para. 2 in German-speaking Switzerland.
- c) regional broadcasting: regional journals according to Article 4 para. 2 in the respective regions.

² DETEC may waive the obligation for the analogue broadcasting of the television programme services in accordance with para. 1 let. a and b in conjunction with Article 5 paras. 1 and 2, provided these are broadcast digitally and can be received digitally by the majority of the public. It may do this for all or some programme services as well as for the entire country or for specific regions¹⁷.

¹⁴ FG **2008** 5779

¹⁵ BRB of 1 May 2013; entry into force on 1 June 2013

¹⁶ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013

¹⁷ FG **2012** 9073

Art. 9 Broadcasting on the internet

1 The SRG may broadcast programme services referred to in Articles 4 and 5 wholly or in part on the internet (streaming).

^{1bis} It may transmit original broadcasts concerning political, economic, cultural and sporting events of regional language or national significance on the internet¹⁸.

2 Other original broadcasts must be notified to OFCOM at least one month in advance¹⁹. In the case of unforeseeable extraordinary events, the notification may also take place later or after the fact. The conditions laid down in Article 5 para. 2 apply *mutatis mutandis*.

Art. 10 Access to broadcast transmissions

1 The SRG may make transmissions available on the internet free of charge for five days after broadcast.

2 For transmissions which are additionally made accessible via the archive or on data media, it may demand contributions to cover its costs for non-commercial use and market prices for commercial use²⁰.

3 The SRG may offer at market prices and as an on-demand service film productions produced under its agreement with the Swiss film industry in accordance with Article 2 para. 6 let. b and broadcast as part of its own programme services. The revenue is used for productions within the framework of this agreement.

Art. 11 Services in special and extraordinary situations

1 The SRG takes the necessary organisational and technical measures so that it can fulfil its performance mandate for radio as far as possible even in crisis situations.

2 The details of this obligation, the cooperation with the competent federal authorities and the other radio broadcasters as well as any compensation by the Confederation are regulated in a service agreement with the Federal Chancellery.

Section 4: Other editorial offerings

Art. 12 Principle

1 Other editorial offerings within the meaning of Article 25 para. 3 let. b RTVA include the online offerings referred to in Article 13, teletext, programme-related information, the editorial offering for foreign countries within the meaning of Article 28 para. 1 of the RTVA and accompanying materials relating to individual transmissions.

¹⁸ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013

¹⁹ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013

²⁰ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013

2 The substantive principles referred to in Articles 4–6 RTVA and the quality provision in Article 3 of this licence shall apply *mutatis mutandis* to the other editorial offerings.

Art. 13²¹ Online offerings

1 The emphasis of the online offerings is on audio content and audio-visual content.

2 Online content pertaining to broadcasts shall have a direct chronological and thematic relationship to editorially prepared transmissions or parts of transmissions. Textual contributions shall contain information on the broadcast to which they relate.

3 In the case of online content with no relation to broadcasts, textual contributions in the areas of news, sport and regional/local affairs are limited to a maximum of 1000 characters.

4 75 percent of textual contributions which are not older than 30 days shall be associated with audio content or audiovisual content.

5 Games and public forums shall be offered only if they have a direct chronological and thematic relationship to a broadcast. Market places shall not be offered.

6 Links to third-party online offerings are provided solely in accordance with editorial criteria and shall not be commercialised.

7 In the on-line offerings, self-advertising is permitted if it predominantly fosters audience loyalty. The naming of editorial partners or partners in co-productions is not considered to be sponsorship. Independent offerings which convey basic knowledge and which relate chronologically and thematically to an educational broadcast may be sponsored and may contain advertising if they are produced in cooperation with non-profit oriented third parties; the advertising and sponsorship provisions of the RTVA and RTVO apply *mutatis mutandis*.

Art. 14 Editorial offerings for foreign countries

The SRG provides an editorial offering for foreign countries. This consists of a multilingual online service and international cooperation in relation to television. The details are subject to the service agreement of 16 May 2012²² between the Confederation and the SRG²³.

²¹ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013
²² FG 2012 9073

²³ The text of the service agreement is available at the following internet address:
www.bakom.admin.ch > Topics > Radio & television > Info about broadcasters > SRG SSR

Section 5: Production and cooperation

Art. 15 Programme production

The programme services referred to in Articles 4 and 5 are produced mainly in the linguistic regions for which they are intended.

Art. 16 Cooperation with the Swiss film industry

The SRG regulates cooperation with the Swiss film industry referred to in Article 2 para. 6 let. b in an agreement. If no agreement is reached, DETEC may, after consultation with the Federal Office of Culture, adopt guidelines (including quotas) regarding the provision for, and support of, the Swiss film industry by the SRG.

Art. 17 Cooperation with the audio-visual industry

The SRG regulates the principles of cooperation with independent members of the Swiss audio-visual industry referred to in Article 2 para. 6 let. c in an agreement. If no agreement is reached, DETEC may adopt guidelines.

Art. 18 Cooperation with the Swiss music industry

The SRG regulates cooperation with the Swiss music industry referred to in Article 2 para. 6 let. e in an agreement. If no agreement is reached, DETEC may adopt guidelines (including quotas) regarding the provision for, and promotion of, Swiss music by the SRG.

Art. 19 Cooperation with Swiss broadcasters

The SRG attempts to continue cooperation with other Swiss broadcasters on its channels, if the diversity of offerings in the meaning of Article 3 RTVA can be extended and if no additional costs are incurred by it.

Art. 20 Cooperation with national media archives

The SRG cooperates with the national media archives to collect, register and conserve the recordings of its programme services and helps to make them available to the public for later use.

Art. 21 International programme cooperation

The SRG may enter into programme-related cooperation with international programme broadcasters within its financial possibilities.

Section 6: Organisation

Art. 22 Regional Associations

The SRG as a national broadcasting company comprises four Regional Associations:

- a) Radio- und Fernsehgesellschaft der deutschen und der rätoromanischen Schweiz;
- b) Société de Radio Télévision Suisse Romande;
- c) società cooperativa per la radiotelevisione svizzera di lingua italiana;
- d) SRG SSR Svizra Rumantscha.

Art. 23 Bodies

¹ The Assembly of Delegates is the supreme body of the SRG.

² The Board of Directors is responsible for the management and supervision of the SRG and for determining the corporate strategy. It is responsible to the licensing authority for the achievement of the performance targets under statutory and licensing law.

³ The Board of Directors transfers the management of the SRG and responsibility for the programme services to the Director General in accordance with the rules of the Enterprise.

Art. 24 Composition of the Board of Directors

¹ The Board of Directors consists of nine members. These have those skills and competencies which ensure an independent decision-making process of the Enterprise in the critical exchange of ideas with the corporate management.

² The Delegates Meeting elects three members²⁴. It ensures that the linguistic regions are adequately represented.

³ The Federal Council elects two members.

⁴ *repealed*²⁵.

⁵ As a rule, the Director General participates in the meetings of the Board of Directors with the right of petition and a consultative vote.

⁶ *repealed*²⁶.

Art. 25 Key leadership areas

¹ The SRG is organised in such a way that common solutions can be found and the greatest possible synergies realised in the key leadership areas such as finance and management accounting, technology and IT, and human resources.

²⁴ FG **2009** 4811

²⁵ FG **2009** 4811

²⁶ FG **2011** 7967

² Major investments at national and regional level are coordinated by the Board of Directors.

Art. 26 Statutes and Organisational Regulations

¹ The Statutes are approved by DETEC.

² The SRG issues Organisational Regulations that lay down the tasks and responsibilities of its bodies.

Art. 27 Executive salaries

Within the SRG and the companies controlled by it, Article 6, let. a paras. 1–5 of the Federal Personnel Act of 24 March 2000²⁷ shall apply *mutatis mutandis* to the members of the governing bodies, to the members of the executive management and to personnel who are similarly remunerated.

Section 7: Supervision

Art. 28 Reporting

¹ The annual reporting obligation is in accordance with Article 27 RTVO.

² The SRG annual report also includes information on compliance with the quality standards referred to in Article 3.

³ The consolidated accounts and the annual accounts of the SRG and the companies controlled by it are brought to the attention of DETEC by the end of April of the following year at the latest.

⁴ The budget and the financial planning of the SRG and the companies controlled by it are brought to the attention of DETEC by the end of January of the current financial year.

Art. 29 Financial supervision

¹ The SRG grants the regulatory authority the right to inspect the cost and results accounting and the internal control system.

² The supervisory authority may bring to the attention of the public the results of performance audits, subject to the commercial confidentiality of the SRG.

³ No more than every four years, the SRG may plead new financial needs and request from the Federal Council an adjustment of the level of the licence fee. Extraordinary circumstances may apply.

²⁷ CC 172.220.1

Art. 30 Programme supervision

The SRG provides a transcript of the offending broadcast to the independent complaints authority for radio and television at its request, in addition to the recordings, materials and documents.

Section 8: Amendment

Art. 31 Amendment to the licence

¹ DETEC may, if the factual or statutory circumstances have changed and the amendment is necessary to safeguard important public interests, amend individual provisions of the licence before the expiry of its term, after consulting the SRG. Such amendments enter into force six months after notification to the SRG at the earliest. Appropriate compensation is granted to the SRG.

² Amendments to the licence that have become necessary as a result of the adaptation of Swiss legislation to international law do not confer upon the SRG any entitlement to compensation.

Section 9: Final Provisions

Art. 32 Cancellation of existing licences

The following are cancelled upon entry into force of this licence

- a) the SRG SSR licence of 18 November 1992²⁸;
- b) the swissinfo/SRI licence of 14 June 1993²⁹;
- c) the teletext licence of 17 November 1993³⁰.

Art. 33³¹ Transitional provisions

repealed

Art. 34 Entry into force and term

¹ This licence shall, subject to para. 2, enter into force on 1 January 2008 and shall be valid until 31 December 2017.

² *repealed*³².

²⁸ FG 1992 VI 567

²⁹ FG 1993 II 1062

³⁰ FG 1993 IV 392

³¹ Amended in accordance with BRB of 1 May 2013; entry into force on 1 June 2013

³² FG 2010 7913

On behalf of the Swiss Federal Council
The President of the Confederation: Mich-
eline Calmy-Rey
the Federal Chancellor: Annemarie Huber-
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