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Sweden – Radio and TV Act



Full title:	Swedish Radio and TV Act (2010:696) Issued on 17/06/2010. Entered into force on 1 st August 2010. Amended by Act 2012:702 and Act 2013:1056.
Title of relevant section:	Chapter 1 – Content and Scope; Chapter 3 – Definitions; Chapter 6 – Product Placement; Chapter 7 – Sponsorship; Chapter 8 – Commercial advertising and other advertising etc; Chapter 15 – Radio: Commercial advertising, other advertising and sponsorship

Chapter 1**CONTENT AND SCOPE*****Implementation of the AVMS Directive*****Section 2**

This Act implements in part Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), amended through Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007, and hereinafter called "the AV Directive"

Television broadcasts and on-demand TV**Section 3.**

This Act applies to television broadcasts and on-demand TV that can be received in any State to which European Economic Area Treaty shall apply (EEA State), if the media service provider

1. is established in Sweden in accordance with the definition set out in Article 2.3 of the AV Directive,
2. does not fulfil the criterion in 1, or is established in any other EEA State, but utilises a satellite up-link situated in Sweden,
3. does not fulfil any of the criteria in 1 or 2 but utilises satellite capacity appertaining to Sweden, or
4. does not fulfil any of the criteria in 1, 2 or 3, but is established in Sweden, according to the Articles 49-54 of the Treaty on the Functioning of the European Union.

Notwithstanding the provisions of the first paragraph, Chapter 2 section 3, Chapter 4 sections 1- 7, section 9 indents 1-3, 6-9 and 16, and sections 11-17, as well as the provisions of Chapters 16-20 shall apply even to a party under another EEA State's jurisdiction pursuant to the AV Directive.¹

¹ Amendment from (SFS 2012: 702) – change ss 11-14 to 11-17

Section 4.

For transmissions by cable to 100 households or fewer, only Chapter 9 sections 1-4 s and Fundamental Law of Freedom of Expression Chapter 1 sections 2 and 3 will apply.

Radio broadcasts by satellite**Section 5.**

This Act applies to broadcasts of sound radio² by satellite that can be received in Sweden if the natural or legal person conducting broadcasting operations has a registered address in Sweden or the transmission to the satellite is from a transmitter in Sweden.

Chapter 3**DEFINITIONS**

1. Advertisements (more Public Announcements): publicity and other messages that while not advertising spots, are broadcast by another party, and are intended to promote a cause or idea;

2. Advertising with split screen: broadcast of an advertisement at the same time as another broadcast;

3. On-demand TV: a service whereby a media service provider provides the public with TV programmes with the help of electronic communications networks, for information, entertainment or educational purposes:

A) upon the request of the user,

B) at a time chosen by the user, and

C) from a catalogue of programmes that the provider has chosen;

4. Teleshopping programmes: programmes where a recipient of the programme is offered an opportunity to order goods and services;

6. Media service provider: a natural or legal person who:

A) has editorial responsibility for the choice of content in a radio or TV broadcast, on-demand TV or Teletext, and

B) determines how the content is to be structured;

7. Radio broadcast: a broadcast of a radio programme with the help of electronic communications networks, which:

A) a media services provider provides,

B) is directed to the public, and

C) is intended to be received using technical equipment;

10. Product placement: the presence in a programme of a product, a service or a trade mark, if this is done for a marketing purpose and in return for payment or for similar consideration to the media service provider, unless the good or service is of little value and has been provided free of charge;

13. Advertisement: every form of message

A) broadcast either in return for payment for similar consideration, or as an advertisement for the broadcaster itself, and

B) intended as part of business activity to market products, services, real estate, positions available or other useful items;

14. Sponsorship: any contribution that a party who is not engaged in supplying or producing radio, TV broadcasts, on-demand TV or Teletext makes in order to finance these media services or programmes with the intent of promoting the name, trade mark, reputation, business, product or interest of the contributor;

² Amendment from (SFS 2012: 702) – change from radio programmes to sound radio/ radio

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16. Teletext: a broadcast via electronic communications network that consists mostly of text, graphics or stills, with or without sound, which

- A) a provider of media services supplies,
- B) is directed to the public,
- C) is intended to be received using technical aids, and
- D) allows the user to choose what part of the content he or she would like to access and the point in time when this should take place;

17. TV programme: A programme that mainly consists of moving pictures with or without sound;

18. TV broadcast: a broadcast of, or to broadcast TV programmes with the help of, an electronic communications network, in which the broadcast

- A) is provided by a media services provider,
- B) is directed to the public, and
- C) is intended to be received using technical aids;

19. Virtual advertising: broadcast of messages that are placed electronically in a TV picture on fixed objects, which normally is used for advertising, or for marks on which advertising can be physically placed.

Chapter 6

PRODUCT PLACEMENT

Prohibition to broadcast programmes that include product placement

Section 1.

No product placement should be present in TV or in programmes in on-demand TV, unless otherwise provided in section 2.

Section 2.

Media service providers may broadcast films, TV series, sport programmes and light entertainment programmes with product placement, subject to the conditions set out in sections 3 and 4.

The first paragraph, however, does not apply to programmes directed to children below the age of twelve years, nor to any programmes where there is product placement of:

1. alcoholic beverages and tobacco products,
2. other products from companies whose principal activity is the manufacture or sale of alcoholic beverages and tobacco products, or
3. prescription medicinal products and medical treatments that are only available by prescription.
4. Infant formula³

Requirements regarding programmes where there is product placement

Section 3.

Programmes with product placement may only be broadcast if the programmes do not improperly promote commercial interests according to Chapter 5, section 5⁴.

³ Point 4 – added by amendment from *The Act (2013: 1056)*

⁴ Section 5, Chapter 5: Programmes that are not commercial advertising may not improperly promote commercial interests. This means that programmes may not:

1. promote purchases or rental of goods or services, or contain sales-promotional features, or
2. promote a product or service in an improper manner

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Information about product placement**Section 4.**

When product placement is present in a programme, information regarding this should be communicated at the beginning and at the end of the programme, as well as when the programme begins again after an interruption for advertising.

The information should consist only of a neutral notification that there is product placement and of the goods or services that have been placed in the programme.

Chapter 7**SPONSORSHIP****Programmes that may not be sponsored****Section 1.**

Programmes in television broadcasts, Teletext or in on-demand TV that mainly concern the news or contain news commentary may not be sponsored.

Who may not sponsor programmes**Section 2.**

Programmes in television broadcasts, Teletext or in on-demand TV may not be sponsored by any party whose principal activity is the manufacture or sale of alcoholic beverages or tobacco products.

Restrictions for companies that manufacture or sell infant formula**Section 2a.**

If a company that manufactures or sells infant formula is sponsoring a programme in a television broadcast, searchable teletext or on-demand television, the sponsorship must not promote the use of infant formulas, but only the company's other products and its reputation.⁵

Limitations for pharmaceutical companies**Section 3.**

If a pharmaceuticals company sponsors a programme in a TV broadcast, Teletext or on-demand TV, the sponsorship may only promote the name or reputation of the company, but not prescription medicinal products and medical treatments that are only available by prescription

When sponsorship messages should be communicated**Section 4.**

When a provider of media services provides a sponsored programme in a TV broadcast or in on-demand TV, the provider must indicate who has contributed to the financing. Such a message should be communicated at the beginning and at the end of the programme or at one of these times.

In the case of Teletext, this notification should be communicated on an ongoing basis.

If only a clearly delineated portion of a programme is sponsored, the sponsorship message should be communicated at the beginning or at the end of that portion. Such a message, however, requires that the integrity and value of the programme, or the rights of the holders of rights have not been violated.

When sponsorship messages may be communicated**Section 5.**

In addition to what is provided in section 4, sponsorship messages may be communicated in TV broadcasts:

⁵ Section added by: *The Act (2013: 1056)*

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1. at the beginning and at the end of a programme, if a message has been communicated according to section 4 paragraph 3,
 2. in sport programmes with extended breaks and in programmes that render performances or events, in the breaks for the public,
 3. in connection with the broadcast changing from one programme service to another,
 4. upon switching between studio broadcasts and other broadcasts, and
 5. in connection with commercial breaks.

The first paragraph applies only if the sponsorship message can be communicated in such a manner so as not to violate the integrity and value of the programme, or the rights of the holders of rights.

Section 6.

In addition to what is provided in section 4, sponsorship messages may be communicated via on-demand TV if this can be done without violating the integrity and value of the programme, or the rights of the holders of rights.

How a sponsorship message should be designed

Section 7.

A sponsorship message in television broadcasts, Teletext or on-demand TV should contain the name, logotype or other mark of the sponsor. The message may not contain sales promotion features.

Sponsorship message on a split screen

Section 8.

A sponsorship message may be communicated on a split screen in those cases mentioned in sections 4-6, if this can be done without violating the integrity and value of the programme, or the rights of the holders of rights.

Chapter 8

COMMERCIAL ADVERTISING AND OTHER ADVERTISING

Advertising time for television broadcasts

Section 1.

Advertisements may be broadcast on TV for not more than twelve minutes per hour between each full hour.

Notwithstanding the provisions of the first paragraph, media services that are meant solely for teleshopping programmes may be broadcast on TV provided that broadcast times are at least fifteen minutes.

Section 2.

The total time of a commercial break on television on any given occasion may not be less than one minute after deducting the broadcast time for the advertising indication according to section 5.

The first paragraph does not apply to television broadcasts of live sporting events.⁶

Programmes that may not be interrupted for advertising

Section 3.

TV broadcasts that contain religious services or programmes primarily aimed at children below 12 years of age may not be interrupted by advertising

⁶ From amendment – Act (2012: 702) also: Government report 2012/13:KU6 (relating to government bill 2011/12:151) invoked amendments which came into force in Jan 2013 – ad breaks less than 1 minute are permitted for live sport events.

In on-demand TV, programmes primarily aimed at children below the age of 12 may not be interrupted by advertising.

When programmes may be interrupted for advertising

Section 4.

Programmes in television broadcasts other than those indicated in the first paragraph of section 3 may be interrupted only if the interruption, considering the natural breaks in the programme and the length and nature of the programme, does not affect the integrity and value of the programme, or violate the rights of the holders of rights.

Broadcasts of news programmes, feature films, and films produced for TV, except for TV series and documentaries, may be interrupted by advertising once in every scheduled period of at least thirty minutes, provided the requirements of the first paragraph are satisfied.

Advertising indication

Section 5.

Before and after every instance of advertising in television broadcasts and via on-demand TV, there should be a special indication that clearly differentiates the advertising from the rest of the content. This indication should consist of both an audio and visual component. In Teletext, teleshopping programmes and in split-screen advertising, the symbol should always be visible. However, only the visual component is required.

Concerning the television broadcasts for which the Government grants licences, the Government may grant exemptions from the obligation according to the first paragraph and the minimum advertisement requirements pursuant to section 2. This exemption may also be granted by the Broadcasting Authority regarding broadcasts of programmes for which that Authority grants licences.

The provisions regarding the identification of commercial advertising can be found in section 9 of the Marketing Practices Act (2008:486).

Information regarding on whose behalf an advertisement has been supplied

Section 6.

In the case of an advertisement that is not commercial advertising, and appears on a TV broadcast, Teletext or on-demand TV, the identity of the person in whose interest this is done should be stated.

Commercial advertising and children

Section 7.

Commercial advertising in television broadcasts, Teletext and on-demand TV may not be designed to attract the attention of children less than 12 years of age.

Commercial advertising in television broadcasts and on-demand TV may not appear immediately before or after a programme or part of a programme that is primarily directed to children below 12 years of age.

Section 8.

Individuals or characters who play a prominent role in programmes that are primarily aimed at children below the age of 12 years may not appear in commercial advertising on television broadcasts, Teletext and on-demand TV.

Persons who may not appear in advertising

Section 9.

Individuals who play a prominent role in programmes in television broadcasts, Teletext and on-demand TV programmes that primarily involve news or news commentaries may not appear in advertising.

Split-screen advertising**Section 10.**

Split-screen advertising may appear in TV broadcasts that consist of live events continuing without interruption. Advertising in the form of split-screen self-advertising may also appear in other types of television broadcasts.

Split-screen advertising may appear in on-demand TV.

Split-screen advertising may not appear if it violates the integrity and value of the programme, or the rights of the holders of rights.

The first paragraph also applies to the retransmission of an unchanged TV programme.

Virtual advertising**Section 11.**

Virtual advertising may appear in sport events in television broadcasts and on-demand TV if the advertising is not

1. more prominent than the advertising that normally appears at the place, or otherwise is disturbs the opportunities to understand the programme, or
2. violative of the integrity and value of the programme, or the rights of the holders of rights.

Before and after each programme that contains virtual advertising, the provider of media services should communicated in a suitable manner that this type of advertising is present.

This information should consist only of a neutral communication that the programme contains virtual advertising.

The provisions of sections 7-9 shall be applied to virtual advertising.

Electronic company signs**Section 12.**

In sport and competition programmes in television broadcasts and on-demand TV, the name or logotype of the company or companies that supplied necessary equipment or services that were required in order to produce information about the results, score or other similar matters can be included in the TV picture electronically provided the following conditions are satisfied:

1. The company name or logotype is shown in connection with the delivery of the information that the company in question supplied.
2. The broadcaster or provider of on-demand TV may not receive any consideration for showing this.
3. The company name or logotype should not be combined with audio, and should only take up a small part of the picture.
4. The company name or logotype should be shown to a reasonable extent.

Commercial advertising for alcohol and tobacco**Section 13.**

The provisions prohibiting commercial advertising for alcoholic beverages and tobacco products are found in Chapter 7. 3 § Alcohol Act (2010:1622) and in 14 § Tobacco Act (1993:581). *Act (2010:1635)*

Commercial advertising for medicinal products and medical treatment**Section 14.**

Commercial advertising for medical treatment available only on prescription should not appear in television broadcasts, Teletext and on-demand TV.

Teleshopping programmes for medicinal products and medical treatment should not appear in television broadcasts, Teletext and on-demand TV.

Provisions prohibiting certain types of marketing of medicinal products can be found in the Medicinal Products Act (1992:859). The Medicinal Products Act provides that its provisions are under the supervision of the Medical Products Agency.

Prohibition for commercial advertising by local cable broadcast organisations

Section 15.

No local cable organisation may broadcast any commercial advertising

Exception for provider's self-advertising

Section 16.

The provisions of sections 1, 2, 5, 7-9 and 15 sections do not apply to advertising that a media services provider for its own programmes.

Chapter 15

COMMERCIAL ADVERTISING, OTHER ADVERTISEMENTS AND SPONSORSHIP

Advertising signals

Section 1.

Before and after every instance of radio broadcasting of advertising, there should be a special signal that clearly differentiates the advertising from the rest of the broadcast.

The Government may grant exemptions from this obligation with respect to broadcasts to which the Government has granted a licence.

The provisions regarding the identification of commercial advertising can be found in section 9 of the Marketing Practices Act (2008:486).

Advertisement time for radio broadcasts

Section 2.

Advertising in a radio broadcast may be broadcast no more than twelve minutes per hour between each full hour. If the broadcast time does not extend to one hour between full hours, advertising may be broadcast during up to fifteen per cent of each broadcast hour.

Information regarding on whose behalf an advertisement has been provided

Section 3.

In the case of an advertisement that is not commercial advertising, and appears in a radio broadcast, it should be made clear as to in whose interests this is being done.

Persons who may not appear in advertising

Section 4.

Individuals who play a prominent role in radio broadcasts that primarily involve news or news commentaries may not appear in advertising.

Commercial advertising for alcohol and tobacco

Section 5.

The provisions prohibiting commercial advertising for alcoholic beverages and tobacco products are found in Chapter 4 of the Alcohol Act (1994:1738) and in section 14 of the Tobacco Act (1993:581).

Advertising of infant formulas

Section 5a.

The provisions prohibiting the advertising of infant formula are contained in the Law (2013:1056) on the marketing of infant formulas and follow-on formulas.⁷

⁷ Inserted by Law 2013:1056

Commercial advertising for medicinal products**Section 6.**

Prohibitions against certain types of marketing of medicinal products can be found in the Medicinal Products Act (1992:859). The Medicinal Products Act provides that its provisions are under the supervision of the Medical Products Agency.

Exception for provider's self-advertising**Section 7.**

The provisions of this chapter do not apply to commercial advertising that a provider of media broadcasts advertising for its own programmes.

Programmes that may not be sponsored**Section 8.**

Radio programmes that mainly concern the news or contain news commentary may not be sponsored.

Persons not allowed to sponsor programmes**Section 9.**

Radio programmes may not be sponsored by any party whose principal activity is the manufacture or sale of alcoholic beverages and tobacco products.

Sponsorship of infant formula**Section 9a.**

If a company that manufactures or sells infant formula is sponsoring a programme in a radio broadcasting, the sponsorship must not promote the use of infant formulas, but only the company's other products and its reputation.⁸

When sponsorship messages must be communicated**Section 10.**

A media services provider of a sponsored radio programme is required to indicate who has contributed to the financing. Such a message should be communicated in an appropriate manner at the beginning and at the end of the programme or at one of these times.

The sponsorship message should not contain sales-promoting features.

⁸ Provision inserted by Act 2013:1056

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