



St. Gallen, 9 April 2021

## **Press Release**

**regarding judgment A-2899/2019 of 30 March 2021**

### **DAB+ licence for French-speaking Switzerland**

**The Federal Administrative Court has upheld the decision of the Federal Communications Commission and approved the award of an additional DAB+ licence for French-speaking Switzerland to DABCOM SA. The bid submitted by DABCOM SA obtained the highest score in terms of media diversity and economic efficiency.**

DAB+ (Digital Audio Broadcasting) is a digital radio broadcasting technology. The Swiss television and radio broadcasting corporation (SRG SSR) operates a platform in each of the country's four language regions. Moreover, networks of transmitters for private radio programmes exist in German-speaking Switzerland (SwissMediaCast) and in French-speaking Switzerland (Romandie Médias SA). Furthermore, Digris SA broadcasts non-commercial radio programmes in all larger Swiss conurbations on ultra short waves (FM) and on internet in DAB+. DAB+ is designed to replace FM broadcasting by 2024 at the latest.

#### **A new DAB+ platform**

Following a clarification of interest in additional DAB+ platforms carried out by the Federal Office of Communications in 2016, the Federal Communications Commission (ComCom) launched an invitation to tender in May 2018 for a licence to operate a new DAB+ platform in French-speaking Switzerland. Romandie Médias SA, which already operates a DAB+ platform primarily for the existing regional radio stations in French-speaking Switzerland, and DABCOM AG responded to the invitation to tender. Based on pre-defined criteria, ComCom decided to award the licence to DABCOM SA.

#### **Award to DABCOM SA**

Following an appeal against this decision lodged by Romandie Médias SA, the Federal Administrative Court (FAC) upholds the award to DABCOM SA of the new licence to operate an additional DAB+ platform in French-speaking Switzerland. The FAC sees no reason to dispute the manner of ComCom's assessment of the five main criteria, namely: (1) media diversity, weighted 30%; (2) economic efficiency, weighted 30%; (3) concept and implementation, weighted 15%; (4) dissemination and deployment, weighted 15%; and (5) consistency and credibility, weighted 10%. The questions to be answered for each of these five criteria were based, without exception, on the information that the first instance had expressly requested as part of the invitation to tender and to

which it had drawn the participants' attention. In summary, the bid submitted by DABCOM SA received the highest score especially with regard to the criteria of media diversity and economic efficiency.

DABCOM SA will construct and operate a DAB+ platform in French-speaking Switzerland with a diverse offering of commercial and alternative programming. This will also include programming which is geared towards promoting a company and its products and services. DABCOM SA shall, however, ensure that it maintains a diversified offering with news, cultural and educational elements in addition to entertainment.

This judgment is final and may not be appealed to the Federal Supreme Court.

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### **About the Federal Administrative Court**

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 353 employees (297.3 FTE) and its 73 judges (65.15 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,200 judgments every year.