[ES] Telecommunications Law Passed

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A new Telecommunications law has been passed recently in Spain, replacing the 1987 Ley de Ordenación de las Telecomunicaciones (LOT). As expected, it deals only with telecommunication matters, but it nevertheless affects broadcasting to some degree. The LOT defines telecommunications as general interest services, so they are no longer considered to be a public service: only national defence and civil protection services; universal and compulsory telecommunications services (and cable and terrestrial TV) remain within this category. The LOT also deals with competition in this sector; the granting of licences and authorisations; interconnection and access to the networks; numbering policy; separation of financial accounts; privacy of data in telecommunication networks; telecom terminals; spectrum policy; telecommunications authorities; telecommunication taxes, and sanctions.

As far as broadcasting is concerned, it should be noted that: a) the Fifth Additional Provision introduces some technical modifications in articles 2.4 and 5.1 of the law 4/1980 (Radio and Television Statute) and in the First Additional Disposition of the law 46/1983 (Third Channel law); b) the Sixth Transitory Provision establishes that the provisions of the abrogated LOT relating to television and radio are still in force (Articles. 25 and 26, and the Sixth Additional Provision of the 1987 LOT, that deal mainly with the definition of broadcasting and ownership limits in the radio sector); c) the Abrogating Provision repeals, among other things, the rest of the 1987 LOT, and also the 1995 laws on Cable and Satellite Telecommunications, except some articles in these laws that are related to television and that are still in force:

- In relation to the law 37/1995 on Satellite Telecommunications: Art. 1.1 (that establishes that satellite communications are not a public service), and the Third, Fifth, Sixth and Seventh Additional Provisions, which regulate satellite broadcasting;

- In relation to the law 42/1995: Art. 9.2, first section, Art. 10, Art. 11.1. e), f) and g), Art. 12 and the Third Additional Provision, sections 1 and 2). These Articles mainly deal with public service obligations of the cable operator, such as must-carry rules, reserving 40% of the capacity used for audio-visual services for independent operators, complying with content rules established in the Spanish law implementing the "Television without Frontiers" Directive.

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Ley 11/1998, de 24 de abril, general de Telecomunicaciones. BOE núm. 99, 24 de Abril de 1998, pp. 13934 y ss.

General Law on Telecommunications, BOE no. 99, 25 April 1998, pp. 13934 and ss.

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