[ES] Regional Governments and the Ministry of Development Dispute Over Regulation Concerning TV Licensing

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The Governments of Andalusia and the Canary Islands are currently in dispute with the Ministry of Development (Ministerio de Fomento) over Law 46/1983 of the 1983 Third Channel TV Act, which regulates regional TV and appears to allow each region only one TV channel. Furthermore, the Law's requirement that the regional TV channel be directly managed by the regional Government seems not to leave any room for the participation of private companies in the management of regional television channels. According to a draft Regional Public Service TV Bill, presented by the Government and currently being discussed in Parliament, each region would be allowed to have two regional TV channels that could be managed by private companies. However, the bill has yet to be approved. According to the Government the dispositions currently in force must apply until the Law has been passed.

The first dispute arose, when the Andalusian Government decided to create a second regional TV channel, but the Ministry of Development, refering to the Law 46/1983, did not grant a licence. In the view of the socialist Andalusian Government, it is being discriminated against for political reasons, because some other regions do have a second channel. In the meantime, the second Andalusian TV channel started operating last July. In the second dispute, the Ministry of Development, on 4 August 1998, sued the Government of the Canary Islands in the Administrative Court for having called for bids for the creation of a regional TV channel. This call for bids was organised to choose a private company that would manage the Canarian regional channel. The Ministry of Development argues that television is a state public service in Spain, which cannont be rendered through private companies, and, again, invokes the Law 46/983. The Government of the Canary Islands did not cancel the call for bids and before the deadline on 15 August 1998 four candidates had come forward, among which are Sogecable (Canal Plus) and the Mexican media group Televisa.

Proyecto de ley reguladora del servicio público de la televisión autonómica, presentado por el Gobierno, Boletín Oficial de las Cortes Generales (BOCG) - Congreso, VI Legislatura, serie A, nº 98-1, de 30 de Diciembre de 1997.

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Draft Bill on the regulation of the regional public service TV, Boletín Oficial de las Cortes Generales (BOCG) -Congreso, VI Legislatura, serie A, nº 98-1, de 30 December 1997.

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