[ES] Approval of a Decree on Digital Terrestrial Television

IRIS 1998-10:1/18

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A Decree on the National Technical Plan on Digital Terrestrial Television (DTTV) has been approved in order to establish DTTV services in Spain. The legal basis of the Decree is the forty-fourth Additional Provision of Law 66/1997, of 30. December 1997, which refers to the possible introduction of these new services. According to this Decree, there will be several transmission networks called "multiplexes", each of which will be able to carry at least four different programme services. The Decree reserves programme services in some of the multiplexes for existing national and regional public service broadcasters, in order to allow them to simulcast their analogue and digital programmes. For these purposes, the Plan reserves two programme services in a digital multiplex for TVE (national public service broadcaster), two programme services for the regional public service broadcasters, and a programme service for each of the three private broadcasters, Antena 3 TV, Telecinco and Canal Plus. If the existing private broadcasters obtain their concessions, which are to be renewed in 1999, they must start providing DTTV services no later than two years after the renewal of the concessions.

The remaining DTTV programme services available will be operated by one or more private broadcasters, which will be awarded a concession following a public tender. Once the new concessionaires have commenced to provide DTTV services and the existing national and regional broadcasters no longer have to provide analogue services, the existing broadcasters may be allowed to operate its own multiplex. A Ministerial Order, approved with the Decree, establishes that the public broadcasters offering DTTV services are responsible for ensuring that their output complies with the Statute of Radio and TV of 1980 and the Law of the Third Channel of 1983, while private broadcasters must respect the Law on Private TV of 1988 (particularly parts II, III and IV of this Law). The Ministerial Order also states that the new concessionaire or concessionaires of DTTV services must broadcast non-encrypted programmes for at least four hours per day and thirty-two hours per week. For the rest of the week, they may broadcast free-to-air TV services or pay-TV services, depending on the conditions set out in their licences. In the event that the concessionaires provide digital pay-TV services, they must use open decoders that comply with the Spanish provisions in this regard (i.e., Law 17/97, implementing EC Directive 95/47; (see IRIS 1997-5: 12)).

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Disposición adicional cuadragésimo cuarta de la Ley 66/1997, de 30 de diciembre, de medidas fiscales, administrativas y de orden social, BOE nº 313 de 31 de diciembre de 1997.

Forty-Fourth Additional Provision of the Law 66/1997 of 30 December, on certain taxation and administrative provisions and social affairs, BOE nº 313 of 31 December 1997.

Real Decreto 2169/1998, de 9 de octubre, por el que se aprueba el Plan Técnico Nacional de la Televisión Digital Terrenal, BOE nº 248 de 16 octubre de 1998, pp. 34244-34248.

Statutory instrument 2169/1998, of 9 October, on the approval of the National Technical Plan on Digital Terrestrial TV, BOE nº 248 of 16 October 1998, pp. 34244-34248.

Orden de 9 de octubre de 1998 por la que se aprueba el Reglamento Técnico y de Prestación del Servicio de Televisión Digital Terrenal, BOE 248 de 16 de octubre de 1998, pp. 34248-34249.

Ministerial Order of 9 October 1998 on the approval of the technical aspects and clarifying the conditions upon which Digital Terrestrial TV Services must be offered, BOE nº 248 of 16.10.1998, pp. 34248-34249.

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