[ES] Amendments to Private TV Law

IRIS 1999-2:1/25

Alberto Pérez Gómez
Entidad publica empresarial RED.ES

Certain provisions of the 1988 Private TV Law, which regulates national terrestrial TV, have been amended. These amendments mainly affect two areas: ownership limits and transparency measures. According to the previous ownership limits, a media undertaking could only hold shares in one concessionaire, and its holding could not exceed 25% of the share capital. A breach of these limits could have resulted in the loss of the concession, but the Law provided that if the infringement was in connection with the 25% limit, the concessionaire had a period of one month to remedy the infringement. The amendment of the Private TV Law sets a new holding limit of 49%, and it further stipulates that the period of one month to remedy the infringement will not only be granted to those undertakings which fail to comply with the share holding limit, but also to those which are in breach of the obligation not to hold shares in more than one concessionaire. As for transparency measures, under the provisions of the 1988 Private TV Law, all share transactions of the concessionaires had to be previously authorised by the Ministerio de Fomento (Ministry of Development).

According to the amended version of the Private TV Law, it is not necessary to seek authorisation each time shares are traded: individuals or corporations need only provide notification of the relevant transactions, e.g., those which increase or decrease their holding by more than 5%. The Ministerio de Fomento must decide within three months whether or not to authorise the notified operations, and it will not authorise transactions which are made by corporations whose ownership structure is not sufficiently clear, or those which are contrary to the ownership limits established by the Law. This amendment has been passed in order to allow private TV companies to be listed on the stock exchange. PSOE - the Socialist Party, and IU - the former communists) have both

The left-wing political parties (complained about the amendment of the limit to the capital share, because they consider it will increase media concentration in the Spanish audio-visual market. The Government considers this measure necessary to create stronger Spanish media undertakings, able to compete abroad.

Art. 96 de la Ley 50/1998, de 30 de diciembre, de Medidas Fiscales, Administrativas y del Orden Social

© European Audiovisual Observatory (Council of Europe) 2026

Art. 96 of Law 50/1998 of 30 December 1998 on Certain Fiscal, Administrative and Social Provisions.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026