[PT] High Authority for the Media Has No Legal Tools to Implement

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Alleged unfair treatment of candidates for the European Parliament placed the High Authority for the Media (Alta Autoridade para a Comunicação Social) at the centre of a major political controversy in Portugal. On 3 March 1999, the High Authority for the Media stated that the public broadcaster (Rádiotelevisão Portuguesa, RTP) was not giving equal treatment to candidates for the European Parliament. This deliberation followed a formal complaint by two opposition parties (Social Democratic Party and Popular Party) against RTP following the broadcast of a series of programmes called Conversas de Mário Soares.

Mário Soares (former Prime-Minister and former President of the Republic, and currently the leading figure of the Socialist Party's campaign for the European Parliament June elections) was commissioned by the previous RTP programming to do a series of interviews with high-profile international personalities (e.g. Kofi Annan, Jacques Delors, Butros Butros Ghali). The first programme of the weekly series (in which Mário Soares interviewed Henry Kissinger) went on air on 26 February 1999 and the last programme will be broadcast two weeks before the beginning of the campaign period (30 May to 11 June 1999). The two parties claimed that by allowing these programmes to be broadcast, the RTP effectively favoured the Socialist Party. Before the High Authority ruled on the issue, RTP argued that: 1) the series Conversas de Mário Soares is a project of the former programming department and its journalistic interest is unquestionable; 2) the schedule for presentation was decided after the completion of the series; 3) when the series was finalised, RTP did not know that Mário Soares - a retired politician - was going to be a front-runner candidate to the European Parliament; 4) the series will be over in mid-May; 5) if the series is not broadcast now it will lose its journalistic relevance. These arguments did not satisfy the High Authority for the Media which found that the broadcasting of the series during this period "objectively generates imbalances in terms of the opportunities provided by RTP to European Parliament candidates". Therefore, the High Authority recommended that RTP takes adequate measures to ensure a fair treatment of all political parties. Despite the formal High Authority's recommendation and the political upheaval, RTP did not alter its programming. Indeed, in strict legal terms this ruling was not bound to have any impact as "balanced and fair" treatment of political candidates is only required by law during the campaign period (Articles 56 and 57, Law 14/79 of 16 May 1979). The "precampaign" concept has no legal status and, consequently, no legal means exist to implement a balanced

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treatment from the very moment candidacies are declared.

Deliberação sobre Queixas do PSD e da Juventude Popular (PP) contra a RTP pela exibição do Programa " Conversas de Mário Soares"

Deliberation concerning the complaints put forward by the Social Democrat Party and the Popular Youth against RTP due to the broadcast of the series 'Talks with Mário Soares', Alta Autoridade para a Comunicação Social (High Authority for the Media, Plenary Session 3 March 1999. Público, 5 March 1999.

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