[ES] Act Implementing the Revised "Television Without Frontiers" Directive Approved

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The Spanish Parliament has finally approved an Act incorporating the revised "Television Without Frontiers" Directive into Spanish Law. This Act amends Law 25/1994, which implemented the original "Television Without Frontiers" Directive. The new Act introduces some important amendments:

- According to the new Art. 2 of Law 25/1994, the provisions of this law shall apply to terrestrial, satellite and cable TV, and to all public and private broadcasters. Until now, Law 25/1994 did not apply to thematic channels distributed via satellite, and only a few of its provisions applied to the programmes distributed by cable operators.

- The new Art. 2 of Law 25/1994 also modifies the criteria used to determine in which country a broadcaster is established. From now on, the main criteria will be the location of the head office of the provider of services, the place where the decisions on programming policy are usually taken, or the place where the programme to be broadcast to the public is finally mixed.

- Art. 5 of Law 25/1994 now states that broadcasters, besides complying with the quotas of European programs established by the Law, must also allocate at least 5% of their annual income towards the financing of films (including TV movies).

- This Act introduces new rules concerning sponsorship, tele-shopping and advertising. A last-minute amendment to the Bill, which was criticised by the opposition, stipulates that self-promotion spots shall not be considered advertisements within the meaning of this Act.

- According to art. 17 of Law 25/1994, it is now compulsory to rate all programmes. It is mandatory to ensure the presence of a visual symbol throughout the duration of the program if the program in question is broadcast in free-to-air TV and might impair the development of minors. All other programmes must contain an acoustic and visual warning at the beginning of the programmes and after each advertising break informing viewers about the suitability of these programmes for minors. For films the rating of the Spanish Commission for the Rating of Films must be used. Broadcasters must agree on a common system of presentation for their ratings; if agreement cannot be reached, the Government shall establish an appropriate system.

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- Apart from implementing the revised "Television Without Frontiers" Directive, the new Act establishes new obligations for broadcasters such as the obligation not to change the scheduled programmes unless there is a justifiable reason.

- The new Act increases the penalties for violations of the Law. Art. 20 of Law 25/1994 now establishes that severe infringements of the Law might be punished with fines up to 100 million pesetas (600.000 Euros), the suspension of broadcasts, or even the withdrawal of the license.

Ley 22/1999, de 7 de junio, de modificación de la Ley 25/1994, de 12 de julio, por la que se incorpora al ordenamiento jurídico español la Directiva 89/552/CEE, sobre la coordinación de disposiciones legales, reglamentarias y administrativas de los Estados miembros relativas al ejercicio de actividades de radiodifusión televisiva, de 25 de mayo de 1999. BOE núm. 136 de 8 de junio de 1999, pp. 21765-21774.

Act 22/1999 Implementing the Revised “Television Without Frontiers” Directive.

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