[ES] Developing the Revised Spanish Law on the implementation of the "Television Without Frontiers" Directive

IRIS 1999-10:1/15

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The most important legal provision in Spanish Broadcasting Law as far as content regulation is concerned is Law 25/1994, on the implementation of the "Television Without Frontiers" Directive. The Law 25/1994 was amended in June 1999 by Law 22/1999, which incorporated into Spanish Law the new "Television Without Frontiers" Directive (EC Directive 97/36/EC).

Now, Spanish Law 25/1994 (as amended by Law 22/1999; see IRIS 1999-7: 10) has been developed by a Regulation approved by the Government. This Regulation, which only applies to national broadcasters, deals with several matters:

- The right of TV users to receive accurate information on the programme planning of TV channels. This Regulation establishes that a broadcaster shall release its programme planning at least eleven days before broadcast. Broadcasters are required to provide information about all the programmes lasting more than fifteen minutes. The information must consist of, at least, the name and type of each programme. If the programme is a film, it is also compulsory to indicate the name of the film's director and the year in which the film was made, while, in the case of musical programmes, the information must include the name of the main artists participating in the event. Broadcasters cannot change the announced programme planning, except for justifiable reasons beyond their control, which could not have been foreseen when the programme planning was released.

- The notion of "announcements made by the broadcaster in connection with its own programmes". Those advertisements related to the programming of the broadcaster, and in which the name of the latter appears, shall not be taken into account when applying the limit to the proportion of advertising spots that may be broadcast within an hour.

- The duty of conditional access services providers to provide information about the channels included in their packages. Conditional access services (CAS) providers which operate in more than one Autonomous Community have a duty to provide information to the Ministerio de Fomento (Ministry of Development) on

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the channels included in their packages, indicating whether the channels have been produced by the CAS provider itself or by a third party. In the latter case, the CAS provider has to identify the individual or corporate entity which has editorial responsibility for the channel.

- The duty of broadcasters to provide information about the fulfilment of their obligation to allocate at least 5% of their annual income for the financing of films (including TV movies).

- The setting-up of a notification procedure for those broadcasters to which special rules apply. This procedure affects: a) broadcasters whose channels are exclusively devoted to teleshopping and self-promotion; b) broadcasters whose channels only broadcast news, sports events, games, advertising, teletext services and/or teleshopping (i.e. channels to which the European quotas do not apply); and c) broadcasters which broadcast over several channels which are commercialised in the same package (i.e. channels to which special provisions apply regarding the calculation, for the purposes of the fulfilment of the European quotas, of the programme transmission time).

Real Decreto 1462/1999, de 17 de septiembre, por el que se aprueba el Reglamento que regula el derecho de los usuarios del servicio de televisión a ser informados de la programación a emitir, y se desarrollan otros artículos de la Ley 25/1994, de 12 de julio, modificada por la Ley 22/1999, de 7 de junio.

Statutory instrument 1462/1999, of 17 September 1999, to develope the Revised Spanish "Television Without Frontiers" Act.

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