[ES] Amendment of Several Provisions Related to Media Law

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Alberto Pérez Gómez
Entidad publica empresarial RED.ES

In December 1999, the Spanish authorities approved several provisions that partially amend some existing norms relating to Media Law.

- Act 52/1999, which amends Act 16/1989, on the Defence of Competition, also amends Act 12/1997, on the liberalization of telecommunications, which creates the CMT (Comisión del Mercado de las Telecomunicaciones, Telecommunications Market Commission). The main duty of the CMT is to ensure free competition in the telecommunications and audiovisual and interactive services markets. Act 52/1999 clarifies the rules regulating the relationship between the CMT and the national competition authorities (Tribunal de Defensa de la Competencia and Servicio de Defensa de la Competencia).

- Act 55/1999, on Taxation, Administrative Provisions and Social Affairs (Ley de Medidas fiscales, administrativas y del orden social), has introduced slight amendments in several provisions related to Media Law. An Act on taxation, administrative provisions and social affairs (hereinafter referred to as "Special

Measures Act") is approved each year, together with the Budget Act. The main object of the Special Measures Act is to introduce amendments in existing provisions, thus acting as a "container" of amendments.

For example, this year's Special Measures Act amends more than forty different Acts, including very slight amendments of the Telecommunications Act 11/1998, Private Television Act 10/1988, Telecommunications Act 31/1987, Third TV Channel Act 1983 and the Forty-fourth Additional Provision of the Act 66/1997 on taxation, administrative provisions and social affairs (which is the legal basis for the introduction in Spain of digital TV and radio broadcasting).

Such Special Measures Acts, which have been used since the mid 90's by the socialists and conservative governments alike, have been severely criticised by many experts because of their heterogeneity and lack of transparency and because of the insufficient debate which precedes the approval of these Acts: each year the bill of the Special Measures Act is usually presented in September/October, together with the Budget Bill, and both bills are usually approved before the end of the year.

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- The Ministerial Order of 30 December 1999 amends the 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. The Ministerial Order of 30 December 1999 affects the national private concessionaire of Digital Terrestrial Television, Onda Digital. According to the concession, this operator will provide pay

TV services through the fourteen programmes that it is allowed to manage. The Ministerial Order of 30

December 1999 authorizes Onda Digital to dedicate one of its fourteen programmes to a free-access 24 hour promotional programme.

Disposiciones Adicionales Primera (modificación del art. 1.dos.2.f) de la Ley 12/1997, de liberalización de las telecomunicaciones) y Segunda (modificación del art. 1.dos.2.g) de la Ley 12/1997, de liberalización de las telecomunicaciones) de la Ley 52/1999, de 28 de diciembre, de reforma de la Ley 16/1989, de 17 de julio, de Defensa de la Competencia, B.O.E. n. 311, 29 de Diciembre 1999, pp. 45778 y ss.

Act 52/1999, which amends Act 16/1989, on the Defence of Competition, also amends Act 12/1997, on the liberalization of telecommunications, which creates the CMT (Comisión del Mercado de las Telecomunicaciones, Telecommunications Market Commission). B.O.E. n. 311, 29 December 1999, pp. 45778ff.

Artículos 66 (modificación de la Ley 11/1998, General de las telecomunicaciones) y 67 (modificación de la Ley 10/1988, de Televisión Privada), y Disposiciones Adicionales Trigésima (modificación de la Disposición Adicional Cuadragésimo Cuarta de la Ley 66/1997, de Medidas fiscales, administrativas y del orden social), Trigésimo Primera (modificación de la Ley 31/1987, de Ordenación de las Telecomunicaciones) y Trigésimo Segunda (modificación de la Ley 46/1983, Reguladora del Tercer Canal de Televisión) de la Ley 55/1999, de 29 de diciembre, de Medidas fiscales, administrativas y del orden social, B.O.E. n. 312, 30 de Diciembre de 1999, pp. 46095 y ss.

Act 55/1999, on Taxation, Administrative Provisions and Social Affairs. B.O.E. n. 312, 30 December 1999, pp. 46095ff.

Orden de 30 de Diciembre de 1999 por la que se introduce una disposición adicional única en el Reglamento Técnico y de Prestación del Servicio de Televisión Digital Terrenal, aprobado por el Ministerio de Fomento, de 9 de octubre de 1998, autorizando la emisión a las

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entidades adjudicatarias de las nuevas concesiones otorgadas para la prestación del servicio de televisión con tecnología digital terrenal, en régimen abierto y con carácter promocional, de uno de los programas cuya explotación se les permita, B.O.E. n. 7, 8 de enero de 2000, pp. 761-762.

Ministerial Order of 30 December 1999 amending the 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. B.O.E. n. 7, 8 January 2000, pp. 761-762.

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