

[ES] Amendment of Several Provisions Related to Media Law

IRIS 2000-2:1/29

*Alberto Pérez Gómez
Entidad pública 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.

- 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.

