[ES] The CMT Approves Several Decisions Related to Audio-Visual Services

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The Comisión del Mercado de las Telecomunicaciones (Telecommunications Market Commission - CMT), is an independent regulatory body whose main duty is to safeguard the existence of free competition in the telecommunications and audio-visual and interactive services markets. The CMT also enforces the Spanish Law 17/1997, which incorporates into Spanish Law EC Directive 95/47, on the use of standards for the transmission of television signals. The Board of the CMT has recently adopted several Decisions related to the audio-visual sector:

- In May 2000, the CMT adopted a Decision allowing Quiero TV, a Spanish Digital TV platform, to provide digital audio services (consisting of music programmes of different kinds such as pop, rock, classical music), on conditional access. In its Decision, the CMT considered that the appropriate kind of permit needed to provide these services is not a concession for radio broadcasting services, but a General Authorisation (within the meaning of EC Directive 97/13) for the provision of digital data transmission services. These General Authorisations are the same as those that Internet Service Providers (ISPs) must obtain to be able to operate.

The CMT adopted this decision while taking into account that the terms under which the DTTV concession of Quiero TV was granted, allow this broadcaster to provide "digital additional services" (which are indeed telecommunications services), including "digital audio services", once this broadcaster has obtained the permit for the provision of those services. It must also be borne in mind that operators providing music services via the Internet may not need any permit at all if they have reached an agreement with a duly authorized ISP.

- In June 2000, the CMT passed a Decision on the public service obligations of the broadcasting carrier services operators. A woman from Camprodón, a mountain resort in North-eastern Spain, complained that the area in which she lived was not covered by Retevisión, the broadcasting carrier services operator that held a monopoly position in that market until April 2000.

The CMT considered that it was entitled to answer this complaint, as the CMT has, among others, the responsibility of ensuring that the public service obligations of broadcasters and telecom operators are fulfilled. The CMT stressed that it is broadcasters who are obliged to provide an adequate coverage of the TV services,

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and not Retevisión, which nevertheless, as the former monopoly, has certain duties vis-à-vis the broadcasters, in order to allow them to ensure that the continuity of the broadcasting carrier service is not affected by the liberalisation. As for the coverage obligations imposed upon broadcasters, they just had to cover 80% of the national territory, according to the National Technical Plan on Private TV. The current national coverage of analogue hertzian TV is approximately 95%, so, taking into account the existing legislation in this field, the broadcasters are not obliged to extend the coverage of their services to areas like Camprodón.

- In June 2000, the CMT answered a consultation made by Telefonica Media (the audio-visual branch of the Telefonica Group) concerning the legal status of the providers of television multiplex services. The CMT stated that the multiplex operator as such is not regulated in Spanish Law. Each of the concessionaires of DTTV programme services must provide itself with the technical services needed for the provision of the DTTV service. If the transmission capacity of a multiplex is shared among several concessionaires, they must reach agreements on the subjects that affect them all (e.g., choice of Application Programming Interface (API), management of the transmission capacity used for data transmission...). If the operators are not able to reach agreement on these matters, it is not clear how the conflicts should be resolved.

- In May 2000 the CMT, in answering a request made by the Government of the Autonomous Community of Navarre, has also approved a report on the model proposed by this Government for the implementation of Digital Terrestrial TV in Navarre.

Acuerdo del Consejo de la Comisión del Mercado de las Telecomunicaciones de 25 de mayo, por el que se resuelve proceder a la inscripción de la modificación por ampliación de la Autorización General de Tipo C otorgada a la sociedad Quiero TV

http://www.cmt.es/cmt/document/decisiones/RE-00-05-25-17.html

Decision of the CMT of 25 May 2000 stating that the General Authorisation of Quiero TV allows this operator to provide digital audio services

Acuerdo del Consejo de la Comisión del Mercado de las Telecomunicaciones de 1 de junio de 2000, por el que se aprueba la resolución en el asunto relativo a las deficiencias en la prestación del servicio soporte de televisión en el Càmping Els Solans de Camprodón (Girona)

http://www.cmt.es/cmt/document/decisiones/RE-00-06-01-10.html

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Decision of the CMT of 1 June 2000 on the provision of broadcasting carrier services in Camprodón (Girona)

Decision of the CMT of 8 June 2000 answering the consultation made by Telefónica Media about the multiplex operator

Acuerdo del Consejo de la Comisión del Mercado de las Telecomunicaciones de 25 de mayo de 2000, por el que se aprueba el Informe al Gobierno de Navarra sobre el proyecto de pliego de cláusulas administrativas particulares y de prescripciones técnicas de la explotación del servicio público de TV digital terrenal en su Comunidad

http://www.cmt.es/cmt/document/deci-siones/RE-00-05-25-06.html

Decision of the CMT of 25 May 2000 approving a Report on DTTV in Navarre

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