# [ES] Supreme Court Rejects Appeal Against the National Technical Plan on DTTV

**IRIS 2000-10:1/6**

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On 7 February 2000 the Tribunal Supremo (Supreme Court) rejected an appeal by the local Government of Viladecans against the Real Decreto 2169/1998, de 9 de octubre, por el que se aprueba el Plan Técnico Nacional de la Televisión Digital Terrenal (Decree 2169/1998, on the National Technical Plan on Digital Terrestrial TV) (see IRIS 1998-10: 11).

According to the applicant, the Decree does not regulate the provision of Digital Terrestrial TV (DTTV) services by local governments nor does it reserve part of the spectrum to allow the migration of the existing local TV managed by local authorities from analogue to digital transmission techniques.

The Tribunal Supremo rejected the appeal on the grounds that the possible omissions in Decree 2169/1998 would only render it illegal if they necessarily implied that the Decree was not in line with the basic legislation in this field, and, according to the Tribunal Supremo, this was not the case. Moreover, the Tribunal said that Decree 2169/1998 does mention local DTTV services, and the fact that it does not expressly state that these services can be provided by local authorities does not alter or modify the regulation of the provision of local terrestrial TV services by local authorities (arts. 5, 9, 12 and 13 of the Law 41/1995, on local terrestrial TV).

***Sentencia del Tribunal Supremo, Sala 3 , 7 de febrero de 2000 (Ponente: D.S. Menéndez Pérez)***

*Judgment of the Supreme Court (Administrative Chamber) of 7 February 2000*

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