[ES] Approval of Several Regional Provisions Related to Media Law

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Alberto Pérez Gómez
Entidad publica empresarial RED.ES

According to Article 149.1.27 of the Spanish Constitution, responsibility for the regulation of the audiovisual sector is shared by the State and the Comunidades Autónomas (Autonomous Communities, the regional political entities). The State has the power to approve the basic legislation for press, radio, television and any other media, without prejudice to the powers of the Autonomous Communities to implement and enforce this basic legislation.

Several Autonomous Communities have recently decided to approve provisions concerning the implementation of the basic legislation in the field of media law:

- The Parliament of Extremadura (one of the seventeen Spanish Autonomous Communities) has recently approved a Law (Law 4/2000, of 16 November 2000) on the creation of a regional public broadcaster. This public regional broadcaster has been created in accordance with State Law 43/1983 (the so called Third TV Channel Law). This Law states that regional public TV services must be provided by a company whose capital shall be wholly owned by the regional Government. The main bodies of the public regional broadcasters shall be the Board and the Director. Both of them are placed under the control of the regional legislative chamber. This regional public broadcaster will obtain its revenues from the regional budget and from advertising.

- The Andalusian Government has approved a Decree on Local Terrestrial TV. This Decree regulates the granting of concessions for the provision of local TV services in Andalusia in accordance with the national Act 41/1995. However, these concessions cannot be granted yet because, five years after the Act 41/1995 was approved, the necessary Technical Plan for the allocation of frequencies still has not been approved by the national Government. The Decree shall nevertheless apply to those Andalusian broadcasters covered by the Transitional Provision of the national Act 41/1995 on Local Terrestrial TV, which establishes that the local TV operators that were providing services before January 1995 are authorized to continue their activities until the concessions are granted.

- The Catalan Government has passed a Decree implementing some provisions of the national Act 25/1994 (as amended by the Act 22/1999), which incorporates into Spanish Law the "Television Without Frontiers" Directive. The main goal of

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this Catalan Decree is to regulate the right of TV users to receive accurate information on the programme planning of TV channels, as recognized by article 18 of the Act 25/1994. According to this Decree, a broadcaster should release its programme planning at least eleven days before broadcast.

The Catalan Decree also deals with other subjects, such as the jurisdiction of Catalan authorities, and the duty of conditional access service providers and broadcasting carrier networks operators to provide information about the channels they are distributing. However, the Decree does not cover some provisions of the Act 25/1994 which might need further implementation in order to be applied by the relevant authorities, such as article 5 of the Act 25/1994 (on the duty of broadcasters to allocate at least 5% of their annual income for the financing of European films and TV movies).

Ley 4/2000, de 16 de noviembre, por la que se crea la Empresa Pública "Corporación Extremeña de Medios Audiovisuales", Diario Oficial de Extremadura n. 147, 19 de Diciembre de 2000, pp. 12516-12522

Act 4/2000 of the Autonomous Community of Extremadura, on the creation of the regional public broadcaster Corporación Extremeña de Medios Audiovisuales, Diario Oficial de Extremadura no. 147, 19 December 2000, pp. 12516-12522

Decreto de Andalucía 414/2000, de 7 de noviembre, por el que se regula el régimen jurídico de las televisiones locales por ondas terrestres, Boletín Oficial de la Junta de Andalucía, Nr. 139, 2 de Diciembre de 2000, pp. 18.008-18.013

Andalusian Decree 414/2000, on local terrestrial TV, Boletín Oficial de la Junta de Andalucía, no. 139, 2 December 2000, pp. 18.008-18.013

Decreto de Cataluña 295/2000, de 31 de agosto, por el que se desarrolla el derecho a la información de los usuarios de los servicios de televisión

Catalan Decree 295/2000, on the right of TV users to receive accurate information on the programme planning of TV channels

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