[ES] Approval of New Madrid Act on Audiovisual Content and Additional Services

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In April 2001, the Parliament of the Autonomous Community of Madrid decided to pass a new Act on Audiovisual Content and Additional Services.

This Act implements some provisions of the national Act 25/1994 (as amended by Act 22/1999), which incorporates the "Television Without Frontiers" Directive into Spanish Law. The new Madrid Act deals expressly with the protection of minors and with the right of TV users to receive accurate information on the programme planning of TV channels, as recognised by Article 18 of Act 25/1994.

It ought to be pointed out that this new Madrid Act does not cover some provisions of Act 25/1994 which might need further implementation in order to be applied by the relevant authorities, such as Article 5 of Act 25/1994 (on the duty of broadcasters to allocate at least 5% of their annual income to the financing of European films and TV movies).

The new Act also implements the provisions of the national Act 42/1995, on cable telecommunications, which oblige cable operators to reserve 40% of the capacity used for the provision of audiovisual services for independent content providers, provided there are enough of them requesting access to the cable network in question.

Furthermore, the new Madrid Act on Audiovisual Content creates the Consejo Audiovisual de la Comunidad de Madrid, an audiovisual commission which will give non-binding opinions on audiovisual matters to the Government of the Autonomous Community of Madrid, which, in turn, will exercise its powers through an audiovisual technical commission made up of civil servants.

This model is quite similar to the one that existed in Catalonia before the Catalan Act 2/2000 increased the powers of the Consell de l'Audiovisual de Catalunya, the Catalan regulatory authority, which is to date the only independent audiovisual regulatory authority at national or regional level to have been granted the power to impose sanctions on broadcasters under its jurisdiction for violations of the Spanish legislation implementing the "Television Without Frontiers" Directive.

Finally, the new Act also establishes sanctions which will be imposed on broadcasters under the jurisdiction of the Autonomous Community of Madrid who not comply with the Act's provisions.

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Ley de la Comunidad Autónoma de Madrid 2/2001, de 18 de abril, de Contenidos Audio- visuales y Servicios Adicionales, Boletín Oficial de la Comunidad de Madrid (BOCM) n. 105, 4 de Mayo de 2001, pp. 8-15

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