[ES] New Decree on the National Technical Plan for Local Terrestrial TV

IRIS 2004-7:1/14

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By approving a new Decree on the National Technical Plan for local terrestrial TV, the Spanish Government has taken a new step in its attempt to regularize the situation of the local terrestrial TV market.

Local terrestrial TV was not regulated in Spain until 1995, when the Parliament approved the Act 41/1995, on Local Terrestrial TV. This Act established that local terrestrial TV is a public service that could be provided by up to two operators in each municipality. The concessions for the provision of this service were to be awarded by the Autonomous Communities, once the Spanish Government had approved a National Technical Plan allocating the frequencies required. As regards the local operators that were broadcasting before this Act was passed, a Transitional Provision established that they could keep providing their services until a call for a tender to award the concession in their area was announced, and then, if they were not awarded the concession, they could keep operating for an additional period of eight months.

This Act was supposed to bring an end to the establishment of unauthorised local broadcasters, but the Government did not approve a National Technical Plan on Local Terrestrial TV, and this prevented the Autonomous Communities from calling for tenders to award the concessions. In the meantime, more local broadcasters kept entering the market (now the total number of local terrestrial TV stations might be between 500 and 900) and some operators created networks of local TV stations (which is expressly forbidden by article 7 of Act 41/1995).

In order to solve these problems, in 2002 the Spanish Parliament decided to amend Act 41/1995, and established that Local Terrestrial TV shall be broadcast using only digital technology (see IRIS 2003-2: 8). This decision has been quite controversial, as national digital terrestrial television has not been successful so far, and almost no household has as yet the necessary equipment to receive this kind of signals. In order to minimize this problem, the Act has established that those entities which are awarded a concession for the provision of local digital terrestrial TV services could ask for a moratorium on the use of digital technology. The initial term of the moratorium was two years, although, after a new amendment of the Act in 2003, it is up to the Government to modify the term of the moratorium, so it can duly take into account the pace of the implementation

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of digital TV in Spain (see IRIS 2004-2: 10).

According to this new legislation, only those cities or groupings of cities that meet certain population thresholds can be allowed to have local digital terrestrial TV stations, in accordance with the conditions established in a National Technical Plan on Local Terrestrial TV that had to be approved by the Government.

By means of this Plan, the Government, after consulting the Autonomous Communities, had to determine, among other things, which multiplexes would be available in each area (each multiplex being able to carry at least four digital terrestrial TV programmes).

Now that the Government has finally approved this Plan, the Autonomous Communities are expected to award the concessions for the provision of this service in less than 8 months. The new Plan also includes provisions on technical coordination; on the fee to be paid for the use of the spectrum; or on the conditions for the joint management of the multiplexes by the concessionaires that shall share them. Additionally, the Plan introduces a new Transitional Provision in the 1998 National Technical Plan for Digital Terrestrial Television (see IRIS 1998-10: 11). This new Provision affects the new national DTT concessionaires which do not provide analogue TV services and which, therefore, broadcast their services using digital technology only.

Statutory Instrument 439/2004, on the National Technical Plan on Local Terrestrial Television, Official Gazette no. 85 of 8 April 2004

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