# [ES] New Act on Audiovisual Communication in Catalonia

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On 29 December 2005, the Catalan Parliament approved the Act on Audiovisual Communication in Catalonia (Act 22/2005). This legal text establishes Catalonia's own audiovisual system, organizedat two levels: a regional level (including public sector and commercial broadcasters), and a local level, organized in counties. The Act aims to reach a politically independent and financially sound public sector ensuring public service, and a competitive, diverse and plural private sector.

The Act, which unifies and harmonizes the existing legal provisions relating to audio-visual law in Catalonia, has 140 articles, divided into nine titles and four additional provisions, six transitional provisions, one provision repealing any former measures contradicting the new Act and a final provision.

The two main characteristics of the Act are: a) the liberalization of broadcasting, which until now had been considered as a public service, regardless of whether the providers were public or private (the Act now establishes specific obligations for public or private broadcasters) and b) the granting of all regulatory powers to the independent regulator, the Consell Audiovisual de Catalunya (Catalonia Broadcasting Council - CAC). The structure and the procedure for the appointment of the members of the Council have not been changed.

The more relevant features of the new Act are the following:

- Chapter 1 establishes which are the principles and essential values of broadcasting in Catalonia (e. g.: the protection of fundamental rights and of the rights of the audience; the provision of the public service; the safeguarding of pluralism; the principle of technology neutrality, etc...). It also includes the definitions of the main concepts that appear throughout the text.

- Chapter 2 regulates the radio spectrum. Although the general powers concerning the regulation of the radio spectrum are in the hands of the State authorities, the Act considers that since the spectrum is needed in order to broadcast, and considering the regional Government has powers concerning broadcasting, the regional Government shall be able, to some extent, to participate in the management of the radio spectrum.

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- Chapter 3 regulates public service broadcasting, defining its mission and funding scheme. The main goals of the Act regarding this matter are to ensure independence from political authorities and financial sufficiency. The same basic rules will apply to local public broadcasters, but their specific remit will be defined by the local authorities, following the principles established by the Act.

- Chapter 4 regulates commercial broadcasting. The broadcasters which intend to use radio spectrum shall have been previously granted a license, while broadcasters using other means of transmission only need to issue a communication to the regulator before starting to provide their services. The Act establishes that the regulator has the duty of safeguarding external pluralism in broadcasting (i.e., it will control media concentrations).

- Chapter 5 deals with audiovisual regulation. It establishes four regulation levels: first, the provisions established by the Act; second, the implementation rules approved by the Catalonia Broadcasting Council; third, the so-called co-regulation agreements, by virtue of which the Catalonia Broadcasting Council may endorse specific obligations relating to audiovisual content assumed by broadcasters; and, finally, self-regulation codes.

- Chapter 6 regulates advertising, teleshopping and sponsorship. The basic principles of the future version of the Directive “Television without Frontiers” have been taken into account insofar as possible. The regulator shall implement these basic principles. Some of them will be applied to the radio sector (e.g., the principle of separation between advertising and programmes, and the respect for the integrity of programmes and audiovisual works).

- Chapter 7 regulates the relations between the Regional Parliament, the Regional Government and the Regulatory Authority. The key issue is that the CAC becomes the sole regulatory authority at regional level regarding the monitoring of content, the granting of licenses or the management of the Catalan Broadcasters Registry.

- Chapter 8 establishes some principles concerning development and promotion of content production industries, as well as quotas of European works and programmes in Catalan.

- Finally, Chapter 9 establishes the procedures that shall be followed to impose sanctions, as well as a list of infringements and their corresponding penalties. Penalties include the temporary suspension of broadcasting activities, but not the withdrawal of the license (which can only be imposed by the courts).

***Ley de Cataluña 22/2005, de 29 de diciembre, de la comunicación audiovisual de Cataluña, Diario Oficial de la Generalitat de Catalunya, nº 4535, 03.01.2006, pp. 84 y ss.***

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http://www.gencat.net/eadop/imagenes/4543/05363034.pdf

*Catalan Act 22/2005, of 29 December 2005, on Audio-visual Communication in Catalonia, Catalan Oficial Journal nº 4535, 3 January 2006, pp. 84 and ff.*

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