[ES] Suspension of the Catalan Audiovisual Communication Act Lifted

IRIS 2007-5:1/10

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In December 2005, the Catalan Parliament approved Act 22/2005 on Audiovisual Communication (see IRIS 2006-2: 10). Some of the articles of the were considered controversial because they were allegedly in breach of certain exclusive State competences, and of several Acts approved by the Spanish Parliament containing basic principles to be respected by regional Parliaments.

The Popular Party (in the opposition both at Catalan and national level) decided to challenge the Act's constitutionality. Surprisingly, a second application was filed by the national Government (including members of the Socialist Party who participates, through its Catalan branch, in the Catalan Government who supported the Act). The Constitutional Court granted the leave to proceed with the case in October 2006.

According to article 161.2 of the Spanish Constitution, when the Spanish Government challenges legal provisions adopted by the regional Parliaments or Governments, the regional provision in question is suspended, but the Constitutional Court must either confirm or lift the suspension within a period of no more than five months.

The Constitutional Court has now decided to lift the suspension of the Act, except for two articles: article 56, which declares licences non-transferable; and the Second Transitional Provision, which obliges current terrestrial radio and TV concessionaires under the jurisdiction of the Catalan authorities to request a licence within three months of the entry into force of the Act, where national legislation establishes that the provision of terrestrial radio and TV services requires a concession.

The fact that the suspension has been almost fully lifted by the Constitutional Court does not preclude the final outcome of the judgment as it merely constitutes a preliminary decision.

Recurso de inconstitucionalidad nº 8112-2006, en relación con diversos preceptos de la Ley del Parlamento de Cataluña 22/2005, de 29 de diciembre, de la Comunicación Audiovisual, Boletín Oficial del Estado nº 31, 05.02.2007, pp. 5248-5249

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http://www.boe.es/boe/dias/2007/02/05/pdfs/A05248-05249.pdf

Appeal on grounds of Unconstitutionality nº 8112-2006, of several articles of the Catalan Act 22/2005 on Audiovisual Communication, Official Journal nº 31, 5 February 2007, pp. 5248-5249

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