[ES] Two Commercial Television Stations Have Failed to Fulfil their Financial Obligations in Accordance with Law 8/2009

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On 14 March 2013, the Comisión del Mercado de las Telecomunicaciones (Telecommunications Market Commission - CMT), found that two national commercial television companies, Mediaset España Comunicación and Gestora Inversiones Audiovisual La Sexta had failed to fulfil their financial obligations in relation to their contributions to the funding of the national public service broadcaster, RTVE (Radio y Televisión Española). In accordance with Law 9/2009, CMT found that self-assessments made by the companies with regard to their financial obligations under Law 8/2009 had been wrongly calculated.

Act 8/2009 on the funding of the Spanish Radio and Television Corporation (see IRIS 2010-1/18) removed advertising as a source of income for the public service broadcaster and instead introduced a new financing system based on a State subsidy and three different types of taxes. RTVE obtains revenue from an existing tax on the use of spectrum frequencies. Two new taxes are imposed on national telecommunications operators offering audiovisual services, as well as on national commercial television companies operating pay or free-to-air services via cable, satellite or terrestrial networks.

According to Act 8/2009, the tax to be paid annually by national commercial broadcasters amounts to 3% of their gross operating income in accordance with their yearly turnover. In the self-assessments that Mediaset and La Sexta conducted of their 2011 turnovers, the television companies decided that only profit derived from advertising should be used to calculate the tax. The CMT specifies in its Resolutions that the contribution television companies must make to the funding of the public service broadcaster refers to their gross operating income, whether it is directly or indirectly obtained. The regulator has decided therefore to agree to order Mediaset and La Sexta to contribute EUR 144,728.17 and EUR 417,160 respectively to the funding of the public service broadcaster.

Resolución de 14 de marzo de 2013 por la que se acuerda la emisión de una liquidación provisional complementaria de la aportación a ingresar por la entidad Mediaset España Comunicación, S.A. en el ejercicio 2011, establecida en el artículo 6 de la Ley 8/2009, de 28 de agosto, de

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financiación de la Corporación de Radio y Televisión Española (AD 2012/2301)

http://www.cmt.es/c/document_library/get_file?uuid=20301ec0-b5c6-4a91-8f78-161c6be0510c&groupId=10138

Resolution that agrees to the release of additional funds to be paid by Mediaset España Comunicación, S.A., for its 2011 turnover, established in the Act 8/2009 of 28 August 2009 on the funding of RTVE Corporation (AD 2012/2301), 14 March 2013

Resolución de 14 de marzo de 2013 por la que se acuerda la emisión de una liquidación provisional complementaria de la aportación a ingresar por la entidad Gestora Inversiones Audiovisual La Sexta, S.A. en el ejercicio 2011, establecida en el artículo 6 de la Ley 8/2009, de 28 de agosto, de financiación de la Corporación de Radio y Televisión Española (AD 2012/2302)

http://www.cmt.es/c/document_library/get_file?uuid=493f2d5b-e000-4603-a481-5f64a477f6a1&groupId=10138

Resolution that agrees to the release of additional funds to be paid by Gestora Inversiones Audiovisual La Sexta, S.A., for its 2011 turnover, established in the Act 8/2009 of 28 August 2009 on the funding of RTVE Corporation (AD 2012/2302), 14 March 2013

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