

[ES] Government issues Decree on digital television

IRIS 1997-2:1/16

*Wolfgang Closs
Institute of European Media Law (EMR), Saarbrücken/Brussels*

On 2 February 1997 the Spanish Government issued a Decree on the outline conditions for marketing digital television programmes. The Decree came into force on publication, although it had yet to be approved by the Spanish Parliament.

An important feature of the Decree is the regulation according to which a single decoder must be able to receive more than one channel. In this respect the Spanish Government considers the Decree as the transposition into domestic law of Directive 95/47/EC of the European Parliament and the Council of 24 October 1995 on the application of standards for the transmission of television signals (see IRIS 1996-2: 5). The first to be affected by the new regulation could be the sole Spanish digital television broadcaster, Canal Satelite Digital (CSD), which provides its subscribers with a specially-produced decoder. The Government holds that this does not comply with the relevant European provisions, as it is not technically possible to receive signals from more than one channel. The new legal regulation also requires pay-TV companies to register with the Telecommunications Market Commission, a public authority. This commission will have extensive powers; it will be responsible for checking that the decoders available comply with the conditions of the Decree. It will also have a supervisory function in the field of pay-TV as regards monopoly law. Where a company has a market-controlling position, the commission will be able to bring its influence to bear on the subscription charges.

In addition, the Decree increases VAT on the charges for pay-TV from 7% to 16%, the tax rate for luxury goods.

Real Decreto-ley 1/97 de 31 enero 1997 por el que incorpora al Derecho español la Directiva 95/47/CE de 24 octubre de la Comisión Europea, sobre el uso de normas para la transmisión de señales de televisión y se aprueban medidas adicionales para la liberalización del sector. BOE n. 28 de 1 Febrero 1997, pp. 3174-3177.

Statutory instrument 1/1997 of 31 January 1997 on the outline conditions for marketing digital television programmes. BOE n. 28 of 1 February 1997, pp. 3174-3177.

