European Commission: Provision in the Spanish Law on Satellite Digital Television Platforms Found in Breach of the EC Treaty

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The European Commission, by means of its Commissioner who is responsible for the Internal Market, Mr Mario Monti, has expressed its intention to begin an infringement proceeding against Spain. The Commission considers that Law 17/1997 (the Digital Television Act - see IRIS 1997-2: 10, IRIS 1997-4: 14 and IRIS 1997-5: 12) infringes the provisions in the EC Treaty concerning the Internal Market. The controversial provision of the Spanish law stipulates that the use of multicrypt decoders will be imposed in the case where the two existing digital satellite television broadcasters (Canal Satélite and Via Digital) are unable to reach an agreement on a common interface. As a consequence the use of simulcrypt decoders without a common interface like those already in use by Canal Satélite, would be outlawed.

The Spanish Government has announced its intention to bring the matter before the Court of Justice of the European Communities if necessary, since it considers this measure to be fully compatible with both the provision of the EC Treaty and the provisions of Directive 47/95/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals. The Spanish Government also argues that the measure is necessary in order to preserve a fair competition and to allow users to acces digital services by neabs of one single decoder.

At the same time, a cable operator by the name of Cableuropa , has expressed its intention of creating a third satellite digital television broadcaster.

Cableuropa expressed its support to the law concerned, emphasizing the necessity for such a rule.

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