

[ES] Finally, some Sanctions under the Spanish Law Implementing the Television without Frontiers Directive in Sight

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The "Television without Frontiers" Directive was only transposed into Spanish national law in 1994 by the Ley 25/1994 of 12 July 1994, nearly three years after the deadline (3 October 1991).

Since then, the Ministerio de Fomento announced twice its intention of sanctioning the television broadcasters. The first time was on 5 November 1997, in relation to the advertising of alcoholic beverages, although the proceedings were not based on the Directive or on the Spanish Law implementing the Directive, but on the general Spanish Law on Advertising (No 34/1988, of 11 November 1988) and more precisely on its Article 8.5, which prohibits advertising for alcoholic beverages above 20°. On 20 January 1998, the Ministerio de Fomento announced that it had decided to impose the following sanctions: 15 million pesetas (about ECU 100,000) for Tele 5; 9 million pesetas (aprox. ECU 60,000) for Antena 3; 8 million pesetas (aprox. ECU 50,000) for the public TV La 2; and 5 million (aprox. ECU 30,000) for Canal Plus.

On 15 December 1997, the Ministerio de Fomento announced its intention of imposing new sanctions, in regard to advertising for alcoholic beverages and also in regard to the breach of the rules limiting the amount of advertising time per hour and certain forms of advertising prohibited by the Directive. After the Christmas season, the Ministerio de Fomento announced that it had found evidence of new infringements of the Law, which will also be sanctioned.

