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Argentina Adopts a New Law Regulating Radio, and Broadcast and Cable Television

Last month Argentina adopted a new law regulating broadcast and cable television, radio and other media services ([Law No 26,522 on Audiovisual Communication Services](#) or in Spanish, *Ley N° 26.522 de Servicios de Comunicación Audiovisual*). The law establishes a new regulatory authority for broadcasting in Argentina, the Federal Authority of Audiovisual Communication Services (AFSCA) to replace the existing broadcast regulator, *Comité Federal de Radiodifusión* or COMFER. The main implementing regulations are to be issued within a period of 60 working days from the moment AFSCA is formed (probably by December 10, 2009). Affected companies will have one year to comply with the new regulations by, for example, the compulsory selling of broadcast television and/or radio licenses in excess of the new limits authorized by the law.

Argentina's president, Cristina Fernández de Kirchner, pushed for the new media law, saying that the existing law, promulgated during the military dictatorship of the late 1970s, was out-of-date. Ostensibly, the new media law seeks to "decentralize and democratize" the media by encouraging more local providers and supporting the protection and dissemination of Argentina's culture. However, the new law is also seen as political retribution because it limits the reach of the largest media group in Argentina, Grupo Clarín, which President Kirchner views as having turned against her administration in recent months. The new regulations also allow certain companies that are close to the current administration to acquire

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broadcasting licenses.

Key provisions include:

- Dividing the radio spectrum for broadcast services into thirds: one-third for government services; one-third for nongovernment services and, one-third for commercial services. This change is a drastic reduction in the amount of available radio spectrum for commercial providers of radio and television.
- Limiting the number of licenses a single entity or network can have to operate radio and television stations. The effect will be that large commercial media groups, such as Grupo Clarín, will have to sell radio and broadcast television licenses to comply with this limitation.
- Requiring 70 percent of radio content and 60 percent of broadcast television content to be produced in Argentina. Cable television networks must have a channel of programming produced by them but can not have more than one.
- Requiring cable television networks to include the channels of the universities, municipalities and provinces within their coverage area of services. This is designed to promote local artists, musicians, etc., as well as support Argentina's national and local culture.
- Creating a registry for foreign channels and, in certain cases, such channels shall acquire rights over the production of Argentina's films.
- Limiting the percentage of foreign ownership in local radio and television broadcasting to 30 percent as long as non-Argentina-based ownership does not result in direct or indirect control of the company.
- Allowing only the two existing telephone companies to offer the so-called "triple play" of phone, cable television and Internet services.

Grupo Clarín and other media groups are expected to challenge the new media law in court.

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