

Law no. 32/2003, of 22 of August

Published in the D.R. n.º 193 (Series I - A), of 22 of August.

The Television Law and the Second Amendment of Decree-Law No. 241/97, of 18th September, amended by Law No. 192/2000, of 18th August, and ninth amendment of Advertising Code, approved by Decree-Law No. 330/90, of 23rd October, and amended by Decree-Laws Nos. 74/93, of 10th March, 6/95, of 17th January and 61/97, of 25th March, by Law No. 31-A/98, of 14th July and by Decree-Laws Nos. 275/98, of 9th September, 51/2001, of 15th February, 332/2001, of 24th December and 81/2002, of 4th April.

The Assembly of the Republic decrees, under the terms of sub-paragraph c) of Article 161 of the Constitution, that the following is valid as general law of the Republic:

CHAPTER I General Provisions

Article 1. Object

This law concerns access to television broadcasting and the carrying out of this activity within national territory.

Article 2. Definitions

1 - For the purposes of this law:

- a) "Television" means the organisation of programme services in the form of non-permanent images and sounds broadcast by means of electromagnetic waves or any other appropriate vehicle over the air, or by wire, and able to be received by the general public, excluding telecommunication services available only upon individual request;
- b) "Television operator" means the legal person legally entitled to carry out television broadcasting;
- c) "Television programme service", the series of programming items, sequential and unitary, provided by a television operator;
- d) "Self-promotion", announcements broadcast by the television operator relating to its own products, services, television programme services or programmes;
- e) "Teleshopping", the direct offers broadcast to the public, with a view to the supply of goods or services in return for payment.

2 - The following are exceptions to the provision of sub-paragraph a) of the previous paragraph:

- a) The occasional transmission of events, by means of technical mechanisms installed at places of transmission and intended for the public gathered there;
- b) The simple retransmission of third party broadcasts.

Article 3. Sphere of application

1 - Subject to the provisions of this law are all television broadcasts transmitted by television operators under the jurisdiction of the Portuguese State.

2 - All television operators which comply with the criteria defined in Article 2 of Directive No. 89/552/CEE, of the Council, of 3rd October, are considered to be under the jurisdiction of the Portuguese State, in the terms provided by Directive No. 97/36/CE, of the Parliament and Council, of 30th June.

3 - The retransmission of programme services may be prevented within Portuguese territory when these have been supplied by a television operator which is not subject to the jurisdiction of the States bound by Directive No. 89/552/CEE, of the Council, of 3rd October, in the terms provided by Directive No. 97/36/CE, of the Parliament and Council, of 30th June, or to the European Convention on Transfrontier Television, signed in Strasbourg on 5th May 1989 and the respective Amendment Agreement, when these programme services seriously contravene the provision of No.1 of Article 24 or any other stipulations of internal Portuguese law which safeguard general interests.

Article 4. Competition and concentration

1 - The general regime of defence and promotion of competition is applicable to television operators, particularly with regard to prohibited practices, especially the abuse of a dominant position, and also to concentration of companies.

2 - Concentration operations between television operators subject to intervention of the Competition Authority are communicated by this body to the regulatory authority, which issues prior judgments that are binding in nature and which shall only involve refusal when these operations present clear risk to both freedom of expression and the presentation of different opinions.

3 - The regulatory authority shall be notified of any holdings in other legally entitled bodies by television operators or candidates for television broadcasting which do not constitute a concentration operation subject to prior notification under the terms of legislation on competition.

4 - The transmission of television programme services may not be dependent on any demand for holdings by television operators in the capital of network holders, nor on the holdings of network holders in the capital of the former.

5 - The transmission of television programme services by operators of telecommunication networks shall be conducted with respect for the principles of equality, transparency and non-discrimination, particularly as regards access and conditions of remuneration.

6 - The obligations of transporting programme services will be established by decree-law, taking into consideration the media and telecommunication regulatory authorities.

Article 5. Transparency of ownership

1 - Shares representing the capital of television operators, taking the form of a public limited company, shall be nominative.

2 - The description of holders of qualified holdings in the capital of the television operators and of holders of special rights, respectively itemized, and indications of holdings in other similar entities are published together with the report and accounts and the respective editorial policy every calendar year in one of the national large-circulation general periodicals.

3 - For the purposes of this law, qualified holdings are considered as a share, direct or indirect, isolated or joint, which for any reason enables the holder, either acting alone or by virtue of a special relationship giving rights to vote for another participant, to exercise significant influence on the management of a television operator.

4 - For the determination of the existence of qualified holdings, the provision of Articles 20 and 21 of the Shareholders' Code, approved by Decree-Law No. 142-A/91, of 10th April, shall be taken into account.

5 - Significant influence on management is deemed to be whenever the participant holds at least 10% of the capital or of the voting rights within the company.

Article 6. Public service

The State ensures the existence and the functioning of a public television service under the terms of chapter IV, as well as ensuring that operators acting under the terms of the concession of the public television service comply with the specific obligations laid out in Article 47.

Article 7. Principle of cooperation

The State, public service concession holders and other television operators shall collaborate in the pursuit of values of human dignity, the rule of law, democratic society and national cohesion, and in the promotion of the Portuguese language and culture, taking into consideration the special needs of specific groups of viewers.

Article 8. Areas of coverage

1 - Coverage by television programme services may be on an international, national, regional or local level.

2 - Television programme services of international coverage are considered to be those which are aimed predominantly at viewers in other countries.

3 - Television programme services of national coverage are considered to be those which are aimed predominantly, even when conducted in stages, at most of the national territory, including the Autonomous Regions, provided that guarantees of the effectiveness of this coverage are provided on the date the candidature is presented.

4 - The geographic area allocated to every television programme service shall be covered by the same programme and recommended signal, except when authorization has been given otherwise, after consideration by the regulatory authority.

5 - The deliberation referred to in the previous paragraph will establish the limit of interruptions in broadcasting up to the maximum of one hour per day.

6 - The specific conditions of the regime of television broadcasting with regional or local coverage will be defined by decree-law.

7 - The ratings referred to in this article are the responsibility of the regulatory authority and are attributed during the act of licensing or authorization.

Article 9. Types of television programme services

1 - Television programme services may be general or thematic, and may be in encoded form or free-to-air basis.

2 - General television programme services are deemed to be those that present diverse

programming with a generalized content.

3 - Thematic television programme services are deemed to be those that present a programming model focusing predominantly upon a particular content, dealing with specific matters, or intended for a particular public.

4 - Thematic television programme services destined for self-promotion or teleshopping may not involve any other items of conventional programming, such as news, sports, films, series or documentaries.

5 - Television programme services of restricted access are those that transmit in encoded form and are available only upon payment of a specific amount, different from the amount paid for access to the distribution infrastructure or for its usage.

6 - The ratings referred to in this article are the responsibility of the regulatory authority and are attributed during the act of licensing or authorization.

Article 10. Purposes of general programme services

1 - The purposes of general television programme services are:

- a) To contribute to the information, education and entertainment of the public;
- b) To promote the right to inform and be informed, accurately and independently, without impediments or discrimination;
- c) Engender the creation of habits for civic harmony proper to a democratic state and contribute to political, social and cultural pluralism;
- d) To promote Portuguese culture and language and the values that express national identity.

2 - In addition, the purposes of general television programme services of regional or local coverage are:

- a) To extend television programming to include contents of a regional or local nature;
- b) To preserve and disseminate values which are characteristic of regional or local cultures;
- c) To broadcast information of particular interest to the audience of that geographical region.

Article 11. Technical standards

The definition of technical conditions for television broadcasting and the establishment of amounts to be paid for the issue of licences or authorizations and for the authorisation of the necessary technical means for transmission are covered by regulatory statute.

Article 12. Register of operators

1 - The registration of television operators is organised by the regulatory authority and shall include the following information:

- a) Articles of Association;
- b) Names of management bodies;
- c) Relation of shareholders and value of their respective holdings, with the holders of qualified holdings duly identified;
- d) Itemizing of shares in the capital of other companies in the media and communications sector;
- e) Programme services;
- f) Identity of those responsible for programming and for information when this exists;

g) Editorial policy.

2 - Television operators are obliged to communicate to the regulatory authority, in the first quarter of every year, the information referred to in the previous paragraph, for the purpose of registration and to update this information within 30 days following the events which gave rise to such changes.

3 - The regulatory authority may at any time carry out audits for the inspection and control of information supplied by television operators.

CHAPTER II Access to broadcasting

Article 13. Requirements for operators

1 - Television broadcasting shall only be pursued by companies or cooperatives that have as their main objective this activity under the terms of this law.

2 - The minimum capital required is (Euro) 1,000,000 or (Euro) 5,000,000, depending upon whether operators are supplying thematic or general programmes.

3 - Exempt from the provisions of paragraph 1 are television operators which only use, without financial profit, programme services destined for scientific or cultural broadcast and which may take the form of an association or foundation.

4 - The capital of television operators shall be entirely realised within eight days of the notification of the decisions referred to in Article 15 and onwards, at the risk of loss of the licence or authorization.

Article 14. Restrictions

Television broadcasting shall not be exercised or financed by political parties or associations, departments of local government or their associations, trade unions, or employer or professional associations, either directly or indirectly, by means of entities in which they hold capital or which are subsidized by them.

Article 15. Types of access

1 - Access to television broadcasting is subject to licensing, by means of public tender, or authorization, depending on whether or not the broadcasting to be carried out uses the terrestrial Hertzian spectrum.

2 - Without prejudice to the provisions of the previous paragraph, the establishment, management, operation of transport networks and broadcast of television signals are regulated by special statute.

3 - Licences and authorizations are individual in accordance with the number of television programme services to be supplied by each operator candidate.

4 - Exempt from the provisions of paragraph 1 is the public television service, under the terms laid out in Chapter IV.

Article 16. Licensing and authorisation of television programme services

The regulatory authority is responsible for the awarding of licences and authorizations for television broadcasting.

**Article 17.
Regulation of processes**

Processes of licensing or authorisation are regulated by the regulatory authority, which will obtain for that effect a declaration from the ICP - ANACOM, National Communications Authority, as regards the technical conditions presented in the candidature.

**Article 18.
Awarding of licences and authorizations**

1 - The awarding of licences or authorizations is conditioned by the verification of technical quality and the economic viability of the project.

2 - The awarding of new licences or authorizations as well as the modification of the existing legislative framework, does not constitute grounds for television operators to allege alteration to conditions for exercising their activity as regards economic and financial balance, nor does it confer any right to compensation.

3 - In the awarding of licences for digital terrestrial broadcasts with national coverage, the transmission capacity will be reserved for television programme services held by licensed operators or concession holders on the date this law comes into effect.

4 - In the licensing of television programme services in encoded form, the costs of access, when such costs exist, are subject to special consideration, as are the conditions and guarantees of the service provided to consumers.

**Article 19.
Compliance with the approved project**

1 - The television operator is obliged to comply with the conditions and terms of the licensed or authorized project, and any amendment is subject to the approval of the regulatory authority.

2 - The programme service may only be altered two years after the awarding of the licence or one year after the awarding of the authorization.

3 - The request for alteration shall be justified, taking into account more specifically the development of the market and the implications for the potential audience of the programme service in question.

4 - In the event that the regulatory authority does not provide notification of their decision within 60 days, the alteration may be considered to be tacitly approved.

**Article 20.
Term of licences or authorizations**

Licences or authorizations for the pursuit of television broadcasting with national coverage are issued for a term of 15 years, renewable for the same period.

**Article 21.
Expiration and suspension of licences or authorizations**

1 - Licences or authorizations may be suspended and expire at the elapsing of terms or through revocation.

2 - The revocation and suspension of licences or authorizations are the responsibility of the awarding authority.

Article 22. Regulation

1 - The Government will approve by Decree-Law the development of standards applicable to the licensing and authorization of television programme services.

2 - The statute mentioned in paragraph 1, shall stipulate:

- a) Criteria for the selection of candidatures;
- b) Documentation required and the application period;
- c) Value of surety;
- d) Phases of cover and specification of guarantees of effectiveness, as well as the time period established for the respective execution;
- e) Time period established for the initiation of broadcasting;
- f) Time periods established for the analysis of processes and issue of respective decision.

CHAPTER III Programming and Information

SECTION I Freedom of programming and information

Article 23. Autonomy of operators

1 - The freedom of expression of thought through television involves the fundamental right of citizens to free and pluralistic information, essential to democracy and to the social and economic development of the Country.

2 - Except in cases stipulated in this law, television broadcasting is based on the freedom of programming and neither the Public Administration nor any institute of sovereignty, with the exception of the courts of law, shall impede, limit or impose the broadcasting of any programmes.

Article 24. Limits to freedom of programming

1 - All items of programme services shall respect, in their presentation and content, the dignity of the human being, the fundamental rights and the free development of children and adolescents and shall not include gratuitous violence or incitement to hatred, racism or xenophobia, nor under any circumstances include pornography within a service available on a free-to-air basis.

2 - Any other programmes which may adversely affect the development of children or adolescents or affect any other vulnerable members of the public may only be broadcast between the hours of 11.00 p.m. and 06.00 a.m. and shall be identified by the presence of the appropriate visual symbol throughout their duration.

3 - The television broadcasting of works which have been subject to age rating systems for the purposes of cinematographic or videographic distribution shall be preceded by a mention of the rating that they have been given by the competent authority, and are subject to the restrictions referred to in the previous paragraph whenever the rating in question considers access to such works inadvisable for minors under 16 years of age.

4 - Exempt from the provisions of paragraphs 2 and 3 are transmissions of programme

services in encoded form.

5 - The provisions of the previous paragraphs are applicable to all items of programming, including advertising and messages, extracts or any images of self-promotion.

6 - Images with the characteristics referred to in paragraph 2 may be transmitted in news services when they are of journalistic relevance and are presented with respect for the ethical standards of the profession and preceded by a warning concerning their nature.

7 - The provision of paragraph 1 is applicable to the retransmission of programme services, namely by means of a cable distribution network.

Article 25. Programming announcements

Programming announcements planned for television programme services shall be accompanied by a warning and mention of the rating referred to in paragraphs 2 and 4 of Article 24.

Article 26. Compulsory broadcast

1 - The broadcast of messages requested by the President of the Republic, the President of the Assembly of the Republic and by the Prime Minister is compulsory and shall be carried out with the required prominence and maximum urgency.

2 - In the event of the declaration of a state of siege or state of emergency, the obligation laid out in the previous paragraph applies also to other television operators.

Article 27. Political propaganda

Television operators are forbidden to allow airtime to be used for political propaganda, without prejudice to the provisions of chapter V.

Article 28. Acquisition of exclusive rights

1 - The acquisition by any television operators of exclusive rights for the transmission of events of a political nature is null and void.

2 - In the event of the acquisition by television operators, who carry out broadcasts in encoded form or without national coverage, of exclusive rights for the transmission, via whole or partial live or deferred coverage, of other events which are regarded as being of major importance for society, the holders of the television rights are obliged to cede in non-discriminatory terms and in accordance with the normal conditions of the market, access to (an)other operator(s) interested in the transmission and which broadcast using the terrestrial Hertzian spectrum with national coverage and on a free-to-air basis.

3 - In the absence of an agreement between the holder of the television rights and the other operators interested in the transmission of the event, binding arbitration may be provided by the regulatory authority, upon request from either party.

4 - The events referred to in the previous paragraphs and the conditions of their respective transmission appear in the list to be published in the 2nd series of the *Diário da República*, before the 31st October of every year, by the member of the Government responsible for this area, having heard the regulatory authority, without prejudice to the publication of exceptional supplements determined by the occurrence of subsequent and unpredicted facts

of the same nature.

5 - The holders of the exclusive rights for the transmission of any events are obliged to cede their respective signal, via live coverage or deferred coverage, if requested to do so, to operators who carry out international broadcasts, for restricted use in such broadcasts, under conditions to be defined in a regulatory statute that will establish the payment criteria for the transfer. In the absence of an agreement between the interested parties, binding arbitration shall be provided by the regulatory authority.

6 - Television operators subject to this law are prohibited from exercising exclusive rights acquired after 30th July 1997 in such a way as to deprive a substantial proportion of the public of another Member State of the European Union, of following on free-to-air television, the listed events referred to in paragraph 8 under the conditions therein established.

7 - Failure to comply with the provisions of paragraphs 2 or 6 will not result in the application of the respective sanctions whenever the exclusive holder demonstrates the impossibility of complying with the obligations therein.

8 - For the purposes of the provisions of paragraph 6, the definitive list of the measures taken by member States, as published in the Official Journal of the European Union, will be published in the 2nd series of the Diário da República on the initiative of the member of the Government responsible for the media sector.

Article 29. Right to informative extracts

1 - Neither those responsible for the production of shows or other public events, nor the holders of exclusive rights to them, may oppose the transmission of brief extracts of those events, which are of an informative nature, by any television operator, national or otherwise.

2 - For the exercise of the right to information covered in the previous paragraph, operators may use the signal transmitted by the holders of exclusive rights, bearing only the costs that may result from its availability, or may alternatively resort to the use of their own technical means, under the legal terms that ensure the access of the media to public places.

3 - The extracts referred to in paragraph 1 shall:

- a) Be limited in duration to that which is strictly necessary for a perception of the essential content of the events in question, provided that this does not exceed ninety seconds, except when a longer period has been agreed between the operators involved, taking into account the nature of the events;
- b) Be broadcast exclusively in regular general news programmes and at a time after the event, except when agreement has been established between the parties for different use.
- c) Identify the source of the images, if they are broadcast from a signal transmitted by the holder of the exclusive rights.

SECTION II Obligations of operators

Article 30. General obligations of television operators

1 - All television operators shall guarantee in their programming, through practices of self-regulation, that broadcasting ethics are consistently observed, particularly with regard to respect for human dignity and for other fundamental rights, with special protection provided for the more vulnerable members of society such as children and young people.

2 - The following constitute general obligations for all television operators which operate

general

programme

services:

- a) To guarantee the entitlement to party political broadcasts during electoral periods, in compliance with constitutionally and legally stipulated terms;
- b) To broadcast the messages referred to in sub-paragraph i) of paragraph 2 of Article 47, in the event of a declaration of a state of siege or state of emergency;
- c) To guarantee the right of reply and rectification in compliance with constitutionally and legally stipulated terms;
- d) To guarantee accuracy, objectivity and independence of information.

Article 31. Director

1 - Every television programme service shall have a director responsible for the orientation and supervision of the content of broadcasts.

2 - Every television programme service which includes information programming shall nominate a specific person to be responsible for such information.

Article 32. Editorial statute

1 - Every television programme service shall adopt an editorial statute that clearly defines its orientation and objectives and includes the commitment to respect the rights of viewers, as well as the deontological principles of journalists and professional ethics.

2 - The editorial statute is drawn up by the person responsible, referred to in paragraph 1 of the previous article, with consultation of the editorial board, and subject to the approval of the proprietor and shall be sent to the regulatory authority within 60 days of the start of broadcasting.

3 - Changes made to editorial statute follow the terms laid out in the previous paragraph.

4 - The editorial statute of the television programme services shall be published under the terms of paragraph 2 of Article 5.

Article 33. News services

General programme services shall have regular news programmes, prepared by journalists, during their broadcasts.

Article 34. Editorial board and journalists' right to participation

In television programme services with more than five journalists, there shall be an editorial board, elected in accordance with the form and responsibilities defined by law.

Article 35. Number of broadcasting hours

1 - Television programme services with national coverage shall broadcast programmes for at least six hours daily.

2 - Excluded from the limit established in the previous paragraph are advertising and teleshopping programmes, without prejudice to the provisions of paragraph 4 of Article 9, and transmissions which reproduce fixed or merely repetitive images.

Article 36.
Transmission time devoted to advertising

1 - In television programme services with national coverage and broadcast free-to-air, the time devoted to advertising messages may not exceed 15% of the daily transmission time, except when these include other forms of publicity or teleshopping messages, when the limit may increase to 20%.

2 - In television programme services with national coverage and broadcast free-to-air, the broadcast of advertising or teleshopping messages shall not exceed 10% of the daily transmission time.

3 - In thematic television programme services of teleshopping or self-promotion, the time devoted to advertising shall not exceed 10% of the daily transmission time.

4 - The transmission time devoted for advertising or teleshopping messages, in each period between two one hour units, shall not exceed 10% or 20%, depending on whether or not it is a television programme service broadcast free-to-air.

5 - Exempt from the fixed limits in this article are announcements made by television operators in connection with their own programmes and products directly derived from those programmes, sponsorships, teleshopping windows referred to in the next article, as well as those concerning public services or with public interest and humanitarian appeals, broadcast free of charge.

Article 37.
Teleshopping windows

1 - Television programme services with national coverage and broadcast free-to-air may transmit up to eight teleshopping windows daily, provided that their overall duration does not exceed three hours, without prejudice to the previous article.

2 - Teleshopping windows shall be of a minimum uninterrupted duration of fifteen minutes.

3 - In television programme services for self-promotion, the broadcast of teleshopping windows is not allowed.

Article 38.
Identification of programmes

Programmes shall be identified and present all relevant information in their respective artistic and technical credits.

Article 39.
Recording of broadcast

1 - Irrespective of the provisions of Article 86, broadcasts shall be recorded and preserved for at least 90 days, if a longer period is not determined by law or by judicial decision.

2 - The regulatory authority may at any moment request the details recorded referred to in the previous paragraph from the operators, and these shall, in justified cases of emergency, be sent within forty-eight hours.

SECTION III
Broadcast of audiovisual works

Article 40.
Defence of the Portuguese language

1 - Broadcasts shall be spoken or subtitled in Portuguese, without prejudice to the possible use of other languages in programmes that fulfil occasional informative needs or are destined for the teaching of foreign languages.

2 - Television programme services with national coverage, with the exception of those whose nature and thematic content would not permit such an approach, shall devote at least 50% of their broadcasts, excluding the time reserved for advertising, teleshopping and teletext services, to the broadcast of original Portuguese language programmes.

3 - Without prejudice to the previous paragraph, television operators shall devote at least 15% of their transmission time to creative programmes originally produced in Portuguese language.

4 - The percentages established in paragraphs 2 and 3 may be filled, up to 25%, by programmes originating in other Portuguese-speaking countries.

5 - Television operators shall guarantee that the percentages referred to in paragraphs 2 and 3, are not shown in off-peak viewing periods.

Article 41. European production

1 - Television operators which run television programme services with national coverage shall incorporate a majority percentage of works of European origin in their respective programming, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services.

2 - The percentages referred to in the previous paragraph shall be achieved progressively, taking into account the criteria laid down in paragraphs 1 and 3 of Article 4 of the Directive No. 89/552/CEE, of the Council of 3rd October, as amended by Directive No. 97/36/CE, of the Parliament and Council of 30th June.

3 - The qualification foreseen in paragraph 1 is processed in accordance with instruments of international law that bind the Portuguese State.

Article 42. Independent production

Television operators which run television programme services with national coverage shall ensure that at least 10% of their respective programming, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services, is filled with European works, created by producers who are independent of television operators, and produced less than five years ago.

Article 43. Application criteria

Compliance with the percentages referred to in Articles 40 to 42 is evaluated annually, and shall take into account the specific nature of the thematic programme services, the operator's responsibilities as regards information, education, culture and entertainment, and, in the case of television programme services which are not concession holders of the public service, the conditions of the market or the results of the previous financial year.

Article 44. Support for production

The State shall ensure the existence of incentive measures for the original production in Portuguese of audiovisual fiction, documentaries and animation, with a view to creating

conditions for compliance with the provisions of Articles 40 and 42, by the adoption of the appropriate legal, financial, fiscal or credit mechanisms.

**Article 45.
Duty to inform**

Television operators are obliged to supply the regulatory authority in the first quarter of every year with a model outlining all the items necessary for the verification of its compliance with the obligations laid out in Articles 40 to 42, relating to the previous year.

**CHAPTER IV
Public television service**

**Article 46.
Principles to be observed**

The public television service observes the principles of universality and national cohesion, of excellence and accuracy in programming, objectivity and independence of information, as well as in functioning and structure.

**Article 47.
Obligations specific to operators holding the public television service concession**

1 - Operators holding the public television service concession shall assure quality programming that is balanced and diverse and which contributes to the cultural and civic development of viewers, promoting political, religious, social and cultural pluralism, and allowing access by all viewers to information, culture, education and quality entertainment.

2 - Operators referred to in the previous paragraph are specifically obliged to:

- a) Provide pluralist programming which takes into account minority interests and promotes cultural diversity;
- b) Provide accurate, independent and pluralist information;
- c) Ensure news coverage of the main national and international events;
- d) Ensure the production and transmission of educational and entertainment programmes destined for young people and children, which will contribute to their education;
- e) Broadcast programmes destined especially for Portuguese people resident outside Portugal and for nationals of other Portuguese-speaking countries also resident outside Portugal;
- f) Promote access to programmes for the deaf or those with hearing disabilities;
- g) Support national production, as regards international commitments which bind the Portuguese State, and co-production with other countries, especially European and Portuguese-speaking countries;
- h) Guarantee the entitlement to broadcast time, the right to reply and political refute, in compliance with constitutionally and legally stipulated terms;
- i) Broadcast any messages requested by the President of the Republic, the President of the Assembly of the Republic or by the Prime Minister;
- j) Give transmission time to the Civil Service, in order to disseminate information of general interest, particularly in matters of public health and safety.

3 - The operator entrusted with the carrying out of the programme service referred to in Article 51, is obliged to:

- a) Promote the broadcast of programmes in Portuguese and reserve for portuguese production a considerable percentage of transmission time, at peak viewing hours;
- b) Ensure the transmission of programmes of a cultural, educational and informative nature for specific viewing groups.

Article 48.
General concession of the public television service

1 - The general concession of the public television service is attributed to Rádio e Televisão de Portugal, SGPS, S. A., for a period of 16 years, under the terms of the concession contract celebrated between the State and said company.

2 - The general concession of the public television service is carried out by means of programme services broadcast free-to-air, which shall include:

- a) A service of general programmes distributed simultaneously throughout the national territory, including the Autonomous Regions;
- b) One or more programme services transmitting topics of interest to Portuguese-speaking viewers resident abroad and themes especially directed at countries whose official language is Portuguese, promoting the affirmation, enhancement and defence of the image of Portugal in the world.

3 - In order to fulfil the general and contractual obligations established, the general concession of the public television service may also include programmes services which have as their specific object:

- a) The broadcast of documentary material from the archives of Radiotelevisão Portuguesa, S. A.;
- b) The dissemination of areas of interest for specific regions and local communities.

4 - The general concession of the public television service also includes the obligation to transmit two programme services, especially destined for the Autonomous Regions of the Azores and Madeira, respectively.

5 - The concession contract alluded to in paragraph 1 establishes the rights and obligations of each party, taking into account the objectives regarding the programme services mentioned in paragraphs 2, 3 and 4, and the acts or contracts awarding the operation of these programme services to third parties, under the terms of the following articles, shall stipulate the need for ensuring compliance with those same objectives.

6 - The content of the concession contract and of the acts or contracts referred to in the previous paragraph shall be subject to confirmation by the regulatory authority.

Article 49.
Programme services to be operated by Radiotelevisão Portuguesa - Serviço Público de Televisão, S. A.

1 - Upon deliberation by the board of directors of Rádio e Televisão de Portugal, SGPS, S. A., under the terms of the concession contract, the programme services particularly designed for the transmission of programmes referred to under paragraphs 2 and 3 of the previous article, will be carried out by Radiotelevisão Portuguesa - Serviço Público de Televisão, S. A., or by a company exclusively held by it.

2 - The programmes referred to in paragraph 3 of the previous article may be achieved through a single programme service or by more than one programme service, in accordance with the decision of the board of directors of Rádio e Televisão de Portugal, SGPS, S. A., under the terms of the concession contract.

Article 50.
Regional programme services

1 - Without prejudice to the provisions of paragraph 2, the programme services referred to in paragraph 4 of Article 48 will be carried out in each of the Autonomous Regions, under the terms of the contract of concession, by a company set up for this specific purpose.

2 - Until the setting up of the company referred to in the final part of the previous paragraph, the board of directors of Rádio e Televisão de Portugal, SGPS, S. A., will ensure, under the terms of the contract of concession, that the programme services referred to in paragraph 1 are temporarily carried out, directly or indirectly, by Radiotelevisão Portuguesa - Serviço Público de Televisão, S. A.

3 - The majority of capital of the company referred to in paragraph 1 will be held by the respective Autonomous Region and by Rádio e Televisão de Portugal, SGPS, S. A., although other public or private entities may have holdings in said capital.

4 - The statutes of this company shall stipulate mechanisms for ensuring the financial balance of the respective activity and shall confer upon Rádio e Televisão de Portugal, SGPS, S. A., special rights or prerogatives which enable it to guarantee compliance with concession obligations.

Article 51. Special public service concession

1 - The public television service will also involve a service of programmes particularly directed at culture, science, research, innovation, social involvement, amateur sport, religious faiths, independent production, portuguese cinema, the environment, defence of consumer rights and audiovisual experimentation.

2 - The programme service referred to in the previous paragraph will be the object of autonomous concession, for a period of eight years, which will be held by Rádio e Televisão de Portugal, SGPS, S. A.

3 - At the end of the period referred to in the previous paragraph, the programme service will be conceded to an entity set up for this specific purpose, whose organization will reflect the diversity of civil society, under the terms to be defined by law and by the respective contract of concession.

4 - The board of directors of Rádio e Televisão de Portugal, SGPS, S. A., will determine, under the terms of the respective concession, that the programme service referred to by this article will be carried out by Radiotelevisão Portuguesa - Serviço Público de Televisão, S. A., or by a company exclusively held by it, which shall include, for this effect, a consulting body representing members of society whose work is related, directly or indirectly, to this programme service.

Article 52. Financing

1 - The State assures the financing of the public television service under the terms established by law and in the contracts of concession.

2 - Public financing shall respect the principles of proportionality and transparency.

3 - The contracts of concession shall establish a system of control to verify that public service missions and transparency and proportionality of associated financial flow are carried out by means of an annual external audit to be conducted by a specialist body, to be nominated by the regulatory authority.

4 - With the aim of ensuring an adequate and efficient management of resources, in accordance with forecasts for the economical and social environment, expenses resulting from the financing of the public radio and television service will be established on a multi-annual basis over four-year periods.

5 - The forecast referred to in the previous paragraph shall identify, in addition to total costs for the four-year period, the annual breakdown of these expenses.

CHAPTER V
Rights to broadcast time, reply and political refute

SECTION I
Right to broadcast time

Article 53.
Access to the entitlement to broadcast time

1 - Political parties, the Government, trade unions, professional organisations and those representing economic activities and environmental and consumer protection associations are guaranteed the right to broadcast time on the public television service.

2 - The bodies referred to in the previous paragraph have the right, free of charge and annually, to the following broadcast times:

- a) Ten minutes per party represented in the Assembly of the Republic, plus thirty seconds for each elected member;
- b) Five minutes per party not represented in the Assembly of the Republic, but which has participated in the most recent general election, plus thirty seconds for every 15,000 votes obtained in those elections;
- c) Sixty minutes for the Government and sixty minutes for the parties represented in the Assembly of the Republic which are not in Government, distributed in proportion to their representation;
- d) Ninety minutes for trade union organisations, ninety minutes for professional organisations and those representing economic activities, and thirty minutes for environmental and consumer protection associations, distributed in proportion to their representation.
- e) Fifteen minutes for other bodies which have the right to transmission time attributed to them by law.

3 - Broadcast time is deemed to be the programme space to which the holder of the right is entitled, a fact which shall be clearly mentioned at the beginning and end of every programme.

4 - Holders may not use the entitlement to broadcast time more than once every 15 days, nor may their broadcasts last more than ten minutes or less than three, unless total transmission time allowed overall is less.

5 - Those responsible for programming shall organise, with the collaboration of the holders of rights of broadcast time and in accordance with this law, general plans for their respective use.

6 - The absence of agreement about the plans referred to in the previous paragraph will result in arbitration by the regulatory authority.

Article 54.
Limitation of the right to broadcast time

1 - The right to broadcast time may not be exercised on Saturdays, Sundays and national public holidays, and shall also be suspended a month before the date established for the beginning of an electoral or referendum campaign, under the terms of the respective legislation.

2 - The right to broadcast time is non-transferable.

Article 55.
Broadcast and reservation of the right to broadcast time

1 - Entitlement times are broadcast in the television programme service with national coverage at peak viewing hours between 7.00 p.m. and 10.00 p.m.

2 - Holders of the entitlement to broadcast time shall request the reservation of the time to which they have the right 15 days before transmission, and the respective recording shall be made or the pre-recorded material handed in no later than seventy-two hours before the broadcast of the programme.

3 - Programmes which are ready for broadcast shall be handed in no later than forty-eight hours prior to transmission.

4 - Holders of the entitlement to broadcast will be provided with the technical means required for the production of their respective programmes under conditions of total equality.

Article 56.
Forfeiture of the right to broadcast time

Failure to comply with the times stipulated in the previous article will result in forfeiture of the entitlement, except if this occurred for reasons not imputable to the holder, in which case the unused time may be accumulated with other programmed time for use after the removal of the obstacle.

Article 57.
Right to broadcast time during election periods

In election periods, the exercise of the entitlement to broadcast time is regulated by electoral legislation, covering all general television programme services on a free-to-air basis.

SECTION II
Right of political refute

Article 58.
Right of political refute of opposition parties

1 - Parties represented in the Assembly of the Republic and which are not part of the Government have the right to refute, in the same programme service, to the political declarations made by the Government on the public television service which affected them directly.

2 - The duration and prominence granted for the exercise of the right referred to in the previous paragraph will be equal to those of the declaration that gave rise to them.

3 - When more than one party requests, through their respective representatives, their right to transmission time, the time is divided equally amongst the various holders, although it may not be less than one minute per party.

4 - The procedures laid out in this law for exercising the right of reply, with any necessary amendments, will be applied to the right of political refute.

5 - For the purposes of this article, only declarations of general or on particular areas of politics made by the Government in its name and identified as such are considered, and declarations by members of the Government about matters relating to the management of their respective departments are not included.

SECTION III
Rights of reply and rectification

Article 59.
Presupposition of the rights of reply and rectification

- 1 - Any natural or legal person, organisation, service or public organism that has been the object of references on television programme services, even if indirectly, which may affect their reputation or good name, has the right of reply on the television programme services.
- 2 - The entities referred to in the previous paragraph have the right to rectification on the programme services on which untrue or erroneous references concerning them were made.
- 3 - The right of reply and rectification may be withheld if, with the express agreement of the interested party, the television operator has corrected or clarified the text or image in question or has provided another way to effectively state their position.
- 4 - The right of reply and the right of rectification are independent to any criminal procedure due to the fact that broadcasts have been made, as are the right to compensation for damages caused by such broadcasts.

Article 60.
Right of viewing

- 1 - The holder of the right of reply or of rectification, or their legitimate representative under the terms of paragraph 1 of the following article, may demand for the purposes of the exercise of those rights, the viewing of the material from the broadcast in question, which shall be supplied to the interested party within twenty-four hours.
- 2 - The request for viewing suspends the period for the exercise of the right of reply or of rectification, which restarts twenty-four hours after the time the broadcasting entity provides the recording.
- 3 - The right to viewing also involves the obtaining of a recording of the broadcast, upon payment of the cost of the device used.

Article 61.
Exercise of the rights of reply and rectification

- 1 - The right of reply and rectification shall be exercised by the holder or by their legal representative or by their heir, within 20 days following the broadcast.
- 2 - The period given in the previous paragraph is suspended when, through Force Majeure, the people referred to are prevented from exerting the right in question.
- 3 - The text of the reply or rectification shall be handed in to the television operator with the signature and identification of the author, using a procedure which proves it has been received, invoking the right of reply or rectification or the relevant legal provisions.
- 4 - The content of the reply or rectification is limited by the use of direct and proper reference to that which provoked it and may not exceed the number of words in the text that gave rise to such reply or rectification.
- 5 - The reply or rectification may not contain expressions which are disproportionately discourteous, or which involve criminal or civil responsibility, to which, in this case, only the author of the reply or rectification may be held liable.

Article 62.
Decisions on the transmission of the reply or rectification

1 - When the reply or rectification is untimely, is issued by people without legitimacy, is manifestly unfounded or contradicts the provisions of paragraphs 4 and 5 of the previous article, the television operator may refuse the broadcast, informing the interested party in writing of such refusal and giving justification, within twenty-four hours of reception of the reply or rectification.

2 - If the reply or rectification violates the provisions of paragraphs 4 and 5 of the previous article, the operator will invite the interested party, within the period stipulated in the previous paragraph, to remove the passages or expressions in question, within the following forty-eight hours. If this is not carried out, the operator is entitled to refuse to broadcast the complete text.

3 - In the event of the right of reply or rectification not being satisfied or being improperly refused, the interested party may appeal to the judicial court in the respective area of residence, within 10 days from the refusal or from the end of the legal period for the satisfaction of that right, and to the regulating authority, under the terms and periods of the specific applicable legislation.

4 - Following the request for legal notification of the operator who has not granted the right of reply or rectification, that operator will be immediately notified by post in order to contest within a period of two working days, after which the decision will be made in the same period, which may be appealed without staying effects.

5 - Only documentary evidence is admitted, and all documents shall be presented together with the initial requisition and with the contestation.

6 - Should the request be agreed to, the operator shall broadcast the reply or rectification in the time period established in paragraph 1 of the following article, mentioning that it was carried out as a consequence of a decision of the court or by the regulatory authority.

Article 63.
Broadcasting of the reply or rectification

1 - Broadcasting of the reply or rectification will be within twenty-four hours from the handing in of the respective text to the television operator, except in the situations covered by paragraphs 1 and 2 of the previous article.

2 - The reply or rectification is broadcast free of charge on the same programme, or, if that is not possible, at an equivalent transmission time.

3 - The reply or rectification shall be broadcast as many times as the original broadcasts which provoked it.

4 - The reply or rectification is read by a presenter of the broadcasting company in a form which will ensure that it is easily understood and may include audiovisual components whenever the original reference also used similar equipment.

5 - The broadcast of the reply or rectification may not be preceded or followed by any commentaries, except those necessary to indicate any imprecision or error of fact, which may give rise to a new reply or rectification under the terms of paragraphs 1 and 2 of Article 59.

CHAPTER VI
Liability

SECTION I Civil liability

Article 64. Civil liability

1 - To determine the forms of effecting civil liability which emerge from facts shown on television, general principles are observed.

2 - Television operators respond in conjunction with those responsible for the broadcast of the previously recorded programmes, with the exception of those transmitted under the entitlement to broadcast time.

SECTION II Sanction regime

Article 65. Crimes committed through television

1 - Acts or behaviour perpetrated through television that harm legally-protected interests are punished in general terms with the adaptations laid out in the following paragraphs.

2 - Whenever the law does not establish serious transgression through the means of perpetration, crimes committed through television are punished with sentences established according to the respective criminal norms, increased by a third over their maximum and minimum limits.

3 - The directors referred to in Article 31 are only criminally liable when they do not oppose the committing of the crimes referred to in paragraph 1, which may be done through adequate action to avoid such crimes taking place, in which case the penalties stipulated in corresponding legal categories are applicable with the respective limits reduced by a third.

4 - In the case of unauthorized broadcasts, the person responsible for determining the respective broadcast will be held liable.

5 - The technicians at the service of television operators are not responsible for the broadcasts for whoever they provided their services, if the criminal nature of their act cannot be imputed to them.

Article 66. Illegal broadcasting of television

1 - The broadcasting of television without legal authorisation to do so is punishable with up to three years of imprisonment or with a fine corresponding up to 320 days.

2 - All assets used in television broadcasting without legal authorisation are declared lost in favour of the State, without prejudice to the rights of third parties who acted in good faith, under the terms of Article 110 of the Penal Code.

3 - The provision of paragraph 1 is applicable in the event of failure to comply with the decision to revoke a licence or prohibition from re-transmitting a programme service.

Article 67. Qualified disobedience

Those responsible for programming, or those substituting them, incur the crime of qualified disobedience when:

- a) They do not respect the court decision ordering the broadcast of a reply or rectification under the provision of paragraph 6 of Article 62;
- b) They refuse to broadcast legal decisions under the terms of Article 85;
- c) They do not comply with the decisions of the regulatory authority regarding the exercise of the right to broadcast time, of political refute, or reply or rectification;
- d) They do not comply with a cautionary or definitive decision for the suspension of transmission or retransmission.

Article 68.

Attempt to the freedom of programming and information

1 - Acts to impede or perturb the transmission of programme services or seize or damage the materials necessary for television broadcasting, not including cases governed by law, with the intention of attacking the freedom of programming or information, are punishable with sentence of imprisonment of up to two years or a fine of up to 240 days, if harsher punishments are not contemplated within the terms of penal law.

2 - The application of the penalty stipulated in the previous paragraph is without prejudice to the implementation of civil liability for damages caused to the broadcasting operator.

3 - If the perpetrator is an agent or employee of the State or of a public legal person and through the carrying out of his or her duties, commits the acts described in paragraph nº 1, such acts are punishable with a custodial sentence of up to three years or a fine of up to 320 days, if harsher punishments are not contemplated within the terms of penal law.

Article 69.

Minor administrative offences

1 - The following are punished with a fine of between (Euro) 7,500 and (Euro) 37,500:

- a) Failure to observe the provisions of paragraph 2 of Article 5, paragraph 2 of Article 12, in the second part of paragraph 2 and paragraph 3 of Article 24, Articles 25, 32, 38, paragraph 5 of Article 40 and Articles 41, 42, 45 and 87;
- b) Failure to comply with the provisions of the first part of paragraph 1 of Article 54;
- c) Omitting that referred to in the second part of paragraph 6 of Article 62.

2 - Negligence is punishable.

Article 70.

Serious administrative offences

1 - The following are punishable with a fine of between (Euro) 20,000 and (Euro) 150,000:

- a) Failure to observe the provisions of paragraph 3 of Article 4, paragraph 1 of Article 5, the first part of paragraph 2 and paragraph 6 of Article 24, paragraph 5 of Article 28, paragraph 3 of Article 29, Articles 31, 33, 36, 37, 39, paragraphs 1 to 3 of Article 40, paragraph 4 of Article 53, paragraphs. 1 and 4 of Article 55, paragraphs. 2 and 3 of Article 58, Article 63 and paragraph 1 of Article 86;
- b) Omission of the information referred to in paragraph 1 of Article 62;
- c) Violation of the provisions of the second part of paragraph 1 of Article 54 and of the times established in paragraph 1 of Article 60, paragraph 6 of Article 62 and paragraph 1 of Article 63.

2 - Negligence is punishable.

Article 71.

Very serious administrative offences

1 - The following are punishable with a fine of between (Euro) 75,000 and (Euro) 375,000 and suspension of transmission or retransmission of the programme service in which they were committed for a period of 1 to 10 days:

- a) Failure to observe the provisions of paragraphs. 4 and 5 of Article 4, paragraph 4 of Article 8, Article 14, paragraph 1 of Article 19, paragraph 1 of Article 24, Article 27, paragraphs 2 and 6 of Article 28, paragraph 1 of Article 29, paragraph 1 of Article 35 and paragraph 2 of Article 54;
- b) Violation by any operator of the provision of paragraph 2 of Article 26 and of the rights laid out in paragraph 1 of Article 60;
- c) The operation of television channels by entities other than the holder of the licence or authorization.

2 - Negligence is punishable.

Article 72. Liability

Liability for the offences stipulated in the previous articles falls upon the television operator in whose programme service the offence was committed or the distribution operator, in the case of cable, who undertook the retransmission of contents infringing the provision of paragraph 1 of Article 24.

Article 73. Attempts committed during right to broadcast time

The violation of the provision of paragraph 1 of Article 24 and paragraph 2 of Article 54, laid out in sub-paragraph a) of paragraph 1 of Article 71, when committed during the exercise of the entitlement to broadcast time and depending upon the gravity of the offence, is punished with an additional sanction of suspension of activity of the same right for periods of 3 to 12 months, with a minimum of 6 to 12 months in the event of reoccurrence, without affecting other sanctions covered by the law.

Article 74. Special attenuation and exemption from the suspension and fine

1 - If circumstances are such that they are covered by general criminal law this will allow special attenuation of the sentence:

- a) In the case of a minor or serious offence, the provision of paragraph 3 of Article 18 of Decree-Law No. 433/82, of 27th October applies;
- b) In the case of a very serious offence, the limits of the fine are reduced by a third, and suspension of transmission or retransmission may not be applied.

2 - In the case of an administrative offence, the party in question can and shall be exempted from the fine when circumstances exist which invoke exemption under penal law.

3 - The operator may be exempted from payment of the fine in the case of violation of the time limits for advertising established in Article 36 when failure to comply with this limit at a particular time is duly justified as occurring for reasons of an exceptional nature, namely the unexpected delay or prolongation of a programme, when it can be seen that, over the time in question and the preceding and succeeding hours, the accumulated limit of advertising stipulated has been respected.

Article 75. Suspension of execution

1 - The suspension of transmission or retransmission may be suspended for a period of three months to a year if conditions exist which according to general penal law allows suspension of the implementation of sentences and the operator has not been sanctioned for an administrative offence within the previous year.

2 - The suspension of execution may depend upon the provision of a bond of good conduct, to be set between (Euro) 20,000 and (Euro) 150,000, depending on the duration of the suspension.

3 - The suspension of execution will always be revoked if, during the respective period, another very serious administrative offence is committed.

4 - Revocation will entail the execution of the suspension, the carrying out of which was suspended and the breach of the bond.

Article 76. Special aggravation

If the operator commits an offence after having been sanctioned for another offence committed less than one year previously, the minimum and maximum limits of the fine and the suspension of transmission or retransmission are doubled.

Article 77. Revocation of licence and restrictions on retransmission

1 - If the operator commits a very serious offence after having been sanctioned for two other very serious offences, the television licence may be revoked, or, if it is an offence committed in the activity of retransmission, the retransmission of the programme service in which the offences were committed will be totally prohibited.

2 - An offence ceases to be taken into account when a period of more than one year has lapsed between it and the following offence.

Article 78. Processing of offences

1 - Monitoring of compliance with the provisions of this law, the processing of offences and the application of the corresponding sanctions is the responsibility of the regulatory authority.

2 - The suspension or prohibition of retransmission of the programme service, namely by operators of cable distribution networks, will take into account, when applicable, the procedure stipulated for the effect of suspension of retransmission of programmes in the State of reception, in Directive No. 89/552/CEE, of the Council of 3rd October, in the terms laid down by Directive No. 97/36/CE, of the Parliament and Council of 30th June, and in the European Convention on Transfrontier Television, open for signature in Strasbourg on 5th May 1989, and the respective Amendment Agreement, approved for ratification by the Resolution of the Assembly of the Republic No. 50/2001, of 13th July.

3 - The revenue from fines reverts wholly to the regulatory authority.

Article 79. Abbreviated process

1 - In the case of infraction of the provisions of paragraphs 1 to 4 of Article 36 and in any other situation in which the regulatory authority holds a recording or other automated record of the facts that constitute the infraction, as soon as the news of the offence is acquired, the operator will be notified:

- a) of the facts constituting the offence;
- b) of the legislation infringed;
- c) of sanctions applicable;
- d) of the period allowed for the presentation of a defence.

2 - Defendants may, within 20 days from the notification, present their defence, in writing, providing any proof that they feel necessary.

Article 80.

Cautionary suspension of transmission or retransmission

1 - When there are clear indications of an infraction, and if, given the nature of the transmissions and other circumstances, the regulatory authority specifically perceives that there is a danger of continuation or repetition of the improper activity concerned, this body may order the immediate suspension of transmission or retransmission of the programme or programme service in which the offence has been committed.

2 - The decision is susceptible to legal contestation, which will be immediately sent for legal decision, and shall be judged within a maximum of 30 days of receipt of the relevant documents in the respective court.

SECTION III

Special provisions of the proceedings

Article 81.

Form of proceedings

The procedure for criminal offences committed through television is regulated by the provisions of the Code of Criminal Procedure and complementary legislation, with the specialities resulting from this law.

Article 82.

Territorial jurisdiction

1 - The judicial court of the area where the operator has its head office or permanent representation shall judge the offences relating to this law.

2 - Exempt from the provisions of the previous paragraph are offences committed against good name and reputation, the protection of private life or other personal values, which will be judged by the judicial court in the area of residence of the injured party.

3 - In the case of television broadcasts by an entity, not entitled to do so under the terms of the law, and when the element defining jurisdiction under the terms of paragraph 1 is unknown, jurisdiction passes to the Judicial Court of Lisbon.

Article 83.

Cautionary suspension in criminal proceedings

The provisions of Article 80 are applicable, with the necessary adaptations, in proceedings for crimes stipulated in this law and it will be the responsibility of the Attorney-General Department to request cautionary suspension during the inquiry.

Article 84.

Regime of proof

1 - In order to prove the requirements of the exercise of entitlements of the rights to reply or rectification, and without prejudice to other means available by law, the interested party may request, under the terms of Article 528 of the Code of Civil Procedure, that the broadcaster be notified to present the recordings of the respective programme, within the period stipulated for contestation.

2 - In addition to that referred to in the previous paragraph, documentary proof is only admitted when is attached to the initial requisition or to the contestation.

Article 85.
Broadcasting of decisions

The requisition from the Attorney-General Department or from the injured party, and after judicial decision, the decision taken in sentences judged as crimes committed through television, and the identity of the parties involved, will be broadcast by the broadcaster.

CHAPTER VII
Preservation of television heritage

Article 86.
Legal deposit

1 - Recordings of programmes that are deemed to be of public interest due to their historical or cultural relevance are subject to legal deposit, for long-term preservation and accessibility for research.

2 - The legal deposit referred to in the previous paragraph will be regulated by internal statute, which will safeguard the interests of the authors, producers and television operators.

3 - The State will also promote the long-term preservation of and ensure public access to recordings considered to be of public interest prior to the promulgation of the statute regulating the legal deposit, by means of specific agreements established with each operator.

CHAPTER VIII
Final and transitory provisions

Article 87.
Accounting of broadcast time

Those responsible for television broadcasting stations shall assure the proper accounting of time provided for entitlement to broadcast time, reply and political refute, for the purposes of this law, transmitting the respective results to the interested parties.

Article 88.
Transitory norm

The provisions of Articles 48 to 51 of this law will come into effect on the date of the constitution of Rádio e Televisão de Portugal, SGPS, S. A, with articles corresponding to Law No. 31-A/98, of 14th July remaining in force until then.

Article 89.
Jurisdiction of regulation

1 - The jurisdiction of the regulatory authority referred to in Articles 4, 8, 9, 16, 19, 28, 32, 48, paragraph 3 of Article 52 and in Articles 53, 62, 67, 79 and 80 is the responsibility of the High Authority for the Media and those referred to in Articles 12, 17 and 45 are the

responsibility of the Media Institute.

2 - The jurisdiction of each regulatory authority referred to in Article 39 may be exercised either by the High Authority for the Media or by the Media Institute.

3 - Monitoring of compliance with provisions of this law falls to the Media Institute and in matters of advertising, to the Consumer Institute, without prejudice to the jurisdiction of any other entity legally entitled for that effect.

4 - The president of the Media Institute is responsible for the application of fines referred to in this law, with the exception of those relating to the violation of:

a) Articles 18, 24, 25, 53 to 63, which are the responsibility of the High Authority for the Media;

b) Article 24, when committed by means of advertising broadcasts and Articles 36 and 37, which is the responsibility of the committee for the application of fines referred to in the Advertising Code.

5 - The processing of administrative offences falls to the entity responsible for the application of corresponding fines, except when these relate to the violation of Article 24, when committed through advertising broadcasts, and Articles 36 and 37, which falls to the Consumer Institute.

6. Revenue from fines reverts 60% to the State and 40% to the Media Institute, when responsible for this application, or 60% to the State, 20% to the regulatory authority and 20% to the entity responsible for the processing of offences relating to the violation of Article 24, when committed through advertising broadcasts and of Articles 36 and 37.

**Article 90.
Second amendment to Decree-Law No. 241/97, of 18th September**

Articles 16 and 19 of Decree-Law No. 241/97, of 18th September, amended by Law No. 192/2000, of 18th August now contain the following wording:

Article 16.
[...]

1	-	...
2	-	...
a)		...
b)		(Revoked)
c)		...
d)		...
e)		...
f)		...
g)		...
h)		...
i)		...
j)		...

3 - In the exercise of its activity, the operator of the cable distribution network is subject to compliance with the provisions of paragraph 1 of Article 24 of the Television Law, and also with the norms of copyright law and associated rights, whenever applicable.

Article 19.
[...]

1	-	...
a)		...
b)		...

c) ...
2 - The provisions of Articles 65 to 68 and 71 to 85 of the Television Law are applicable to cable distribution.
3 - (Previously paragraph 2.)
4 - (Previously paragraph 3.)

**Article 91.
Ninth amendment to the Advertising Code**

Article 40 of the Advertising Code, approved by Decree-Law No. 330/90, of 23rd October and amended by Decree-Laws Nos. 74/93, of 10th March, 6/95, of 17th January and 61/97, of 25th March, by Law No. 31-A/98, of 14th July and by Decree-Laws Nos. 275/98, of 9th September, 51/2001, of 15th February, 332/2001, of 24th December, and 81/2002, of 4th April, now contains the following wording:

Article 40.
[...]

1 - ...
2 - Monitoring of compliance with the provisions of Article 24 in the activity of television, and also, in Articles 25 and 25-A, the regulation of the respective processes and the application of the corresponding fines and additional sanctions are the responsibility of the independent media regulatory authority.
3 - Revenue from fines applied under the provisions of the previous paragraph reverts 40% to the regulatory authority and 60% to the State.

**Article 92.
Revoking norm**

Without prejudice to the provisions of Article 88, Law No. 31-A/98, of 14th July is hereby revoked.

Approved on 15th July, 2003.
The President of the Assembly of the Republic, *João Bosco Mota Amaral*.
Promulgated on 6th August, 2003.
Hereby published.
The President of the Republic, **JORGE SAMPAIO**.
Counter-signed on 8th August, 2003.
The Prime Minister, *José Manuel Durão Barroso*.