

Doc.26/2016

RESOLUTION OF IAB BOARD OF DIRECTORS

ARGENTINA

WHEREAS:

The provisions of arts. 74 of Law 26.522 and 43 quater of Law 26.215, as amended by Law 26.571, as well as the provisions of Decree 1142/15 regarding the free cession of electoral advertising slots.

CONSIDERING:

That it is necessary to modify what is established in Decree 1142/15 that supports free broadcasting of electoral publicity slots. This rule violates the text of laws 26.522 and 26.571, which only provide the granting of the slots but they do not establish that they must be free of charge.

That the fact that the decision of granting free television slots is born by television broadcasters is a regulatory excess by which the Executive violated the Constitution, whose article 99, in paragraph 3), states that this State power "Shall in no event, under penalty of absolute and insurmountable nullity, issue legislative provisions." In this case, as a topic related to the electoral matters and the regime of political parties, the same provision of the Argentine Constitution establishes that it is not even liable to be regulated by means of decrees by necessity and urgency.

That constitutional rights to property and to free exercise of legal industry are affected, without a law that supports them or prior compensation, by subtracting a significant source of the advertising revenues of the companies. There is also the indirect effect that advertisers do not want to advertise in commercial packets with electoral advertising, therefore they migrate to other platforms (cable, internet).

That the possibility of the political parties to pay for advertising to television channels and radio should also be allowed, as long as they can prove where the funds come from. The graphic media, public streets, internet portals (you tube, facebook), are not obliged to grant electoral advertising slots and can advertise political slots, thus causing discrimination among various media.

THE BOARD OF DIRECTORS OF THE INTERNATIONAL ASSOCIATION OF BROADCASTING, MEETING IN SAN JOSÉ, REPUBLIC OF COSTA RICA, RESOLVES:

To request the Executive of the Argentine Nation to repeal or modify Decree 1142/15 in its relevant part, since it implies the violation of the constitutional guarantees to property, legality, reasonableness, equality and exercise of legal industry without undue interference by the State.

San José, November 17, 2016.