

Doc.28/2016

RESOLUTION OF IAB BOARD OF DIRECTORS ELECTORAL ADVERTISING

WHEREAS:

Many countries have legislated, or intend to legislate, in order to impose electoral advertising slots on private sound and television broadcasting, free of charge for political parties and candidates.

That it is mistakenly argued that private radio and television concessionaires use a public good, such as the radioelectric spectrum; based on that argument, such costs would constitute a compensation for that use.

CONSIDERING:

That the main compensation that sound and television broadcasting gives to the nations for the use of the radioelectric spectrum, is the generation of free informative, entertaining and cultural content for the citizens.

That since private sound and television broadcasting is a highly competitive activity, not only among the concessionaires themselves, but also with respect to other media such as cable, internet, press and new digital platforms, the society obtains as a result a wide variety in the programmatic offering, enhancing the access to information, opinion, entertainment and culture, with different levels of specialization and segmentation, for the benefit of the public preferences.

That the investments made by private broadcasting in infrastructure and technology allow this valuable and diverse content to reach almost the entire national territory, including remote places and populations, with the consequent contribution to territorial integration, cultural identity and social cohesion of our nations, which is why broadcasting is an activity of public interest.

That in addition to making and maintaining the investments and infrastructure necessary to support its operations and broadcast its content daily, broadcasting stations invest in the generation of content that is valuable and attractive to the public. The audience is not an attribute of the radio spectrum, but the result of an economic effort and the talent and creativity of an entire industry.

That in the exercise of its activity, broadcasting pays every tax and rate of the general tax or fiscal regime corresponding to any legal activity, in addition to other charges such as the fees or special taxes set for the use of the spectrum and copyright and related rights.

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That the attempt to impose free slots for electoral advertising constitutes a significant burden, since it deprives private sound and television broadcasting of the revenue from legal electoral advertising. Besides, the content is being imposed on the public, which results in a drastic decrease in the audience.

That the saturation implied by electoral advertising also produces a natural decrease in commercial advertising, causing twice as much harm on the concessionaires of private broadcasting, whose only revenue is commercial advertising.

That private sound and television broadcasting is an activity of public interest, since it constitutes the main support for a public space, increasingly penetrated by transnational or globalized contents, consequently, the imposition of such charges, is directly equivalent to weakening and destroying the national public space, sustained largely by private and free radio and television.

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

To reiterate that the imposition of electoral slots on radio and television brings in the violation of constitutional guarantees such as equality, since this burden is imposed only on certain sector of the media such as radio and television; to property, by subtracting legitimate income and confiscating advertising slots; to the exercise of legal business without undue interference by the State (freedom of enterprise) and to the autonomy of the intermediate bodies, among other rights.

To emphasize that equity and transparency in electoral competition is an invaluable asset that must be achieved with better regulations on the financing of politics, parties and electoral system.

To warn that this type of heavy charges on private radio and television contribute to the weakening of the national public space, reducing the competitiveness of broadcast media compared to large broadcasters with global content.

San José, November 17, 2016.