[ES] National regulator assesses the level of compliance with European works quotas and prominence

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New data has been published on how audiovisual media services fulfil obligations on European works (quotas and prominence) in Spain. The regulator, the CNMC (*Comisión Nacional de los Mercados y la Competencia*), has released the monitoring report for the 2022-2023 period. As the authority responsible for overseeing compliance, the CNMC assesses national requirements under the Audiovisual Media Services Directive (AVMSD). The report covers a transitional period in Spanish regulation: it reflects both the application of the earlier General Audiovisual Communication Law of 2010 and the current version, which entered into force in July 2022. The 2022 law maintained existing quotas: 51% of annual broadcasting time for linear services must be reserved for European works, including specific shares for works in the languages of Spain, from independent producers, and produced within the past five years. For catalogue-based on-demand services, the law adds an obligation of at least 30% of the catalogue consisting of European works, half of which must be available in Spanish and/or co-official languages (e.g. Catalan, Basque, Galician, Valencian), reserving a percentage for each of them. In addition, these works must be given due prominence in the services' user interface. In relation to the latter obligation, the report highlights robust compliance among domestic providers. Video-on-demand services such as RTVE Play, Mitele and Atresplayer not only met the 30% minimum share of European works required in catalogues but often exceeded it significantly – some reporting levels above 90%. Many also fulfilled the new requirements to include works in Spain's co-official languages. By contrast, several large transnational services operating in Spain under the jurisdiction of other EU member states – such as Netflix, Disney+, Prime Video and HBO Max – submitted only partial data. While nominally meeting the 30% quota under the AVMSD, these services showed limited efforts to ensure prominence, and few had dedicated tools for surfacing European productions. It should be noted that the CNMC included data from these international providers for comparative purposes, even though they are not subject to Spanish jurisdiction. As a result, while they are bound to comply with the minimum 30% quota for European works, the conditions and deadlines for implementation are defined by the transposing legislation of their country of establishment. This jurisdictional limitation poses challenges for Spanish authorities in ensuring consistent application of prominence obligations across the national market. Quota compliance remains strong overall, but the CNMC flagged persistent challenges around the

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discoverability of European content. The prominence mechanisms checked include the percentage of European works on the homepage, the percentage of works in which the country of origin is properly identified, whether the user is allowed to search by the nationality of the work, or if sections dedicated to European works exist. While national services are generally in compliance, greater scrutiny and cooperation are needed to ensure transnational services meet not just the letter but the spirit of European audiovisual legislation.

Informe COE/DTSA/074/24 sobre la Cuota de Obra Europea (2022-2023)

https://www.cnmc.es/sites/default/files/5921717.pdf

Report COE/DTSA/074/24 on the European Work Quota (2022-2023)

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