

[ES] Council of ministers approves new special employment regime for artists and audiovisual technical staff

IRIS 2026-8:1/19

*Helena Suárez
ECIJA*

On 21 July 2026, Spain's Council of Ministers approved Royal Decree 607/2026, of 22 July, regulating the special employment status of artists, technicians and auxiliary personnel working in the performing arts, audiovisual and music sectors. Published in the Official State Gazette (*Boletín Oficial del Estado* - BOE) on 25 July 2026, the new framework replaces Royal Decree 1435/1985, in force for more than four decades, and completes the modernisation process initiated by Royal Decree-Law 5/2022. Given the scale of the reform – the Ministry of Labour and Social Economy estimates it affects some 771 000 workers, or 3.6% of employees in Spain – and its treatment of issues also under discussion at EU level, such as the participation of minors in digital content and the use of artificial intelligence in creative work, the reform is of clear interest beyond Spain's borders.

The royal decree reorganises the special employment status into two chapters: general provisions applicable to all workers within its scope, and specific provisions for artists. It widens the objective scope beyond the outdated notion of "public performance" to cover activity across the performing arts, audiovisual and music sectors, including streaming distribution and the pre-production, production and post-production phases of a project. Subjectively, coverage extends to technical and auxiliary personnel whose work is directly linked to, and indispensable for, artistic activity.

For the first time, Spanish law establishes a single, detailed national framework governing the participation of minors under 16 years of age in artistic activity. Employment is now the only lawful basis for such participation, replacing informal or family-based arrangements, and requires prior authorisation from the labour authority, valid across the whole of the national territory when the activity spans several autonomous communities. The royal decree sets working-time limits calibrated to age brackets, restricts night work, and lists mandatory safeguards for a minor's education, rest and overall development, with reinforced rules for 16- and 17-year-olds regarding night work.

The royal decree also formalises the role of the intimacy coordinator, required whenever a production involves intimate scenes such as simulated sex, nudity or simulated sexual violence. This professional safeguards performers' consent and

personal boundaries; where minors are involved, the role extends to lighting, sound and makeup choices, alongside coordination with legal representatives. This provision, together with a strengthened harassment and violence prevention framework adapted to the sector's intermittent and short-term contracting patterns, aligns with a broader European trend toward professionalising safeguarding practices on set.

Its key features include:

- A broadened objective and subjective scope, covering technical and auxiliary staff alongside artists, and all phases of production including pre-production, post-production and promotion;
- a single, nationwide authorisation regime for the participation of minors under 16 years of age, with age-calibrated working-time limits;
- mandatory intimacy coordination for productions involving intimate or sexual content, with reinforced safeguards for minors;
- strengthened harassment and violence prevention mechanisms, adapted to short-term and intermittent contracting;
- reinforced pay transparency obligations, requiring separate identification of salary and non-salary items, including intellectual property and image-rights payments.

One notable change concerns the treatment of generative artificial intelligence (AI). The draft submitted to public consultation earlier in 2026 contained a dedicated article requiring explicit written consent and financial compensation for any AI-generated use of an artist's image, voice or performance, confined to the scope of the original engagement. Following the Council of State's advisory opinion, this article was removed from the text ultimately approved. The final version instead contains a general cross-reference, within the article on intellectual property, image rights, and digital rights, to the existing EU and Spanish framework: the General Data Protection Regulation, Organic Law 3/2018 on data protection and digital rights, and Regulation (EU) 2024/1689 (the EU Artificial Intelligence Act). Trade unions welcomed the reform overall but expressed regret at the loss of sector-specific AI safeguards, and the government has indicated that it intends to address the matter separately. The entry into force of the royal decree was correspondingly postponed, from the 20 days initially proposed to 10 months after publication, meaning the new framework will apply from late May 2027.

The removal of the bespoke AI provisions narrows the reform's immediate contribution to European discussions on synthetic media and performers' digital identity, but the episode remains instructive: it illustrates the difficulty of

legislating on generative AI uses at national level ahead of, or in parallel with, implementation of the AI Act, and the extent to which national reforms may end up relying on the EU's horizontal framework rather than sector-specific rules. The remaining elements of the reform retain clearer cross-border relevance. The framework for minors aligns with the EU Charter of Fundamental Rights and Directive 94/33/EC on the protection of young people at work, and offers a reference point for other member states addressing the growing presence of minors in digital content creation. The intimacy coordinator role, and the broader adaptation of harassment prevention mechanisms to project-based contracting, speak to conditions common across Europe's creative sectors, where flexible production structures increasingly coexist with calls for stronger worker protection.

Real Decreto 607/2026, de 22 de julio, por el que se regula la relación laboral especial de las personas artistas que desarrollan su actividad en las artes escénicas, audiovisuales y musicales, así como de las personas que realizan actividades técnicas o auxiliares necesarias para el desarrollo de dicha actividad.

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2026-16173

Royal Decree 607/2026 of 22 July, regulating the special employment relationship of artists working in the performing arts, the audiovisual sector and the music industry, as well as of those carrying out technical or auxiliary activities necessary for the performance of such work.

