[ES] New Act on Promotion of Film Industry and Audiovisual Sector

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In July 2001, the Spanish Parliament passed a new Ley de fomento y promoción de la cinematografía y el sector audiovisual (Act on the promotion of the film industry and the audiovisual sector). The main aims of this Act are to promote the production, distribution and exhibition of European and Spanish audiovisual works and to protect the Spanish audiovisual heritage.

At the national level, the authority in charge of achieving these aims will be the Instituto de Cinematografía y Artes Audiovisuales (Cinema and Audiovisual Arts Institute - ICAA). This autonomous body derives its authority from the Ministerio de Educación, Cultura y Deporte (Ministry for Education, Culture and Sport). The ICAA shall collaborate with the administrative competition authorities in order to safeguard the existence of effective competition in the markets for the production, distribution and exhibition of films (Art. 8.2). The ICAA will also manage a registry of audiovisual companies (Art. 11); it will have the responsibility for protecting the Spanish audiovisual heritage (Art. 3) and it will be in charge of the rating of films and audiovisual works (Art. 10).

The Act sets out that the Spanish Government will put in place a system for the promotion of European audiovisual production (Art. 5) and distribution (Art. 6). It also establishes a quota system to promote the exhibition of European films (Art. 7). According to this system, the general rule is that each year, cinema theatres must show one day's exhibition of European films for each three days' exhibition of films from third (i.e. non-EU) countries dubbed in Spanish or in any other language considered as co-official in some parts of Spain (such as Basque, Catalan or Galician).

The new Act includes the sanctions that will be imposed by the Administration in case of breach of its provisions (Arts. 12 and 13).

This Act also amends Article 5.1 (promotion of audiovisual production) of Act 25/1994 on the incorporation into Spanish Law of the "Television Without Frontiers" Directive:

The former wording of Art. 5 of Act 25/1994 established that broadcasters, besides complying with the quotas of European programmes, were also obliged to allocate at least 5% of their annual income to the financing of films (including TV

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movies).

According to the new version of Art. 5.1 of Act 25/1994, as amended by the Second Additional Provision of Act 15/2001, those broadcasters in charge of channels whose programming includes recently-produced feature films (i.e. those produced less than seven years ago) must allocate at least 5% of their annual income towards the financing of European feature films and short films and TV movies. 60% of this financing must be allocated to productions originally recorded in one of the languages accepted as official in Spain. The new article 5.1 of the Act 25/1994 also defines the term "TV movie".

Act 15/2001 on the promotion of the film industry and the audiovisual sector, repeals Act 17/1994, which dealt with the same matters. However, some of the Decrees implementing Act 17/1984 remain in force, insofar as they are not in conflict with the provisions of the new Act.

Ley 15/2001, de 9 de julio, de fomento y promoción de la cinematografía y el sector audiovisual, B.O.E. n. 164, 10 de julio de 2001

Act 15/2001 of 9 July 2001, on the Promotion of the Film Industry and the Audiovisual Sector, B.O.E. n. 164, 10 July 2001

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