[ES] New Spanish Audiovisual Law

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Last Thursday, 18 March 2010, the Spanish Parliament approved the New General Law of Audiovisual Communications.

This new Law has been demanded by the audiovisual sector and consumers associations and has been discussed on various occasions in the last six years in the Spanish Parliament before finally being approved. The Law sets out several rules on content and mode of operation for the players in the sector (these rules are already currently applied by broadcasters to a certain extent as, although they were not included in a general law before, they could already be found in several rules and standards). The law also creates a new supervisory body, the *Consejo Estatal de Medios Audiovisuales* (National Council for Audiovisual Media). Regulatory bodies with similar functions already exist in some Autonomous Communities, therefore it is not clear yet how competences will be divided in practice between these various bodies.

The Law has a chapter entitled Basic Rules for Audiovisual Communications, which sets forth the rights both of consumers and of audiovisual media service providers. It sets out a group of rules concerning programme sponsorship, advertisement and product placement. The Law only allows the advertising of alcoholic drinks of less than 20 degrees. It also sets out rules concerning exclusivity over certain content for broadcasters, as well as the obligation to broadcast free-to-air the whole or part of this content when it is considered to be of public interest. A list of events which fulfil this criterion includes, among others, the Champions League Final, the Olympic Games and the Formula 1 Grand Prix that take place in Spain.

All of the amendments proposed by the Senate were introduced into the final version of the Law, except for the one set out in Article 5, paragraph 3, point 7, which was rejected. As in Spain there are a number of different official languages (Spanish being spoken in the whole country as the official language of Spain, while Catalan, Basque and Galician are official languages in their respective Autonomous Region), this amendment proposed taking into account the percentage of the population speaking these secondary official languages in each of the autonomous communities for the purposes of financing film productions and other audiovisual works.

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The final text, which will be published in the Spanish Gazette in order to come into force, states, as one of the most important measures, that private broadcasters shall have the right to negotiate a remuneration with satellite or cable platforms in exchange for their free-to-air channels, while public broadcasters, either national or of the autonomous regions, shall do it without remuneration.

In addition to the aforementioned, the Law will promote own productions by public service channels; it will guarantee linguistic diversity in broadcasters in the autonomous regions and will force broadcasters to keep archives of all broadcasts.

Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual, BOE Núm. 79 de 1 de abril de 2010

http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf

General Act 7/2010 of Audiovisual Communication of 31 March 2010, Official Journal no. 79 of 1 April 2010

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