European Commission: Spain Asked to Stop Discriminations of non-Spanish Movies under the Catalan Law on Cinema

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On 21 June 2012, in a reasoned opinion, the European Commission asked Spain to stop the restrictions on the distribution of non-Spanish movies. The Commission considers that the Catalan law on Cinema (see IRIS 2009-5/21 and IRIS 2011-10/14) is incompatible with Articles 56 of the Treaty on the Functioning of the European Union (rules on the free movement of services).

In application of Article 18 of the Catalan law, films distributed in Catalonia must be distributed with a Catalan version (either dubbed or sub-titled). Only Spanish movies delivered in Castilian are exempted from this obligation. According to the Commission, this exception for Spanish movies is discriminatory and prevents the distribution of non-Spanish movies by raising the costs of distribution (additional cost is estimated between EUR 25,000 and EUR 77,000 for dubbing and between EUR 2,000 and EUR 5,730 for sub-titling). Despite the fact that movies distributed in less than 16 copies are exempted from this obligation, the Commission notes that more than 50% of the movies remain affected.

The European Commission recalls that the Court of Justice of the European Union (CJEU) “does not prohibit the adoption of a policy for the promotion of a language of a Member State.” However the measures taken to implement the policy must not be disproportionate nor bring any discrimination against nationals from other member states (Case Groener, C-379/87, 1989, para. 19).

The European Commission concludes that the Catalan law on Cinema is not proportionate to its aim and discriminates non-Spanish movies. The Commission has granted a period of two months for the Spanish authorities to end their discriminatory policy. In case of failure, the Commission may decide to start an action for non-compliance by referring the case to the CJEU.

Internal Market: the Commission acts to ensure that European films are distributed in Catalonia, IP/12/663, 21 June 2012

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