[ES] Audiovisual Act Amended

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On 1 August 2012, an amendment to the Audiovisual Act 7/2010 was adopted by the Spanish parliament, introducing a new legal framework for regional public service broadcasters, which aims at allowing regional public service broadcasters greater flexibility in the provision of their audiovisual media services. It also modifies the regulation of protection of minors.

According to this amendment, the Autonomous Communities may opt for direct or indirect management of their public service broadcasters through various models including public-private partnership. If an Autonomous Community chooses not to provide public service broadcasting, it may then call for tenders for the award of the available licenses to private service providers. Moreover, an Autonomous Community may transfer its public service broadcaster to a third party in accordance with its specific legislation.

If an Autonomous Community opts for a model of indirect management or any other instruments of public-private partnership for the provision of a public service audiovisual media service, then it may participate in the capital of the broadcaster providing this service.

The amendment allows arrangements between regional public service broadcasters for joint production or editing of content for improving the efficiency of their business. It also introduces obligations on regional public service broadcasters such as a maximum limit of expenditure for the financial year in question and the obligation to submit an annual report.

The Act also amends the regulation of protection of minors included in the Audiovisual Act. It is forbidden to broadcast audiovisual content that might seriously impair the physical, mental or moral development of minors. In particular, those programmes that involve pornography, child abuse, domestic violence or gratuitous violence are forbidden.

Content that could be harmful to the physical, mental or moral development of minors may only be broadcast unencrypted between 10 pm and 6 am and must always be preceded by an audible and visual warning. The visual warning must be shown throughout the entire programme. When this type of content is broadcast via a conditional access system, the service have to incorporate a parental control system.

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The Act establishes three time slots considered to be of “enhanced protection”: between 8 and 9 am and between 5 and 8 pm, in the case of weekdays and between 9 and 12 am during the weekend and holidays. Contents rated +13 shall not be broadcast during these time slots.

Programmes devoted to gambling and betting may be broadcast only between 1 am and 5 am, and those with content related to the esoteric and “parascience”, may be broadcast only between 22 pm and 7 am. Service providers shall be subsidiary liable for frauds incurred through these programmes.

During the child protection watershed, providers of audiovisual media service can not insert commercial communications that promote the cult of the body and the rejection of one’s image.

In the case of on-demand audiovisual media services provided through a catalog of programmes, providers must develop separate catalogs for content that might seriously impair the physical, mental or moral development of minors and establish parental control systems to allow the blocking harmful content for children.

Ley 6/2012, de 1 de agosto, de modificación de la Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual, para flexibilizar los modos de gestión de los servicios públicos de comunicación audiovisual autonómicos

http://noticias.juridicas.com/base_datos/Admin/l6-2012.html

Act 6/2012 of 1 August 2012, amending Act 7/2010 of 31 March 2010

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