[ES] Regulation of the pre-funding of European audiovisual works

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The Spanish government approved on 30 October 2015 a Royal Decree that specifies the details of the obligation to pre-fund European audiovisual works which is contained in the General Law of Audiovisual Communications approved by the Parliament in 2010 (see IRIS 2010-4/21).

This law establishes the obligation for audiovisual media services providers to earmark annually a percentage of their operating revenue, accrued in the previous financial year, for the pre-funding of the following European works: cinematographic films (feature-length and short films), films, series and documentaries made for television, and animated films and series. Such percentage refers, according to their operating account, to those national and regional television channels whose programming schedules include works which are less than seven years old by reference to their date of production.

According to this new piece of legislation, that replaces Royal Decree 1652/2004, private providers must earmark 5 percent of their operating revenue to comply with the pre-funding obligation, reserving at least 60 percent of that funding to cinematographic films. Within such 60 percent, 60 percent must in turn be reserved to works of which the original language is any of the official languages of Spain. Additionally, at least 50 percent of the latter 60 percent must be reserved to works of independent producers. In any case, to fulfil the obligation providers can pre-fund, up to 40 percent, other types of audiovisual works produced for television (films, series, documentaries, and animated films and series).

Public providers must earmark 6 percent of their operating revenue to fulfil the pre-funding obligation, reserving at least 75 percent of that funding to cinematographic films. Within such 75 percent, 60 percent must in turn be reserved to works of which the original language is any of the official languages of Spain. Additionally, at least 50 percent of that 60 percent must be reserved to works of independent producers. In any case, to fulfil the obligation, providers can pre-fund, up to 25 percent, other types of audiovisual works produced for television. Nevertheless, at least 50 percent of that 25 percent must be reserved to films or series made for television, whether they are animated of fiction based.

These obligations can be fulfilled taking part directly in the production of the audiovisual works or by acquiring rights for their commercialisation. As regards

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direct participation, the following alternatives are allowed: in-house production, commissioning, co-production and financial contributions.

Real Decreto 988/2015, de 30 de octubre, por el que se regula el régimen jurídico de la obligación de financiación anticipada de determinadas obras audiovisuales europeas

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-12053

Royal Decree 988/2015, of 30 October, establishing the legal regime of the obligation on the pre-funding of certain European audiovisual works

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