[ES] New Order regulating state aid

IRIS 2018-8:1/18

Enric Enrich
Enrich Advocats, Barcelona

Order 769/2018, of 17 July 2018 - which establishes the regulatory basis of the aid provided for in Law 55/2007 of December 28 on Cinema, and which determines the structure of the Administrative Registry of Cinematographic and Audiovisual Companies (see IRIS 2008-4/18) -has been published in the Official Gazette.

The Order, which stems from the consensus among stakeholders in the cinematic sector - adapts the internal regulations regarding matters of cinematographic and audiovisual aids to reflect the principles established in the EU Communication from the Commission on state aid for films and other audiovisual works (2013/C C 332/1) (see IRIS 2014-1/7).

Improvements and novelties are introduced in respect of most forms of aid, with the aim of creating a system of aid more harmonised and adapted to the needs that arise in the various areas of creation, production, distribution and promotion in the film industry. The basic purposes are: to clarify the general documentation that applicants must submit according to the type of aid; to provide for the notification of all acts through an electronic address; and to establish a new way of distributing the funding from the Spanish government in the implementation of the activity, as well as the inclusion of the “Spanish Cinema” label as a new obligation for the beneficiaries of the aid.

For feature film productions (of Spanish nationality) to qualify for general and selective aid, their “cultural character” has to be proved. The Order contains a rewording of the cultural criteria that must be fulfilled.

It establishes, for the first time, the maximum number of selective procedures for which one project may be submitted, and also establishes the possibility that calls for proposals may limit the maximum number of grants that each producer or production company (or related entities) may be awarded in order to ensure a better distribution of aid.

The aid is intended for either Spanish residents or foreigners with a permanent establishment in Spain. Films made by international co-productions may also benefit from the aid, as far as the Spanish co-producer's share is concerned. With regard to specific measures for general aid, the promotion of documentary feature films and international co-productions with Ibero-American countries, by lowering the minimum cost required to access this aid, stands out as a novelty.

© European Audiovisual Observatory (Council of Europe) 2026

The Order facilitates the granting of aid to animation projects by increasing the maximum allowed cost limit; moreover, the maximum allowed cost limit now does not apply to certain international co-productions with a majority Spanish participation and a Spanish director of recognised standing.

As regards the promotion of gender equality, the criteria for the evaluation of all applications for production aid have been modified, so that, in addition to giving points where women are responsible for a project's management, script and executive production, further points are awarded where women occupy at least 40% of the management positions in ten of the most relevant categories in the production of a film. Likewise, it is provided that in the event of male co-participation, the score awarded to a project will be proportional to the number of women involved as long as it is proven that they have the same level of responsibility as the men; this must be expressly reflected in the credit titles.

When calculating the level of aid to be awarded in respect of distribution, the expenses of measures taken to combat piracy are included as costs; such measures might include prevention and protection systems against illegal and unauthorised access and downloading, as well as monitoring and surveillance in social networks.

This state aid is centralised, and are without prejudice to any promotional measures that the Autonomous Communities might undertake under their own regulations.

Orden CUD/769/2018, de 17 de julio, por la que se establecen las bases reguladoras de las ayudas previstas en el Capítulo III de la Ley 55/2007, de 28 de diciembre, del Cine, y se determina la estructura del Registro Administrativo de Empresas Cinematográficas y Audiovisuales

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-10176

Order CUD/769/2018, of 17 July 2018

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026