[ES] CNMC launches public consultation on the application of media service providers regulation to VSPs

IRIS 2020-10:1/1

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On 1 October, the National Commission on Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* - CNMC), the Spanish regulator, launched a public consultation to determine whether video-sharing platforms (VSP) should comply with the current regulation that media service providers (MSP) are subject to.

The development of new audiovisual actors such as VSPs and new media services which are sometimes difficult to categorise were some of the reasons for the update of the AVMSD; the new Directive redefined the concept of a programme, making it no longer necessary to have a format and content resembling those of a broadcast. The current Audiovisual Law (*Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual*) defines media services in its Article 2 as "those whose editorial responsibility corresponds to a service provider and whose main purpose is to provide, through electronic communications networks, programmes and content in order to inform, entertain or educate the general public, as well as to transmit commercial communications." The CNMC aims to establish whether and when the content uploaded to VSPs falls under this definition, thus making it subject to compliance with the related obligations

Aware of the fact that, in many cases, VSPs will have to be assessed on a case-by-case basis, the CNMC has launched this public consultation so as to gather knowledge to inform its decisions. Although it is an open consultation, it particularly targets VSPs, social organisations, advertisers, advertising agencies and public entities. The questions address issues such as editorial control; dangerous content for minors and minor protection; advertising; territorial application; and live transmission, among others.

The questionnaire includes questions on which legal mechanisms could be used to oblige VSPs established outside the European Union to comply with the Audivisual Law and on whether there are peculiarities which may hinder VSPs from complying with the general obligations for media services. It also addresses minor protection issues, such as the fact that many influencers enjoy a position of trust among underaged audiences.

Respondents have until 13 November to submit their comments and observations.

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Consulta pública sobre la aplicación de la regulación audiovisual a los prestadores de servicios de comunicación audiovisual que se soportan en plataformas de intercambio de vídeos

https://www.cnmc.es/sites/default/files/editor_contenidos/Audiovisual/20200924_INF_DTSA_082_20_CP_sobre_aplicaci%C3%B3n_de_regulaci%C3%B3n_audiovisual_a_prestadores_a_trav%C3%A9s_de_VSP.PDF

Public consultation on the application of audiovisual regulation to media service providers supported on video-sharing platforms

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