[PT] Portugal transposes the Audiovisual Media Services Directive

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On 19 November 2020, Law No. 74/2020 was published in the *Diário da República* (Official Gazette); this new law transposes the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 to the internal legal order, amending Law Nº 27/2007 of 30 July, which approves the Law on Television and Audiovisual Services on Demand, and Law 55/2012 of 6 September on the promotion, development and protection of cinema and cinematographic and audiovisual activities and works.

In line with European Directive 2018/1808, the Portuguese Parliament has approved Law No. 74/2020, which focuses on the following topics: the introduction of rules for video-sharing platforms; the reinforcement of accessibility criteria for people with special needs; the reinforcement of media literacy; the flexibility of advertising rules; promoting the protection of minors and combating hate speech; the promotion of the production and distribution of European audiovisual works; the specification of the country of origin and freedom of reception and retransmission; the integrity of programmes and services; and guaranteeing the independence of national regulators in the audiovisual field, among others.

On 9 July 2020, the media regulator agency Entidade Reguladora para a Comunicação Social (ERC) was asked by parliament to prepare a statement about Law Proposal 44/XIV/1ª, which transposes Directive 2018/1808. In its statement *Deliberação ERC/2020/143 (Parecer Leg)* of 29 July 2020, the ERC is critical of the legislative process, arguing in point 9 of the statement that a deep and participative debate would be recommended, considering that there were two years to do that.

The ERC qualifies the transposition of the Directive into national legislation as "minimalist" (point 17), and recommends its evaluation and potential revision within a year (point 24).

Despite the ERC’s appreciation, the law proposal was received with scepticism by the cinema and audiovisual sector. The most controversial issue was the option of not taxing large platforms, linking them solely to the obligation to invest in national production

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The Secretary of State for Cinema, Audiovisual and Media, Nuno Artur Silva, publicly argued on 21 of November 2020 that the transposition of the EU Directive represented an opportunity to improve the sector and sectorial public policies.

Lei n.º 74/2020

https://dre.pt/web/guest/pesquisa/-/search/148963298/details/maximized

Law n.º 74/2020

Deliberação ERC/2020/143 (Parecer Leg)

https://www.erc.pt/download/YToyOntzOjg6ImZpY2hlaXJvIjtzOjM5OiJtZWRpYS9kZWNpc29lcy9vYmplY3RvX29mZmxpbmUvNzg5OC5wZGYiO3M6NjoidGl0dWxvIjtzOjM0OiJkZWxpYmVyYWNhby1lcmMyMDIwMTQzLXBhcmVjZXItbGVnIjt9/deliberacao-erc2020143-parecer-leg

Deliberation ERC/2020/143 (Legal Statement)

Cinema e audiovisual: notas para o futuro próximo, Nuno Artur Silva, Diario Público

https://www.publico.pt/2020/11/21/culturaipsilon/opiniao/cinema-audiovisual-notas-futuro-proximo-1939995

Film and audiovisual: notes for a near future, Nuno Artur Silva, Diario Público

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