[ES] Audiovisual service providers established in Spain comply with their obligations to finance European works

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The independent state body responsible for ensuring the proper functioning of the markets in Spain, the CNMC (*Comisión Nacional de los Mercados y la Competencia*), has published a report on the obligation to finance European works in 2019. The dossier reveals a small decrease in investment, compared to the previous year's data, especially in relation to series in the different official languages of the country.

The obligation of advance funding, to which audiovisual service providers established in Spain are subject to, is set out in the *Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual* (General Law on Audiovisual Communication 7/2010): Article 5.3 stipulates that private providers must earmark 5% of their annual revenue to the financing of European works (6% in the case of public operators). In this regard, the total volume of funding fulfilled in 2019 was EUR 360 054 781.26, which represents 7.6% less than the revenue of 2018.

The CNMC monitored this obligation considering a total of 21 audiovisual service providers. As already mentioned, one of the most noteworthy aspects of the report is the decrease in investment in series in the official languages of Spain, which departs from the growing trend recorded in this segment since 2015. Overall, the proportion of investment in series, both in official languages in Spain and in other European languages, accounts for 74.7% of the total investment. In any case, the decrease has been offset by a slightly higher investment in European series production as well as in cinema.

The main investor in European works has been Telefónica-DTS with 27.8%, closely followed by the public corporation RTVE with 25.7% and Atresmedia with 21.5%. Mediaset ranks fourth in terms of the amount of its investment. In general terms, it can be said that in 2019 there was a high level of compliance with the obligation of the operators established in Spain.

Nevertheless, as noted in the report, the latest revision of the Audiovisual Media Services Directive (AVMSD) has yet to be transposed into national legislation. Therefore, some notorious players operating in the Spanish audiovisual market are excluded from complying with the obligation of advance funding. This is the case of so-called over-the-top platforms (OTT), established abroad, that market audiovisual services, such as Netflix, HBO or Prime Video. In accordance with the

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AVMSD, these players shall be brought into line with this obligation by 19 December 2022.

Informe sobre el cumplimiento en el ejercicio 2019, de la obligación de financiación anticipada de la producción europea de películas cinematográficas, películas y series para televisión, documentales y series de animación (FOE/DTSA/024/20/ANUAL2019)

https://www.cnmc.es/expedientes/foedtsa02420

Report on the fulfillment of the obligation of pre-financing of the European production of cinematographic films, films and series for television, documentaries and animated series in the financial year 2019 (FOE / DTSA / 024/20 / ANUAL2019)

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