[ES] The Spanish Congress launches the parliamentary processing of the new Cinema and Audiovisual Culture Law

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The Spanish Congress of Deputies has given the green light to the processing of the new Cinema and Audiovisual Culture Law on 16 March 2023. This draft law, approved by the Council of Ministers in December 2022, moves forward in the parliamentary process towards its approval after overcoming the overall amendment presented by the far-right party, Vox. Only the deputies of Vox voted in favor of this motion to reject the bill. The deputies of the liberal party Ciudadanos abstained in the vote and the rest of the parliamentary groups supported the continuance of the draft law.

This new law (Boletín Oficial de las Cortes Generales, 2023) repeals Law 55/2007, of 28 December, on Cinema (Ley 55/2007) to update the regulatory framework for the promotion and safeguard of cinema. Meanwhile, it expands the very object of the law that is regulated beyond cinematographic work, including television production under the umbrella term Audiovisual Culture (TV films and TV series). The draft also introduces changes in the regulation of the Spanish Historical Heritage (Ley 16/1985), by strengthening the protection of Film and Audiovisual Heritage.

The main changes undertaken with this new draft law aim at updating the current framework to better fit the transformation that the audiovisual industry has experienced during the past 15 years. As argued by Miquel Iceta, the Spanish Minister of Culture and Sports, the 2007 Cinema Law is no longer meeting the needs of the audiovisual sector, and this new proposal can strengthen a rich, complex, diverse and constantly changing industry. In this regard, the draft of the Cinema and Audiovisual Culture Law is built around five principles (Congreso de los Diputados, 2023): 1) the support to the audiovisual industry throughout the entire value chain, 2) the support to authors and creators in the exercise of their intellectual property rights, 3) the adaptation to new technologies, consumption habits and media formats, 4) the promotion of competition in the audiovisual market, and 5) the value of the audiovisual heritage.

Under this new framework, some changes will be introduced in the granting of state aid to the audiovisual industry, that will not only target audiovisual production, but also exhibition, internationalization, project development, the digitalization of cinemas, the support to independent or rural cinemas and

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heritage protection. Moreover, the allocation of such grants will be subject to several diversity and sustainability criteria in order to promote gender equality (at least 35% of the funding to production will be for audiovisual content directed by women), reduce environmental impact and advance universal accessibility. Public funding will also be transferred to the Autonomous Communities so that they can support audiovisual production in co-official languages other than Spanish.

Further developments introduced into the draft law also include the establishment of a new advisory body, the *Consejo Estatal de la Cinematografía y la Cultura Audiovisual* (State Council of Cinematography and Audiovisual Culture). This body will promote public-private collaboration through the dialogue between the industry and the different levels of the public administration (national, regional and local). The State Council will be composed of representatives of the regions and by agents from the film and audiovisual industries.

The demands of the audiovisual sector have been integrated in the draft law in disparate ways. The controversy around the definition of independent production companies, that exploded with the approval of the Audiovisual Services Media Law (Ley 13/2022), is reconciled in this new Cinema and Audiovisual Culture Law by considering the previous definition, as demanded by the sector. On the other hand, while the draft law lowers from 25% to 20% the quota of European productions to be screened in movie theatres and includes within this percentage Ibero-American productions, the exhibitors, represented by the *Federación de Cines de España* (Federation of Spanish Cinemas, FECE), are still advocating for the suppression of the quotas for European film productions. FECE is also pushing for the protection of the exhibition window through the establishment of a period of exclusivity of 100 days for movie theatres, but this has not been considered in the draft law yet.

Official Gazette of the Parliament (January 27 2023). 121/000137 Draft Law on Cinema and Audiovisual Culture

Congress of Deputies (2023). Draft Law on Cinema and Audiovisual Culture [121/000137]. Dossier. Legislative Series. Nº 74. February 2023.

Law 55/2007, of 28 July, on Cinema

Law 16/1985, of 15 June, on Spanish Historical Heritage

Law 13/2022, of 7 July, on Audiovisual Communication

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FECE (2023). Stance.

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