“The Audiovisual Media Services Directive in Spain”

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Broadcasting services
26 channels

Pay TV providers

Pay TV channels

Pay TV platforms

OTT platforms by broadcasting services

Online audiovisual services (OTT)

Videosharing platforms

YouTube

Dailymotion
Spanish audiovisual market in 2018

**Income (Dec. 2017):**
4,348.7 M€ (1,831 M€ linear TV/2,152 M€ pay TV)

**Linear TV consumption 2017:**
224 minutes

**Pay TV subscribers (Dec. 2017):** 6.7 millions.
Main changes AVMSD (UE) 2018/1808

- Video sharing platforms
- Promotion of European audiovisual industry
- Level playing field
- Protection of minors
- Audiovisual Regulatory Authorities
• A VSP provider must be established on the territory of a Member State.
• Member States must establish and maintain an up-to-date list of the VSP providers established on their territory and communicate the list to the EC.

**Obligations for VSP services:**

• To protect minors from programmes, user-generated content and audiovisual commercial communications which may impair their physical, mental or moral development.
• To protect the general public from:
  a) Audiovisual content or commercial communications containing incitement to violence or hatred directed against a group of persons.
  b) Audiovisual content or commercial communications containing content the dissemination of which constitutes an activity which is a criminal offence, namely public provocation to commit a terrorist offence, offences concerning child pornography or offences containing racism and xenophobia.
• To take measures to comply with the requirements set out in the Directive with respect to audiovisual commercial communications.
Videosharing platform services (II)

- Measures to protect general public:
  - Including in the terms and conditions of the VSP service the requirementes regarding audiovisual commercial communications.
  - *Having a functionality t declare whether such videos contain audiovisual commercial communications.*
  - *Establishing and operating transparent and user friendly mechanisms to report or flag to the VSP provider harmful content.*
  - *Establishing and operating age verification systems.*
  - *Providing for parental control systems.*
- Member States shall encourage the use of coregulation.
Promotion of European Works

Article 13:

**Video on Demand Services:**
- 30% share of European Works in catalogues.
- Ensuring prominence of those works.
- MS shall report the EC every 2 years on the implementation.

**Audiovisual linear services (broadcasting):**
- MS shall report the EC every 2 years on the implementation.

Exemptions to the obligations:

a) Low audience.
b) Low turnover.
c) Specific cases where the obligations would be impracticable or unjustified by reason of the nature or theme of the audiovisual media services.
Transposition of the Directive (EU) 2018/1808

- Essential: public-private collaboration to achieve the goals included in the Directive.
THANK YOU FOR YOUR ATTENTION

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