



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2023/0389/ES (Spain)

Royal Decree regulating the State Register of Audiovisual Media Service Providers, Video-Sharing Platform Service Providers and Media Service Aggregation Service Providers

Date received : 23/06/2023

End of Standstill : 26/09/2023 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2023) 1902

Directive (EU) 2015/1535

Notification: 2023/0389/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20231902.EN

1. MSG 001 IND 2023 0389 ES EN 23-06-2023 ES NOTIF

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.
Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.
Secretaría de Estado para la Unión Europea.
Ministerio de Asuntos Exteriores, Unión Europea y Cooperación.

3B. Ministerio de Asuntos Económicos y Transformación Digital.
Secretaría de Estado de Telecomunicaciones e Infraestructuras Digitales
Secretaría General de Telecomunicaciones y Ordenación de los Servicios de Comunicación Audiovisual
Subdirección General de Ordenación de los Servicios de Comunicación Audiovisual

4. 2023/0389/ES - SERV60 - Internet services



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5. Royal Decree regulating the State Register of Audiovisual Media Service Providers, Video-Sharing Platform Service Providers and Media Service Aggregation Service Providers
6. The draft Royal Decree concerns providers of information society services, specifically video-sharing platform services.

7.

8. The draft Royal Decree implements part of General Law 13/2022 of 7 July 2022 on Audiovisual Communication, which in turn transposes into Spanish law Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, including the obligation to maintain an up-to-date list of video-sharing platform providers and to communicate that list and any updates thereto to the European Commission.

The draft Royal Decree regulates the organisation and operation of the new State Register created by Article 39 of Law 13/2022 of 7 July 2022 where, among other providers, video-sharing platform providers shall be registered.

In addition to compiling the list of video-sharing platform providers as required of Member States by the Audiovisual Media Services Directive, the draft Royal Decree establishes the channels and mechanisms for collaboration with the National Commission on Markets and Competition and with the European Commission in the exchange of information concerning these providers.

It also makes the audiovisual sector more transparent as a means of protecting the rights of users, by regulating the provision of information about the owners of video-sharing platform services to citizens and businesses.

The draft Royal Decree consists of a preamble, 36 articles organised under a preliminary title and four titles, one sole additional provision, three transitional provisions, one repealing provision, three final provisions and an annex.

The complete draft Royal Decree is notified so that the context of the draft Regulation to be notified can be assessed.

9. According to Recital 4 of Directive 2018/1808, video-sharing platform services compete for the same audiences and revenues as audiovisual media services and have a considerable impact in that they facilitate the possibility for users to shape and influence the opinions of other users, and therefore the amendment of the Directive establishes a minimum regulation of video-sharing platform services.

On the other hand, Recital 7 of Directive 2018/1808 states that, in order to ensure the effective implementation of Directive 2010/13/EU, it is crucial that Member States establish and maintain up-to-date records of the media service providers and video-sharing platform providers under their jurisdiction and that they regularly share those records with their competent independent regulatory authorities or bodies and the Commission. These Registers should include information on the criteria on which the jurisdiction is based.

The objective of this new Regulation is to comply with the obligation imposed by Directive 2018/1808, by regulating the registration of video-sharing platform service providers in the State Register, defining the channels for the regular exchange of this information with the independent regulatory authority and with the European Commission, and regulating the provision of information to citizens and businesses, as a means of ensuring transparency of the audiovisual market.



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10. References to basic texts: The basic texts were submitted with an earlier notification:
2020/0713/E

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu