



CONSOLIDATED LEGISLATION

Draft Royal Decree 1138/2023, of 19 December 2023, regulating the State Register of audiovisual media service providers, video-sharing platform service providers and audiovisual media service aggregation service providers, and the procedure for prior notification of the start of activity, and the registration procedure.

Ministry of Digital Transformation
Official State Gazette No 304, of 21 December 2023
Reference: BOE-A-2023-25886

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(Consolidated text)
Latest amendment: no amendments

The adoption of General Law 13/2022, of 7 July 2022, on Audiovisual Communication led to the transposition into Spanish law of 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.

On the basis of the aforementioned Directive, Law 13/2022 of 7 July was created with the aim of adopting an updated legal framework in line with the evolution that the audiovisual market has undergone in recent years and which allows a balance to be struck between access to content, the protection of users and competition between the different providers in the market, with the inclusion, in a level playing field, of all actors competing for the same audience.

In this sense, Article 39 of Law 13/2022 of 7 July creates a new State Register which, in addition to including audiovisual media service providers, establishes as a new feature the inclusion in the Register of video-sharing platform service providers, audiovisual media-service aggregation service providers and users of particular relevance who use video-sharing platform services, thus broadening the types of providers obliged to register, insofar as they all compete for the same audience in the national audiovisual market.

Thus, as mandated by the aforementioned Article 39(4) of Law 13/2022, of 7 July 2022, this Royal Decree is drawn up with the aim of establishing the organisation and operation of the new State Register, the approval of which entails, in accordance with the ninth final provision of Law 13/2022 of 7 July, the termination of the previous State Register of Audiovisual Media Service Providers, which has remained in force on a transitional basis in accordance with the seventh transitional provision of Law 13/2022, of 7 July 2022, and whose registrations shall be registered ex officio in the new State Register.

Furthermore, Law 13/2022 of 7 July 2022, in order to contribute to greater transparency in the audiovisual sector as a means of protecting the rights of users, requires that users be able to know who are the parties responsible for audiovisual media services, audiovisual media service aggregation services, video-sharing platform services and users of particular relevance who use video-sharing platform services. This information must be provided by the providers to the State Register, along with other information obligations contained in Law 13/2022, of 7 July 2022, and which have been developed in this Royal Decree.

The information contained in the State Register is public, reusable as laid down in Law 37/2007, of 16 November 2007, on reusing public-sector information, and freely accessible through the computer application enabled for this purpose and has the limits set out in Law 19/2013, of 9 December 2013, on transparency, access to public information and good governance, and those derived from the personal data protection regime approved by Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and Organic Law 3/2018 of 5 December on the Protection of Personal Data and the guarantee of digital rights.

In the drafting of this Royal Decree, account was taken of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations and Royal Decree 203/2021, of 30 March 2021, approving the Regulation on the action and operation of the public sector by electronic means, which reinforces electronic processing as a normal means of managing public administrations and which completes the electronic operation of the State Register, which was already included in the previous Royal Decree.

This reinforcement has resulted in the inclusion of the duty all providers, whether legal persons or groups of natural persons that, due to their professional dedication or their technical capacity, have guaranteed access to and the availability of the exact technological means to connect with the State Register using electronic means; also, in connection with the Electronic Register of Powers of Attorney of the General State Administration, or to facilitate compliance with the obligations of the State Register to collaborate and cooperate with other public administrations or international bodies such as the European Commission and the European Audiovisual Observatory.

This Royal Decree presents other new features such as the regulation of the electronic registration

sheet as a means of registering entries in electronic form, and the division of the State Register into different sections according to the type of provider since, due to current technological convergence, it is no longer possible to differentiate between audiovisual media service providers that provide only linear services and those that provide non-linear services.

Furthermore, the second task of this Royal Decree is the regulation of the legal regime for the provision of services. In relation to the provision of audiovisual media services, Law 13/2022, of 7 July 2022, maintains the liberalised regime established by Law 7/2010, of 31 March 2010, on General Audiovisual Communication, by which the submission to the competent audiovisual authority of a reliable and prior notification enables the start of the provision, requiring only a licence granted by means of public tender for the provision of television or radio audiovisual media services using terrestrial radio waves.

In the case of audiovisual media-service aggregation service providers, video-sharing platform service providers and users of particular relevance who use video-sharing platform services, the submission of a prior notification to the competent audiovisual authority is not required but they do have a duty to register in the State Register.

With regard to the procedure for submitting the prior notification, the experience accumulated during these years in the processing of this procedure and the approval of Law 39/2015, of 1 October 2015, has led to the introduction of some changes in the regulation of the procedure for submitting the prior notification with respect to the previous Royal Decree.

It is important to note the inclusion of new data to be provided in the procedure for submitting the prior notification of the start of the service provision. And, on the basis of the powers of verification, control and inspection conferred on the competent body, the possibility of requesting the interested party to provide documentation accrediting the service whose provision is to be initiated, in order to combine the flexibility of the legal regime of prior notification as a means of access to the provision of audiovisual media services with the guarantees of proper supervision and control of the national audiovisual market in the current international context.

This Royal Decree develops the procedures for the declaration of prior notification ‘without effects’ and the procedure for loss of provider status, the causes of which are provided for in Law 13/2022 of 7 July and in Article 69 of Law 39/2015 of 1 October.

Also of note as a new feature is the development of certain provisions in the penalty regime for the effective exercise of the power to impose penalties provided for in Law 13/2022 of 7 July 2022, such as the identification of the competent bodies for the inception, investigation and resolution of the procedure.

Finally, within the scope of the collaboration and cooperation of the State Register should be highlighted as a new feature. The provision for the signing of agreements between the competent audiovisual authorities with the aim of interconnecting the State Register and the regional registers, and improving the performance of the tasks entrusted to them. Likewise, the signing of an agreement between the national audiovisual authorities is also provided for, given the interrelationship of the functions entrusted to them.

As regards structure, the Royal Decree consists of 34 articles organised under four titles, a final part composed of two additional provisions, two transitional provisions, one single repealing provision and three final provisions, as well as an annex.

The preliminary title contains the general provisions of the Regulation. Title I regulates the State Register and is structured in two chapters, the first on general provisions and the second on the organisation and operation of the State Register. Title

II sets out the procedures initiated before the State Register and is structured in three chapters. The first concerning the procedure for submitting the prior notification of the start of activity. The second on the procedure for registration and modification of registrations. The third concerning the procedure for loss of provider status. Title III regulates the State Register’s administrative collaboration and cooperation activities with other public bodies.

It also includes an annex containing the structure of the State Register, divided into sections and the electronic registration sheet.

Finally, and in accordance with the provisions of Article 129 of Law 39/2015 of 1 October, this Royal Decree has been drawn up in accordance with the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency.

First, the principles of necessity and effectiveness are complied with as this is the regulatory development of Law 13/2022 of 7 July, and an appropriate instrument for contributing towards greater transparency of the audiovisual sector as a means of protecting user rights. The principle of proportionality is also complied with, as this Royal Decree contains the regulation necessary to achieve the objectives that justify its approval.

With regard to the principle of legal certainty, the Royal Decree is consistent with the rest of the national legal system, since it constitutes, together with Law 13/2022 of 7 July, a stable, integrated and clear regulatory framework for the rights and obligations of audiovisual providers subject to the scope of the Regulation. By virtue of the principle of proportionality, the Royal Decree contains the regulation necessary to achieve its aims.

The principle of transparency has also been complied with, through the holding of a public consultation prior to the drafting of the Royal Decree in accordance with Article 26(2) of Law 50/1997, of 27 November 1997, on the Government and through the publication of the draft Royal Decree on the web portal of the Ministry of Digital Transformation, for the purpose of informing all those interested in making their contributions.

Likewise, there has been a public hearing aimed at the audiovisual sector and the autonomous communities, held in accordance with the provisions of Article 26.6 of Law 50/1997, of 27 November 1997, in order to enable them to know the rule, make their contributions and, ultimately, improve this Royal Decree. Likewise, the reports of the National Commission of Markets and Competition, the Council of Consumers and Users and the Spanish Agency for Data Protection have been collected.

Lastly, in relation to the principle of efficiency, efforts have been made to ensure that the Regulation generates the lowest administrative burdens for those obliged to comply with it, as well as the lowest indirect costs, promoting the rational use of public resources and full respect for the principles of budgetary stability and financial sustainability.

This Royal Decree has been subject to the procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, as well as the provisions of Royal Decree 1337/1999 of 31 July regulating the provision of information in the field of technical standards and regulations and of rules on Information Society services.

This Royal Decree is issued under the provisions of Articles 149(1)(21) and 149(1)(27) of the Constitution, and the authorisation for the regulatory development of Law 13/2022 of 7 July 2022, contained in Articles 18(1), 20 and 39(4) and in the seventh final provision of the aforementioned Law.

By virtue thereof, on the proposal of the Minister of Digital Transformation, with the prior approval of the Minister for Finance and the Civil Service, in agreement with the Council of State, and after deliberation of the Council of Ministers at its meeting on 19 December 2023.

I HEREBY DECREE THE FOLLOWING:

PRELIMINARY TITLE **General provisions**

Article 1. *Aim.*

The aim of this Royal Decree is to regulate:

- a) The organisation and operation of the State Register of audiovisual media service providers, video-sharing platform service providers and audiovisual media service aggregation service providers, (hereinafter, State Register), as well as the procedure for submitting the notification provided for in Article 39 of General Law 13/2022, of 7 July 2022, on General Audiovisual Communication.
- b) The procedure for submitting the prior notification of the start of activity
- c) The procedure of losing provider status.

Article 2. *Scope.*

1. This Royal Decree shall apply to the following set out in Law 13/2022 of 7 July 2022.

- a) Television audiovisual media-service providers at State level.
- b) Public audiovisual media-service providers at State level.
- c) Audiovisual media service aggregation service providers at State level.
- d) Video-sharing platform service providers.
- e) Audiovisual radio media service providers at State level.
- f) On-demand audiovisual media-service providers at State level.
- g) Users of particular relevance who use video-sharing platform services in accordance with the provisions of Article 94(2) of Law 13/2022 of 7 July.

2. The terms mentioned in this Royal Decree take into account the meaning set out in Article 2 and 94(2) of Law 13/2022 of 7 July 2022.

3. In accordance with Law 13/2022, of 7 July 2022, audiovisual media service providers shall be understood as references to linear television audiovisual media service providers, on-demand or non-linear television audiovisual media service providers, radio and on-demand audiovisual media service providers at State level, and public audiovisual media service providers at State level.

4. Moreover, for the purposes of this Royal Decree to providers shall be understood as references to audiovisual media service providers, video-sharing platform service providers, audiovisual media-service aggregation service providers and users of particular relevance who use video-sharing platform services.

TITLE I Legal regime of the State Register

CHAPTER I General provisions

Article 3. *Objective and purpose.*

1. The aim of the State Register is to collect the compulsory registration of all providers set out in Article 2(1) and the services they provide, as well as the modifications affecting those providers and the services provided.

2. Likewise, access to register entries made by the regional registers shall be facilitated, in accordance with the provisions of Article 41(2) of Law 13/2022 of 7 July 2022.

3. The purpose of the State Register is to facilitate the identification of providers in order to ensure transparency in the audiovisual sector and the supervision and control of the obligations established in Law 13/2022 of 7 July.

Article 4. *Nature and organic dependence.*

1. Aim of the State Register, administrative nature, public character and electronic management.

2. The body responsible for managing the State Register is the Sub-Directorate General of Planning Audiovisual Media Services, dependent on the Ministry of Digital Transformation through the State Secretariat for Telecommunications and Digital Infrastructures.

Article 5. *Legal framework.*

The procedures provided for in this Royal Decree shall be in accordance with the provisions of Law 13/2022 of 7 July, Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations, Law 40/2015 of 1 October on the Legal Regime of the Public Sector and the corresponding implementing rules.

Article 6. *Formal publicity and protection of personal data.*

1. Register entries shall be public and freely accessible for consultation by any person, through the associated website of the Ministry of Economic Affairs and Digital Transformation within the limits established in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, relating to the protection of natural persons concerning the handling of personal data and the free circulation of those data, and repealing Directive 95/46/EC, Organic Law 3/2018, of 5 December 2018, on the Protection of Personal Data and the guarantee of digital rights, and Law 19/2013 of 9 December on transparency, access to public information and good governance.

2. Register entries shall be reusable, in accordance with the provisions of Law 37/2007 of 16 November on the reuse of public sector information.

3. The publicity of the Registry does not cover data referring to the addresses of natural persons, their tax identification number (NIF) or foreigner's identity number (NIE), or other personal data contained in the documentation of each provider in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and the other rules on the protection of personal data, provided that they are not essential for the fulfilment of the function of the register itself.

Article 7. *Management by electronic means.*

1. Management of the State Register shall be exclusively electronic.
2. Providers, whether natural or legal persons, must interact with the State Register by electronic means, through the computer application accessible on the website of the Ministry of Digital Transformation.
3. Communications to interested parties without the status of provided shall be sent preferably by electronic means.

Article 8. *Exercise of the power to impose penalties.*

1. The State Secretariat for Telecommunications and Digital Infrastructures shall exercise the powers to supervise, control and impose penalties within the scope of this Royal Decree in accordance with the provisions of Articles 155(1), 158(1) and 158(3) of Law 13/2022 of 7 July 2022.
2. The body responsible for the management of the State Register shall be competent for hearing and formulating proposed resolution of the penalty procedures within the scope of this Royal Decree. Likewise, it may open a period of prior proceedings, in order to ascertain whether certain facts of which it may have become aware are likely to initiate the proceedings of a sanctioning procedure.
3. The provisions of Article 154 of Law 13/2022 of 7 July 2022 shall apply in the exercise of the sanctioning power.

CHAPTER II
Organisation and operation

Article 9. *Structure.*

1. The State Register is structured in the following sections:
 - a) Section 1. Audiovisual media service providers. The television audiovisual media service providers listed in Articles 2(1)(a) and 2(1)(b) shall be registered in an independent subsection, and the on-demand radio and sound audiovisual media service providers listed in points Articles 2(1)(b), 2(1)(e) and 2(1)(f) in another subsection.
 - b) Section 2. Audiovisual media service aggregation service providers. The providers listed in Article 2(1)(c) shall be registered.
 - c) Section 3. Video-sharing platform service providers. The providers listed in Article 2(1)(d) shall be registered.
 - d) Section 4. Users of particular relevance who use video-sharing platform services. The providers listed in Article 2(1)(g) shall be registered.
2. The aim of the sections is to collect and publicise the register entries, as well as to deposit documentation accrediting each of the providers.

Article 10. *Functions.*

The following are functions of the State Register:

- a) Enter in the Register the providers who are obliged to register.
- b) Deposit the documentation proving the data declared by the provider and registered on the registration sheet.
- c) Publicise register entries.
- d) Issue certificates on register entries.
- e) Answer queries concerning the State Register provided that these do not involve the pre-qualification of registrable acts, businesses or documents.
- f) Undertake the necessary actions for the cooperation and collaboration of the State Register provided for in Title IV.
- g) Any other function attributed to it by the regulations in force.

Article 11. *Register entries and electronic registration sheet.*

1. The State Register shall make entries by means of registration sheets which shall be drawn up exclusively in electronic form.
2. There shall be one registration sheet for each provider registered in each Section, which shall be internally identified by a 'unique registration number'.
3. Submission entries shall be made at the request of a party, and shall be understood as those which record the submission of prior notifications and applications for registration by providers.
4. Registrations and cancellations shall be made ex officio. Register entries relating to penalty decisions shall also be made ex officio in accordance with Article 160(5) of Law 13/2022 of 7 July 2022.

Article 12. *Provider data and acts subject to registration.*

1. Providers must provide the following information:
 - a) Name and surnames or, where applicable, name or company name and nationality.
 - b) Tax identification number (NIF) if the provider is Spanish or foreigner identity number (NIE).
 - c) Registered office or, where applicable, tax domicile.
 - d) Address and email address for making electronic notifications available.
 - e) Name and surnames, NIF or NIE, address, email address for the purpose of making electronic notifications available, telephone number and document accrediting the legal representative's capacity to represent the provider. If registered in the Electronic Register of Powers of Attorney of the General State Administration, this must be indicated.
 - f) Data relating to the administrative body: type of administrative body, name of each member, position, date of appointment, NIF or NIE.
 - g) Public (including direct or indirect control by a third State) or private nature.
 - h) Documentation accrediting the constitution of the legal person.
 - i) Logo and trademark.
 - j) Cause of establishment in Spain within the cases provided for in Article 3 of Law 13/2022 of 7 July.
2. In addition, audiovisual media service providers must provide the following data and documents:
 - a) Holders of significant shareholdings in the share capital and tax identification (NIF or NIE), indicating the corresponding percentages both directly and indirectly. It must be identified whether the holder, directly or indirectly, is a third State. The number of shares per shareholders with significant shareholdings must also be indicated. Significant shareholdings shall be understood as provided for in Article 38 of Law 13/2022 of 7 July.
 - b) Documents attesting to legal acts and transactions involving the transfer, disposal or taxation of the shares referred to in the preceding point or the transfer or promise of transfer of shares, holdings or equivalent securities having the effect of directly or indirectly acquiring the shares of an undertaking the aim of which is the provision of an audiovisual media service.
 - c) Number and proportion of women members in the company's management body.
 - d) Point of contact with the provider available to the viewer for direct communication with the editorial manager and to guarantee the right to complain and receive a response.
 - e) Corporate website, which includes the information contained in Article 42 of Law 13/2022 of 7 July 2022.
 - f) Declaration of responsibility stating that the provider is not in any of the cases referred to in Article 19(1) of Law 13/2022 of 7 July 2022.
3. Linear television audiovisual media service providers using terrestrial radio waves must also provide an annexed declaration of responsibility on the non-participation of the provider and/or its partners or owners with significant shareholdings in the capital or voting rights of other television audiovisual media service providers or, otherwise, not exceeding the limits established in Article 35 of Law 13/2022 of 7 July.
4. Radio audiovisual media-service providers using terrestrial radio waves must also provide an annexed declaration of responsibility regarding compliance with the limits established in Article 78 of Law 13/2022 of 7 July.
5. Video-sharing platform service providers must provide their corporate website, which must include the information contained in Article 42 of Law 13/2022 of 7 July.

Article 13. *Service data subject to registration.*

1. Audiovisual media service providers must provide the following data relating to the audiovisual

media service provided:

- a) Logo and trademark of the service or services.
 - b) Start date of broadcasts and end date of broadcasts if planned.
 - c) Nature (television or radio), generalist or thematic (series, films, children, documentary, news, sports, games, audiovisual commercial communications or other) and target audience of the service (children, young people, families, adults).
 - d) Type of broadcast of the audiovisual media service (linear, on-demand, free-to-air, encrypted).
 - e) Geographical scope of broadcasts.
 - f) Language or languages of the service.
 - g) Incorporation, where appropriate, of subtitling, audio description and sign language services.
 - h) Service broadcast schedule.
 - i) Service transmission technology:
 1. ° Television: Digital Terrestrial Television (DTT), Cable, Satellite, Internet Protocol Television (IPTV), Internet.
 2. ° Radio: Digital Audio Broadcasting (DAB), Amplitude Modulation (AM), Internet. Also indicate whether it is a network broadcast.
 3. ° If it is an on-demand audiovisual media service via the Internet, the website or domain through which the audiovisual media service is accessible.
 4. ° In the case of satellite broadcasting of the service, both the name of the electronic communications service provider providing the up-link service and the name of the operator of the satellite platform shall be included.
 5. ° Audiovisual media-service aggregation service that broadcasts the audiovisual media service of the provider among its offerings.
 - j) Mode of financing of the service (advertising, subscription, pay-per-view, others).
 - k) In the case of public audiovisual media service providers and television or radio audiovisual media service providers using terrestrial radio waves under licence, they shall indicate the administrative number of the licence enabling the use of the public radio domain.
2. Audiovisual media-service aggregation service providers, video-sharing platform service providers and users of particular relevance who use video-sharing platform services shall provide, for their registration, the data on the service referred to in points (a), (b) (c), (d), (e), (f), (i) and (j) of the previous paragraph.
3. Audiovisual media-service aggregation service providers shall also provide information on:
- a) The audiovisual media-service aggregation offerings they provide to end users.
 - b) The audiovisual media services that make up each of the service aggregation offers, indicating the provider responsible for each of the services and the State under the jurisdiction of which the provider is subject, as well as its logo and trademark.
4. Users of particular relevance shall also indicate the service of video sharing through the platform used for transmitting their service.

Article 14. Certificates.

1. Any natural or legal person showing a legitimate interest may request certificates relating to the providers and services registered in the State Register.
2. The registration certificates shall provide reliable evidence of the content of the register entries and shall be free of charge.

Article 15. Queries.

The body responsible for the management of the State Register shall resolve the general queries received, provided that these queries do not involve in any way the pre-qualification of registrable acts, businesses or documents.

TITLE II PROVISIONS ON PROCEDURES BEFORE THE STATE REGISTER

CHAPTER I

Prior notification of the start of activity

Article 16. *Submission of the prior notification of the start of activity.*

1. The presentation of the notification reliably and prior to the start of activity set out in Article 18(1) of Law 13/2022, of 7 July 2022, shall be performed using the computer application accessible on the website associated with the Ministry of Digital Transformation.

2. Audiovisual media service providers subject to prior notification shall use the standard prior notification forms available in the electronic headquarters of the Ministry of Digital Transformation.

3. The information and documentation provided by the audiovisual media service providers subject to prior notification shall be that referred to in Articles 12(1), 12(2) and 13(1).

4. The prior notification shall allow the start of the activity from the time of its submission, without prejudice to the powers of verification, control and inspection conferred on the body responsible for the management of the State Register and to the provisions of Articles 17 and 18.

5. In accordance with Article 69(4) of Law 39/2015, of 1 October 2015, prior notification shall cease to have effect from the moment in which it was found to be inaccuracy, falsehood or omission, of an essential nature, in the provision of data or documents detailed in Articles 12(1)(a), 12(1)(b), 12(1)(c), 12(1)(d), 12(1)(e), 12(1)(g) and 12(1)(j) and 12(2)(a), 12(2)(b), 12(2)(c), 12(2)(d) and 12(2)(f) and 13(1)(a), 13(1)(c), 13(1)(d), 13(1)(e), 13(1)(f), 13.1.i) and 13(1)(j).

Article 17. *Correction of the prior notification of the start of activity.*

1. If the prior notification submitted to the State Register is incomplete, contains deficiencies or the required documentation is not provided, the body responsible for the management of the State Register shall require the audiovisual media service provider to correct the deficiencies or provide the required documents within 10 days.

2. The body responsible for managing the State Registry may also require the submission of documentation accrediting the provider of the audiovisual media service or the services the provision of which is to be initiated.

Article 18. *Prior notification without effects.*

1. The prior notification shall not have any effect if any of the circumstances set out in Article 19(1) of Law 13/2022, of 7 July 2022, arise.

2. By decision of the head of the State Secretariat for Telecommunications and Digital Infrastructures, after hearing the interested party, the concurrence of any of the circumstances provided for in the previous points shall be declared, which shall determine the impossibility of continuing with the provision of the service, without prejudice to the criminal, civil or administrative liability that may be applicable.

3. The decision shall determine, in the most serious cases, the impossibility of initiating a new procedure for the same purpose for a maximum period of 2 years.

4. Against the decision putting an end to the administrative procedure, an appeal may be lodged with the same body that issued it in accordance with the provisions of Article 123 et seq. of Law 39/2015 of 1 October, or that decision may be challenged directly before the administrative courts.

Article 19. *Registration of prior notification.*

The body responsible for the management of the State Register shall carry out ex officio the first registration of the prior communication in accordance with Articles 22 and 24.

CHAPTER II

Procedures for registration and modification of registrations

Article 20. *Duty of registration in the State Register.*

The providers referred to in Article 2(1) are obliged to register in the State Register and to register the services they provide, as well as the amendments effecting said providers and the services provided.

Article 21. *Nature of the registration.*

Registration in the State Register shall be of a declaratory nature.

Article 22. *Practice of the first registration.*

1. The body responsible for managing the State Register shall perform the first registration in the State Register in accordance with the following terms:

a) In the case of audiovisual media service providers subject to the prior notification regime, after prior notification has been made in accordance with the provisions of Chapter I of Title II.

b) In the case of audiovisual media service providers subject to licence, and once the request for entry in the State Register has been received, which must be presented by the providers within one month from the granting, transfer or leasing of the mandatory audiovisual licence.

c) In the case of audiovisual media service aggregation service providers, video-sharing platform service providers and users of particular relevance who use video-sharing platform services, once the application for registration in the State Register has been received, which must be submitted within a maximum period of one month from the start of the activity.

2. To make the application for registration, providers shall use the standard application forms available on the website associated with the Ministry of Digital Transformation.

3. The information provided shall be the information referred to in Articles 12 and 13 as applicable to each type of provider.

Article 23. *Correction of the application for registration.*

1. If the application for registration in the State Register is incomplete, contains deficiencies or the required documentation is not provided, the body responsible for the management of the State Register shall require the provider to correct the deficiencies or provide the required documents within 10 days.

2. If the period for correction referred to in the previous paragraph has elapsed without the request being complied with, the applicant shall be deemed to have withdrawn their application for registration by means of a decision issued by the body responsible for the management of the State Register, without prejudice to the fact that the aforementioned body could decide, where appropriate, to open the corresponding penalty procedure for failure to comply with the duty of registration.

Article 24. *Registration of the provider.*

1. The body responsible for managing the State Register shall examine the data and documents of the prior communication, verify compliance with the requirements set out in Articles 12 and 13 and carry out ex officio the first registration. In the remaining cases, the body responsible for managing the State Registry shall register at the request of the interested party, after examining the data and documents provided and verifying compliance with the requirements laid down in Articles 12 and 13.

2. The first registration shall be notified to the provider together with a unique registration number which it can use to register subsequent modifications to the data entered relating to the provider and the services provided.

Article 25. *Procedure for modifying the data entered in the State Register.*

1. Providers are required to keep State Register data up to date, relating to the provider and the services provided.

2. Providers must notify the State Register of any act or fact that entails the modification of the information provided for in Articles 12 and 13 applicable to them, within a maximum period of one month from the date on which this occurs, providing the appropriate supporting documentation.

3. Any modifications to the data and acts registered arising from any act of the Administration shall be communicated by the provider affected to the State Register in order to be registered ex officio.

4. Notification of the modification must be made through the computer application available on the website associated with the Ministry of Digital Transformation, with it being mandatory to indicate the unique registration number granted to the provider at the time of the first registration.

5. If the request to modify data entered in the State Register is incomplete, contains deficiencies or the required documentation is not provided, the body responsible for the management of the State Register shall require the provider to correct the deficiencies or provide the required documents within 10 days, in accordance with Article 23.

6. The provider of the public audiovisual media service shall communicate the data for the

registration of its new public audiovisual media services, including those provided by any technology that does not use terrestrial radio waves, through the procedure for modifying registered data and in accordance with Article 53.6 and 53.7 of Law 13/2022 of 7 July 2022.

7. Without prejudice to the provisions of paragraph 1, the body responsible for managing the State Registry shall send a reminder annually to providers registered to update, if appropriate, the data entered in the State Register.

Article 26. *Cancellation of registration.*

After the loss of provider status in accordance with the provisions of Chapter III of Title II, the provider's registration in the State Register shall be cancelled ex officio.

CHAPTER III
Procedure for loss of provider status

Article 27. *Causes of the loss of provider status acquired through the prior notification of the start of activity.*

1. The audiovisual media service provider shall cease to have provider status in the following cases listed in Articles 20(1)(a), 20(1)(b), 20(1)(c) and 20(1)(d) of Law 13/2022 of 7 July 2022.

2. The audiovisual media service provider shall also cease to have provider status generally in the cases listed in Article 69(4) of Law 39/2015, of 1 October, and in particular where it is found that there are inaccuracies, falsehoods or omissions, of an essential nature, in the data and/or documents detailed in Articles 12(1)(a), 12(1)(b), 12(1)(c), 12(1)(d), 12(1)(e), 12(1)(g) and 12(1)(j) and 12(2)(a), 12(2)(b), 12(2)(c), 12(2)(d) and 12(2)(f) and 13(1)(a), 13(1)(c), 13(1)(d), 13(1)(e), 13(1)(f), 13(1)(i) and 13(1)(j).

Article 28. *Causes of the loss of provider status for audiovisual media service providers using terrestrial radio waves under licence.*

The concurrence of any of the causes for the termination of the licence provided for in Article 31 of Law 13/2022 of 7 July shall result in the loss of provider status for audiovisual media service providers under licence and shall follow the procedure provided for in Article 30.

Article 29. *Causes of the loss of provider status for audiovisual media service aggregation service providers, video-sharing platform service providers and users of particular relevance who use video-sharing platform services.*

Audiovisual media service aggregation service providers, video-sharing platform service providers and users of particular relevance who use video-sharing platform services shall lose their provider status, in accordance with the causes referred to in Article 20(1)(a), 20(1)(b) and 20(1)(c) of Law 13/2022, of 7 July 2022, through the procedure provided for in Article 30.

Article 30. *Procedure for declaring the loss of provider status.*

1. The procedure declaring the loss of audiovisual media service provider status shall be initiated ex officio by means of an agreement to initiate the procedure issued by the body responsible for the management of the State Register, in the following terms:

a) In cases in Articles 20(1)(a), 20(1)(b) and 20(1)(c) of Law 13/2022, of 7 July 2022, upon receipt of notification from the provider of the circumstances indicated therein or from the moment the competent body becomes aware of these facts.

b) In case in Article 20(1)(d) of Law 13/2022, of 7 July 2022, once the penalty imposed has become final.

c) In case in Article 27(2), from the moment the competent body becomes aware of these facts.

2. In the investigation of the procedure declaring the loss of audiovisual media service provider status, the body responsible for the management of the State Register may request the collaboration of other administrative bodies. It may also request from third parties, such as audiovisual media-service aggregation service providers or electronic media service providers, information related to the provision of the service declared by the provider.

3. By decision of the head of the State Secretariat for Telecommunications and Digital Infrastructures, within 3 months of the agreement to initiate the procedure, and after hearing the

interested party, the loss of audiovisual media service provider status shall be declared.

4. Against said decision putting an end to the administrative procedure, an appeal may be lodged with the same body that issued it in accordance with the provisions of Article 123 et seq. of Law 39/2015 of 1 October, or that decision may be challenged directly before the administrative courts.

TITLE III

Administrative collaboration and cooperation of the State Register

Article 31. *Duty of cooperation with the European Commission.*

The body responsible for the management of the State Register shall provide the information contained in the State Register to the centralised database of audiovisual media service providers and video-sharing platform service providers for which the European Commission is responsible. In addition, the data contained in the regional registers shall be provided to the State Register within the framework of the cooperation channel provided for in the following article.

Article 32. *Duty and means of cooperation between the State Register and the Regional Registers.*

The Ministry of Digital Transformation and the competent audiovisual authorities of the autonomous communities shall formalise an agreement for the electronic interconnection between the State Register and the regional registers and access by electronic means to all the data contained therein, in order to facilitate the federation of these registers and compliance with the obligations of Law 13/2022 of 7 July 2022.

Article 33. *Collaboration with the National Commission on Markets and Competition.*

Within the framework of collaboration provided for in Article 153 of Law 13/2022, of 7 July 2022, and in order to effectively implement the functions entrusted to both audiovisual authorities within the scope of this Royal Decree, an agreement shall be formalised between the Ministry of Digital Transformation and the National Commission on Markets and Competition.

Article 34. *Collaboration with other public bodies.*

In the exercise of its powers, the State Register may request information or assistance from the bodies, entities and organisations associated with or dependent on the General State Administration.

First additional provision. *No increase in public expenditure.*

The measures contained in this Royal Decree must not result in an increase in allocations, remuneration or other personnel costs.

Second additional provision. *Transfer of registrations from the State Register of Audiovisual Media Service Providers.*

In accordance with the provisions of the seventh transitional provision of Law 13/2022 of 7 July, the registrations made in the State Register of Audiovisual Media Service Providers shall be transferred ex officio to the new State Register, and the State Register of Audiovisual Media Service Providers, provided for in Royal Decree 847/2015 of 28 September regulating the State Register of Audiovisual Media Service Providers and the procedure for prior notification of the start of activity, shall no longer be in force.

First transitional provision. *Deadline for registration of providers who have started their activity and are not registered in the State Register of Audiovisual Media Service Providers.*

Within 2 months of the entry into force of this Royal Decree, the audiovisual media service providers, video-sharing platform service providers and audiovisual media service aggregation service providers which were not registered in the previous State Register of Audiovisual Media Service Providers must submit their application for registration in the new State Register, providing the data required in Articles 12 and 13.

1. In accordance with the provisions of Article 94 and the ninth final provision of Law 13/2022 of 7

July, users of particular relevance who use video-sharing platform services shall have 2 months from the entry into force of the regulation that specifies the requirements to be considered a user of particular relevance in which to submit the application for registration in the State Register.

Second transitional provision. *Procedures under way.*

The procedures in progress with the State Registry of Audiovisual Media Services Providers at the date of entry into force of this Royal Decree shall continue to be processed in accordance with the provisions of the regulations in force at the time of their initiation.

Sole repealing provision. *Regulatory repeal.*

Royal Decree 847/2015 of 28 September regulating the State Register of Audiovisual Media Service Providers and the procedure for prior notification of the start of activity is repealed, as well as any regulations of equal or lower rank that contradict or oppose the provisions of this Royal Decree.

First final provision. *Development powers.*

1. The head of the Ministry of Digital Transformation may issue the provisions for the development, application and execution of this Royal Decree.

2. The head of the Ministry of Digital Transformation may amend by Ministerial Order the content of the annex to this Royal Decree.

Second final provision. *Title of competence.*

This Royal Decree is issued under the provisions of Article 149(1). (21) and (27) of the Spanish Constitution, which confers on the State exclusive power concerning telecommunications, and to dictate the basic rules governing the radio and television system and, in general, all social communication media, without prejudice to the powers that correspond to the autonomous communities in their development and implementation, respectively.

Third final provision. *Entry into force.*

This Royal Decree shall enter into force on the same day as its publication in the ‘Official State Gazette’.

In Madrid, 19 December 2023.

FELIPE R.

The Minister of Digital Transformation.

JOSÉ LUIS ESCRIVÁ BELMONTE

ANNEX

Structure of the State Register and electronic registration sheet.

Section 1: Audiovisual Media Service Providers

REGISTRATION:

Unique registration number:

Provider registration date:

Date of submission of prior notification and/or application for registration. Applicant data.

Type of audiovisual media service provider:

Provider data (declared by the provider).

Data on services/channels (declared by the provider).

Licence/Entrustment of management.

MODIFICATION:

Date of data modification.

Data modification date.

De-registration:

Notification of loss of provider status.
Loss of status date

Penalty procedure:

Administrative file access:

Documentation supplied by the provider
Internal documentation (procedures)
Other documentation

Section 2: Audiovisual Media Aggregation Service Providers

REGISTRATION:

Unique registration number:
Provider registration date:

Date of submission of application for registration. Applicant data.

Provider data (declared by the provider).
Service data (declared by the provider).

MODIFICATION:

Date of data modification:
Data modification date:

De-registration:

Notification of loss of provider status.
Loss of status date

Penalty procedure:

Administrative file access:

Documentation supplied by the provider
Internal documentation (procedures)
Other documentation

Section 3: Video-Sharing Platform Service Providers

REGISTRATION:

Unique registration number:
Provider registration date:

Date of submission of application for registration. Applicant data.

Provider data (declared by the provider).
Service data declared by the provider.

MODIFICATION:

Date of data modification:
Data modification date:

De-registration:

Notification of loss of provider status.
Loss of status date

Penalty procedure:

Administrative file access:

Documentation supplied by the provider
Internal documentation (procedures)
Other documentation

Section 4: Users of particular relevance who use video-sharing platform services

REGISTRATION:

Unique registration number:

Provider registration date:

Date of submission of application for registration. Applicant data.

Provider data (declared by the user).

Service data declared by the user.

Video-sharing platform used by the user.

MODIFICATION:

Date of data modification:

Data modification date:

De-registration:

Notification of loss of provider status.

Loss of status date

Penalty procedure:

Administrative file access:

Documentation supplied by the provider

Internal documentation (procedures)

Other documentation

<p>This consolidated text has no legal value.</p>
