



4.10. ES - Spain¹⁶⁰

4.10.1. Key findings

- There is a right to access emergency information in an accessible format, however, the mechanics of who is meant to provide this access are not clear in the language of the statute.
- Spain requires that accessibility measures travel with content when licensed, i.e. if a movie was made with an audio description file, the service provider must disseminate it while maintaining that accessibility measure, provided it is available in an interoperable format.
- Audiovisual media service providers are to engage in self-regulation in consultation with civil society groups representing disabled persons. If this fails to improve the quality of accessible services, the government may step in to regulate.

4.10.2. Legal framework: primary and secondary legislation

National legislation	Summary of the measures
Article 7 (1) AVMSD	
Article 101.1.a) of Law 13/2022 of 7 July on Audiovisual Communication (<i>Ley General de Comunicación Audiovisual</i>) (LAC) ¹⁶¹	Audiovisual media service providers must progressively and continuously improve accessibility to the audiovisual media services. These obligations do not apply to service providers with a low volume of business and low audience numbers. ¹⁶²
Article 101 LAC	Service providers must finance necessary adaptations in their services to provide them in an accessible manner. Article 101 guarantees progressive compliance with the quality requirements for subtitling and audio description in line with the quality regulations of UNE, the Spanish Association for Standardisation. ¹⁶³ Article 101 ensures that any sign language translation meets the quality requirements of the Centre for Linguistic Standardisation

¹⁶⁰ The summary on Spain incorporates feedback received from Laura Guindo Arias, senior legal advisor at the Directorate of Telecommunications and Audiovisual at the National Commission of Markets and Competition (*Comisión nacional de los mercados y la competencia* – CNMC), during the checking round with the national regulatory authorities.

¹⁶¹ <https://www.boe.es/buscar/act.php?id=BOE-A-2022-11311>

¹⁶² The cut-offs were established by the CNMC in a regulation in February 2023 <https://www.cnmc.es/sites/default/files/4601240.pdf>

¹⁶³ <https://www.une.org/encuentra-tu-norma/busca-tu-norma/norma?c=N0032787>



<p>Article 102 LAC</p> <p>Article 103 LAC</p> <p>Article 104 LAC</p> <p>Article 105 LAC</p>	<p>of Spanish Sign Language (or the equivalent autonomous community body).¹⁶⁴</p> <p>Article 101 promotes accessible commercials.</p> <p>Article 101 guarantees that web pages and apps are gradually more accessible.</p> <p>Article 102 sets specific quotas for linear television – see details below in 1.1.3.</p> <p>Article 103 sets specific quotas for subscription linear television – see details below in 1.1.3.</p> <p>Article 104 sets specific quotas for video-on-demand (VOD) services – see details below in 1.1.3. It also requires that these providers gradually incorporate measures that promote accessibility to the services that they offer to other member states of the EU.</p> <p>Article 105 requires that audiovisual media service providers ensure that if rebroadcasting content created by third parties with accessibility measures in place, they maintain those measures if they are in an interoperable format.</p>
<p>Article 7 (2) AVMSD</p>	
<p>Article 106.2-3 LAC</p>	<p>The national media regulatory authority (<i>Comisión nacional de los mercados y la competencia</i> – CNMC) must publish an annual report on compliance with the accessibility obligation of audiovisual media service providers and the penalty procedures completed. The audiovisual authorities in the autonomous communities will monitor compliance within their jurisdiction.</p>
<p>Article 7 (3) AVMSD</p>	
<p>Article 101.1.(b) LAC</p> <p>Article 108 LAC</p>	<p>Audiovisual media service providers must develop accessibility plans for the continuous improvement of accessibility to services which must be submitted annually to the CNMC.</p> <p>The CNMC or competent autonomous community regulatory authority(ies) will promote the adoption of self-regulation codes by audiovisual media providers, in consultation with disabled persons’ organisations. If the self-regulation proves insufficient, the government may establish quality requirements by regulation.</p>

¹⁶⁴ <https://cnlse.es/es/actualidad/noticias/ndp-estudio-lse-comunicacionaudiovisual>



Article 7 (4) AVMSD	
Article 107 LAC	The CNMC will be the contact point for sharing information with the public and receiving complaints on issues of accessibility affecting audiovisual media services at the state level. The autonomous communities may create contact points available to the public for issues affecting audiovisual media services at the autonomous community level.
Article 7 (5) AVMSD	
Article 101.3 LAC	The right of persons with disabilities to have access to emergency information in an accessible format shall be ensured.

4.10.3. Overview of national rules

Types of accessibility measures	Brief overview of existing rules
Accessibility measures (hearing impairments)	<p>Yes.</p> <p>Public broadcasters</p> <p>Subtitling: 90% of programmes broadcast, and all programmes broadcast during prime time.</p> <p>Sign language: >15 hours/week primarily during prime time, and this must include newscasts, children’s programming, current affairs programmes, and programmes related to consumer interests or religious services.</p> <p>Free to air linear broadcasters</p> <p>Subtitling: 80% of programmes must be subtitled and all programmes broadcast during prime time. Sign language: >5 hours/week primarily during prime time, which must include newscasts, children’s programming, news content, and programmes related to consumer interests or religious services.</p> <p>Subscription linear broadcasters</p> <p>Subtitling: >30% of programmes Sign language: gradual incorporation of programming with sign language, and promotion of those programmes .</p>
Accessibility measures (visual impairments)	<p>Yes.</p> <p>Public broadcasters</p>



	<p>Audio description: >15 hours/week primarily during prime time which must include movies of any genre, including documentaries and animation, TV films of any genre, including documentary films, animations and series.</p> <p>Free to air linear broadcasters</p> <p>Audio description: >5 hours/week primarily during prime time which must include movies of any genre, including documentary and animation, TV films of any genre, including documentary and animation and series.</p> <p>Subscription linear broadcasters</p> <p>Audio description: gradual incorporation of audio described programming, and promotion of those programmes that are available.</p>
Accessibility measures developed by self- or co-regulatory process	Yes, audiovisual media service providers are to consult with civil society groups representing disabled persons to develop regulatory schemes to improve access to their services. If they fail to achieve improvement, the government may step in to issue regulation.
Reporting to the NRA – frequency	Yes, the CNMC, or relevant autonomous community body is responsible for monitoring. The CNMC issued a requirement in July 2022 that all audiovisual media service providers that provide services in the Spanish state must submit a report on measures they have implemented and those they plan to implement. In November 2022, the CNMC published a report with the results obtained, which was sent to the European Commission in accordance with the provisions of Article 7.2 of the AVMSD.
Designated point of contact for information and complaint	The CNMC or relevant autonomous community body will be the contact point for information and complaints.

4.10.4. Law in practice: selected examples¹⁶⁵

Many audiovisual media service providers are engaging in increasing the accessibility of their services, to adapt to the new requirements of Law 13/2022. The CNMC published a report in 2022 on the accessibility plans implemented by audiovisual media service providers.

¹⁶⁵ Examples as provided by the national expert.



The CNMC does not yet have data on the implementation of the new measures envisaged by Law 13/2022, since these obligations did not enter into force until 9 July 2023.

4.10.4.1. Public service broadcasters

Prior to the entry into force of Law 13/2022, the public service broadcaster was already required to provide a large amount of accessibility services (90% subtitling and 10 hours a week of audio description and sign interpreting). The CNMC supervised the public service broadcaster (RTVE) on an annual basis.¹⁶⁶

The regional public broadcaster *Corporació Catalana de Mitjans Audiovisuals* provides subtitling, audio description and sign language interpretation.¹⁶⁷

4.10.4.2. Private broadcaster: Atresmedia

The free to air linear broadcast stations also had demanding accessibility obligations prior to the entry into force of Law 13/2022 (75% subtitling and two hours a week of audio description and sign language interpreting).

The private broadcaster Atresmedia issued a press release stating that they subtitle 100% of their live broadcasts, and that all big events of public interest were subtitled, and that they were providing an increasing number of entertainment-style programmes with subtitling.¹⁶⁸

4.10.4.3. VOD: Moviestar+

The VOD provider Moviestar+ issued a press release stating that they provide audio description, sign language interpretation and spoken subtitles.¹⁶⁹

¹⁶⁶ Data from 2020: <https://www.cnmc.es/sites/default/files/4451620.pdf>

¹⁶⁷ <https://www.ccma.cat/atencio/accessibilitat/>

¹⁶⁸ <https://www.atresmediacorporacion.com/responsabilidad-corporativa/discapacidad/accesibilidad/>

¹⁶⁹ <https://comunidad.movistar.es/t5/Blog-Movisfera/Movistar-Plus-5S-accesibilidad-en-tu-pantalla-series-y-pelis/ba-p/3302864>