

# Current Legislation

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## I. Environment

On this subject, below follow new rules and regulations we consider of interest:

1. **Royal Decree 564/2017, of 2 June, amending Royal Decree 235/2013, of 5 April, approving the basic procedure for the production of energy performance of buildings certificates<sup>1</sup>.** Alters the scope of Royal Decree 235/2015 by excluding from art. 2 thereof (1) buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance; and (2) industrial, military and non-residential agricultural buildings, or parts thereof, with low energy demand.

In addition, with regard to nearly zero-energy buildings, the new wording of the second additional provision of Royal Decree 235/2013 refers to the Spanish Building Code<sup>2</sup> for the determination of the minimum requirements to be met by such buildings, imposing certain progressive obligations over time.

2. **Royal Decree 363/2017, of 8 April, laying down a marine planning framework<sup>3</sup>.** Transposing Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning, its purpose is to promote the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources through the approval of marine plans, given that the activities and uses in these areas, in addition to growing at a dizzying pace, are often incompatible (this is the case of facilities for the production of energy from renewable sources, the extraction of raw materials, aquaculture, etc.).
3. The **Environmental Protection (La Rioja) Act 6/2017 of 8 May<sup>4</sup>**. This Act adapts Riojan legislation to the current national legislation concerning environmental assessments, integrated pollution prevention and control, and administrative simplification.

Ignacio Álvarez Serrano and María Pascual Núñez

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<sup>1</sup> *Real Decreto 564/2017, de 2 de junio, por el que se modifica el Real Decreto 235/2013, de 5 de abril, por el que se aprueba el procedimiento básico para la certificación de la eficiencia energética de los edificios.*

<sup>2</sup> *Código Técnico de la Edificación.*

<sup>3</sup> *Real Decreto 363/2017, de 8 de abril, por el que se establece un marco para la ordenación del espacio marítimo.*

<sup>4</sup> *Ley 6/2017, de 8 de mayo, de Protección del Medio Ambiente de la Comunidad Autónoma de La Rioja.*

## II. Agri-food

On account of its special interest, we must highlight **Royal Decree-Act 10/2017, of 9 June, taking urgent steps to mitigate the effects of drought in certain basins and amending the Recast Text of the Water Act adopted by Royal Legislative Decree 1/2001 of 20 July<sup>5</sup>**, in response to the severe drought conditions in some areas of Spain (in particular the basins of the rivers Duero, Júcar and Segura).

José Luis Palma Fernández and Yago Fernández Darna

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## III. Tax

In this quarter, new legislation has also been passed in the field of taxation:

1. In view of its relevance, we must draw attention to **Royal Decree 529/2017, of 26 May, amending the Value Added Tax Regulations adopted by Royal Decree 1624/1992 of 29 December<sup>6</sup>**, which provides (i) an extraordinary time limit, until 15 June 2017, to request deregistration from the Monthly VAT Returns Register, as well as to elect out of the special regime for VAT groups, and (ii) that the taxpayers who have elected into the simplified regime will not have the option of applying the new bookkeeping system in 2017.
2. We must similarly mention **Order HFP/417/2017, of 12 May, regulating the legislative and technical specifications implementing the keeping of value added tax records through the Spanish Tax Authority's electronic gateway in accordance with art. 62(6) of the Value Added Tax Regulations, adopted by Royal Decree 1624/1992, of 29 December, and amending other tax laws<sup>7</sup>**.

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<sup>5</sup> Real Decreto Ley 10/2017, de 9 de junio, por el que se adoptan medidas urgentes para paliar los efectos producidos por la sequía en determinadas cuencas hidrográficas y se modifica el Texto Refundido de la Ley de Aguas, aprobado por Real Decreto Legislativo 1/2001, de 20 de julio.

<sup>6</sup> Real Decreto 529/2017, de 26 de mayo, por el que se modifica el Reglamento del Impuesto sobre el Valor Añadido aprobado por el Real Decreto 1624/1992, de 29 de diciembre.

<sup>7</sup> Orden HFP/417/2017, de 12 de mayo, por la que se regulan las especificaciones normativas y técnicas que desarrollan la llevanza de los libros registro del impuesto sobre el valor añadido a través de la sede electrónica de la Agencia Estatal de Administración Tributaria establecida en el artículo 62.6 del Reglamento del Impuesto sobre el Valor Añadido, aprobado por el Real Decreto 1624/1992, de 29 de diciembre, y se modifica otra normativa tributaria.

3. At the international level, the **Decision authorising execution of the Convention between the Government of Spain and the Government of Cape Verde for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and the Protocol thereto**<sup>8</sup>, which aims to provide a tax treatment adequate to the circumstances of taxpayers carrying on business in the international arena, providing a framework of legal and fiscal certainty which favours economic exchanges between the two countries and facilitates cooperation between the respective tax authorities in the performance of their functions.
4. In the ‘historical territory’ of Bizkaia, **Provincial Decree 82/2017, of 20 June, amending several tax-related regulations to introduce the immediate provision of value added tax information**<sup>9</sup>, intended for 1 January 2018; **Provincial Act 2/2017, of 12 April, partially amending Provincial Act 2/2005, of 10 March**<sup>10</sup>, introducing important changes in tax management procedures in order to ensure greater legal certainty for taxpayers, notably the establishment of a non-preclusive six-month time limit for proceedings initiated by self-assessment and declaration; and **Provincial Act 1/2017, of 12 April, adapting the tax system of Bizkaia to the Civil Law (Basque Country) Act 5/2015 of 25 June**<sup>11</sup>, which made changes to the inheritance and gift tax, the personal income tax, the private wealth tax, the transfer and stamp duty and the urban land appreciation tax.
5. In the historical territory of Gipuzkoa, **Provincial Act 1/2017, of 9 May, partially amending Provincial Act 2/2005 of 8 March**<sup>12</sup>, so as to adapt it to EU legislation on unlawful and incompatible state aid; and **Provincial Decree-Act 2/2017, of 28 March, amending the urban land appreciation tax**<sup>13</sup>. By virtue of the same, null increases or decreases in the value of land will not be taxed and it will not be necessary to calculate the tax base in these cases.

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<sup>8</sup> *Acuerdo por el que se autoriza la firma del Convenio entre el Reino de España y la República de Cabo Verde para evitar la doble imposición y prevenir la evasión fiscal en materia de impuestos sobre la renta, y de su protocolo.*

<sup>9</sup> *Decreto Foral 82/2017, de 20 de junio, de la Diputación Foral de Bizkaia, por el que se modifican varios reglamentos de carácter tributario para la introducción del suministro inmediato de información en el impuesto sobre el valor añadido.*

<sup>10</sup> *Norma Foral 2/2017, de 12 de abril, del territorio histórico de Bizkaia, de reforma parcial de la Norma Foral 2/2005, de 10 de marzo, General Tributaria del territorio histórico de Bizkaia.*

<sup>11</sup> *Norma Foral 1/2017, de 12 de abril, del territorio histórico de Bizkaia, de adaptación del sistema tributario del territorio histórico de Bizkaia a la Ley 5/2015, de 25 de junio, de Derecho Civil Vasco.*

<sup>12</sup> *Norma Foral 1/2017, de 9 de mayo, del territorio histórico de Gipuzkoa, de reforma parcial de la Norma Foral General Tributaria del territorio histórico de Gipuzkoa.*

<sup>13</sup> *Decreto Foral Norma 2/2017, de 28 de marzo, del territorio histórico de Gipuzkoa, por el que se modifica el impuesto sobre el incremento del valor de los terrenos de naturaleza urbana.*

6. In the historical territory of Araba, **Provincial Decree 27/2017, of 9 May, amending personal and corporate income tax regulations, Provincial Decree 21/2009, of 3 March, regulating the obligation to provide information on transactions with third parties and Provincial Decree 3/2011, of 25 January, on the tax register and related obligations<sup>14</sup>**, by which the provincial tax system reform under Provincial Act 19/2016 of 23 December is introduced and implemented; and **Tax Emergency Decree 3/2017, of 28 March, concerning the urban land appreciation tax<sup>15</sup>**, under which an objective system (difference between transfer and acquisition values) is established to determine whether or not there is an increase in value.
7. In the Region of Navarre, **Regional Act 6/2017, of 9 May, partially amending the recast text of the Regional Personal Income Tax Act, adopted by Regional Legislative Decree 4/2008, of 2 June<sup>16</sup>**, under which the tax allowances for widows' pensions and contributory retirement pensions are regulated. There are also significant particularities regarding obligations to withhold and to inform on amounts paid by not-for-profit (non-profit) organisations.

Mariana Díaz-Moro Paraja and Enrique Santos Fresco

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## IV. Accounting

Regarding accounting law, the following stands out:

1. **Order JUS/471/2017, of 19 May, approving the new forms for filing with the Register of Companies annual financial statements subject to publication<sup>17</sup>**.

<sup>14</sup> Decreto Foral 27/2017, del Consejo de Gobierno Foral de 9 de mayo, que modifica los Reglamentos del Impuesto sobre la Renta de las Personas Físicas y sobre Sociedades, el Decreto Foral del Consejo 21/2009, de 3 de marzo, regulador de la obligación de suministrar información sobre operaciones con terceras personas y el Decreto Foral 3/2011, de 25 de enero, sobre el Censo de los contribuyentes y obligaciones censales.

<sup>15</sup> Decreto Normativo de Urgencia Fiscal 3/2017, de 28 de marzo, del territorio histórico de Araba/Álava, del Consejo de Gobierno Foral, relacionado con el impuesto sobre el incremento del valor de los terrenos de naturaleza urbana.

<sup>16</sup> Ley Foral 6/2017, de 9 de mayo, de la Comunidad Foral de Navarra, de modificación parcial del texto refundido de la Ley Foral del Impuesto sobre la Renta de las Personas Físicas, aprobado por el Decreto Foral Legislativo 4/2008, de 2 de junio.

<sup>17</sup> Orden JUS/471/2017, de 19 de mayo, por la que se aprueban los nuevos modelos para la presentación en el Registro Mercantil de las cuentas anuales de los sujetos obligados a su publicación.

2. **Order JUS/470/2017, of 19 May, approving the new form for filing with the Register of Companies consolidated annual financial statements subject to publication<sup>18</sup>.**

Enrique Santos Fresco and Mariana Díaz-Moro Paraja

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## V. Business

There are also interesting developments in commercial and company law:

1. **Directorate-General of Registries and Notaries' Direction, of 9 May 2017, on the interconnection of registers of companies<sup>19</sup>.** The registers of companies of the different Member States must implement an interconnection system that (i) makes publicly available companies' and branches' documents and particulars on file with the respective register, and (ii) establishes channels of communication between the registries of different States for the purpose of coordination with regard to information on the situation concerning parent companies, branches and cross-border mergers.

The direction sets out the information that registers of companies must make available to the public through said interconnection system.

2. **Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement.** Its main objective is to promote the active and transparent engagement of shareholders in the management of listed companies and to encourage their long-term commitment to its strategy and to society. For this purpose, a set of specific requirements related to the following aspects are set out: (1) Directors' remuneration: shareholders will have the right to hold a vote on the remuneration policy, which should contribute to the business strategy, long-term interests and sustainability of the company; (2) Identification of shareholders and transmission of information: all intermediaries who have information on the identity of shareholders must provide this information, at the request of the company; (3) Facilitation of the exercise of shareholder rights: intermediaries will have to facilitate the exercise of shareholder rights, including the right to participate and vote at general meetings; (4) Transparency of institutional investors, asset managers and proxy advisors: they are obliged to develop and publish a shareholder engagement

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<sup>18</sup> Orden JUS/470/2017, de 19 de mayo, por la que se aprueba el nuevo modelo para la presentación en el Registro Mercantil de las cuentas anuales consolidadas de los sujetos obligados a su publicación.

<sup>19</sup> Instrucción de 9 de mayo del 2017, de la Dirección General de los Registros y del Notariado, sobre interconexión de los registros mercantiles.

policy and describe the measures to manage actual or potential conflicts of interest. The proxy advisors shall be subject to transparency requirements and shall approve and publish a code of conduct; and (5) Related party transactions: material transactions with related parties must be approved by the shareholders or the governing body to adequately protect the interests of the company.

Member States will have a period of two years to transpose the new provisions into their domestic legal system, which, in the case of Spain, will mainly involve the amendment of Title XIV of the Companies Act on listed companies.

Inés Fontes Migallón and José María Álvarez Arjona

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## VI. Real Estate

The following legislation concerning the real estate sector should be highlighted:

1. **Royal Decree-Act 5/2017, of 17 March, amending Royal Decree-Act 6/2012, of 9 March, on urgent measures to protect impecunious mortgagees, and the Mortgagee Protection, Debt Adjustment and Social Housing Act 1/2013 of 14 May**<sup>20</sup> introduces three substantial amendments. Firstly, it broadens the beneficiaries of stays of dispossessions of main homes to include families with children and those housing a gender violence victim. Secondly, it adds three years to the dispossession stay period in the case of particularly vulnerable groups. Lastly, renting mechanisms are established for judgment debtors where the levying of an execution against property has been stayed.
2. The **Home Loans Draft Bill**<sup>21</sup>, aims to incorporate into Spanish law the consumer protection rules under Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010.

Marina Martínez Plaza

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<sup>20</sup> *Real Decreto Ley 5/2017, de 17 de marzo, por el que se modifica el Real Decreto Ley 6/2012, de 9 de marzo, de medidas urgentes de protección de deudores hipotecarios sin recursos, y la Ley 1/2013, de 14 de mayo, de medidas para reforzar la protección a los deudores hipotecarios, reestructuración de deuda y alquiler social.*

<sup>21</sup> *Anteproyecto de Ley reguladora de los contratos de crédito inmobiliario.*



## VII. Employment and labour

Several pieces of legislation have been passed on employment and labour matters that merit attention:

1. **Royal Decree-Act 8/2017, of 12 May, amending the employment scheme for workers providing port cargo handling services, in compliance with the Judgment of the CJEU of 11 December 2014 in Case C-576/13 (infringement procedure 2009/4052)**<sup>22</sup>. Taking as reference the aforementioned judgment, the dock workers' employment scheme will be based on free hiring. It will no longer be necessary for service licence holders to have a stake in any company whose purpose is to provide temporary staffing. For this, workers must meet the requirements that guarantee their professionalism by obtaining the appropriate certificate. In addition, port employment centres, whose object will be the employment of dock workers in the port cargo handling service, as well as their temporary assignment to companies holding a license to provide the port cargo handling service or a commercial port services authorisation.

This piece of legislation regulates two matters of interest. On the one hand, the transitory subsistence of dockers' management public limited companies (SAGEP) for three years (the Administration even takes over the payment of compensation to workers made redundant). On the other hand, the validity of the applicable collective agreements. And so, within a maximum period of one year from the entry into force of this decree, agreed rules must adapt to it.

2. **Royal Decree 231/2017, of 10 March, regulating the establishment of a system of reduced contributions for occupational contingencies by companies that have significantly decreased workplace accidents**<sup>23</sup>, amends some aspects of management and control of temporary disabilities during the first three hundred and sixty-five days introduced only three years ago. It clarifies the powers regarding medical leave from work, modification of leave and fitness for work statements in temporary disability processes, whatever the classification of contingency giving rise to the leave. Upon expiry of the three hundred and sixty-five calendar days, the control of the process will pass to the Spanish Department of Social Security (INSS). This regulation contains, in turn, a system of reduced contributions for occupational contingencies by companies that have significantly decreased workplace accidents.

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<sup>22</sup>Real Decreto Ley 8/2017, de 12 de mayo, por el que se modifica el régimen de los trabajadores para la prestación del servicio portuario de manipulación de mercancías, dando cumplimiento a la Sentencia del Tribunal de Justicia de la Unión Europea de 11 de diciembre del 2014, recaída en el asunto C 576/13 (procedimiento de infracción 2009/4052).

<sup>23</sup>Real Decreto 231/2017, de 10 de marzo, por el que se regula el establecimiento de un sistema de reducción de las cotizaciones por contingencias profesionales a las empresas que hayan disminuido de manera considerable la siniestralidad laboral.

3. **Royal Decree-Act 9/2017, of 26 May, transposing EU directives in the fields of finance, commerce and healthcare, and on the posting of workers<sup>24</sup>**, seeks to ensure respect for an appropriate level of protection of the rights of workers posted for the cross-border provision of services, while facilitating the exercise of the freedom to provide services for service providers and promoting fair competition between service providers within the EU and the European Economic Area.

To this end, an employer who posts workers to Spain in the framework of a transnational provision of services must notify the posting, before its commencement and regardless of the duration of the worker's posting, to the competent Spanish employment authority with regard to the territory where the services will be provided. The decree also regulates the obligation to appear and to keep and deliver documents, the Labour and Social Security Inspectorate being responsible for the surveillance and enforcement of the same. In this regard, some new classes of infringement and their attached penalties are introduced in the Infringements and Penalties (Employment Branch) Act. However, one of the most interesting features of this new legislation concerns the cross-border notification and enforcement of financial penalties and administrative fines imposed for failure to comply with the applicable rules on posting of workers.

4. **Royal Decree-Act 6/2017, of 31 March, approving public sector jobs on offer related to non-university and university teaching staff, armed forces, national and regional law enforcement agencies for 2017<sup>25</sup>**.
5. **Royal Decree-Act 7/2017, of 28 April, extending and amending the Work Activation Programme<sup>26</sup>**.

Lourdes López Cumbre

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<sup>24</sup>Real Decreto Ley 9/2017, de 26 de mayo, por el que se transponen directivas de la Unión Europea en los ámbitos financiero, mercantil y sanitario, y sobre el desplazamiento de trabajadores.

<sup>25</sup>Real Decreto Ley 6/2017, de 31 de marzo, por el que se aprueba la oferta de empleo público en los ámbitos de personal docente no universitario y universitario, fuerzas armadas, fuerzas y cuerpos de seguridad del Estado y cuerpos de policía dependientes de las comunidades autónomas para el 2017.

<sup>26</sup>Real Decreto Ley 7/2017, de 28 de abril, por el que se prorroga y modifica el Programa de Activación para el Empleo.

## VIII. Telecommunications

In the telecommunications sector there is also new legislation of great interest:

1. **Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union.** With the aim of encouraging the deployment of fifth generation technology (the so-called 5G) and broadband wireless access available to all citizens of the European Union by 2020 at speeds of at least 30 megabytes is, this decision calls on Member States to allow, by 30 June 2020, the use of the 694-790 MHz ('700 MHz') frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions established by the Commission pursuant to Article 4 of Decision No 676/2002/EC. Member States may, however, delay allowing the use of the 700 MHz frequency band for up to two years on the basis of one or more of the duly justified reasons set out in the Annex to this Decision.
2. **Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets.** Having noted that the wholesale roaming markets are not really competitive, this regulation amends Regulation (EU) No 531/2012 and supplements Regulation (EU) No 2015/2120, which sets up a new retail pricing mechanism for Union-wide regulated roaming services in order to abolish retail roaming surcharges from 15 June 2017 without distorting domestic and visited markets. Although the wholesale roaming charges are capped, the operators should be given the alternative to negotiate wholesale pricing schemes which are not directly linked to volumes actually consumed.

Ana I. Mendoza Losana

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## IX. Energy

With regard to energy, we should pay particular attention to the following developments:

1. In this quarter the expected call for applications ('auction') for the granting of subsidy payments ('specific remuneration scheme') to new mainland facilities that produce electricity from renewable energy sources in category B (wind energy, photovoltaic and other), according to the classification set out in art. 2 of Royal Decree 413/2014, of 6 June, was held. The call was decided on by **Decision of the Directorate-General for Energy Policy and Mining, of 19**

**May 2017, deciding on the call for applications for subsidy payments pursuant to Royal Decree 359/2017 of 31 March and Order ETU/315/2017 of 6 April<sup>27</sup>.**

The specific regulatory framework of the call is formed by **Royal Decree 359/2017, of 31 March, providing for a call for applications for subsidy payments open to new Spanish mainland facilities that produce electricity from renewable energy sources<sup>28</sup>; Order ETU/315/2017, of 6 April, regulating the award of subsidy payments in the call for applications open to new facilities that produce electricity from renewable energy sources pursuant to Royal Decree 359/2017 of 31 March and approving the parameters of said payments<sup>29</sup>; Decision of the State Secretariat of Energy, of 10 April 2017, laying down the procedure and rules of the call for applications for subsidy payments open to new facilities that produce electricity from renewable energy sources pursuant to Royal Decree 359/2017 and Order ETU/315/2017 of 6 April<sup>30</sup>; and Decision of the State Secretariat of Energy making a call for applications for subsidy payments open to new facilities that produce electricity from renewable energy sources pursuant to Order ETU/315/2017<sup>31</sup>.**

2. **Royal Decree 650/2017, of 16 June, establishing a quota of 3000 MW of installed capacity, of new mainland facilities that produce electricity from renewable energy sources, to which the subsidy payments may be granted<sup>32</sup>.** Only photovoltaic (group b.1.1) and wind energy (group b.2) facilities may bid in the auction of this new quota, whose regulatory framework will be the same as that applicable to the May auction with the particularities introduced by **Order ETU/615/2017, of 27 June, determining the procedure for the granting of subsidy payments,**

<sup>27</sup>Resolución de 19 de mayo del 2017, de la Dirección General de Política Energética y Minas, por la que se resuelve el procedimiento de subasta para la asignación del régimen retributivo específico al amparo de lo dispuesto en el Real Decreto 359/2017, de 31 de marzo, y en la Orden ETU/315/2017, de 6 de abril.

<sup>28</sup>Real Decreto 359/2017, de 31 de marzo, por el que se establece una convocatoria para el otorgamiento del régimen retributivo específico a nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables en el sistema eléctrico peninsular.

<sup>29</sup>Orden ETU/315/2017, de 6 de abril, por la que se regula el procedimiento de asignación del régimen retributivo específico en la convocatoria para nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables, convocada al amparo del Real Decreto 359/2017 y se aprueban sus parámetros retributivos.

<sup>30</sup>Resolución de 10 de abril del 2017, de la Secretaría de Estado de Energía, por la que se establece el procedimiento y las reglas de la subasta para la asignación del régimen retributivo específico a nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables, convocada al amparo de lo dispuesto en el Real Decreto 359/2017 y en la Orden ETU/315/2017, de 6 de abril.

<sup>31</sup>Resolución de 10 de abril del 2017, de la Secretaría de Estado de Energía, por la que se convoca una subasta para la asignación del régimen retributivo específico a nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables, al amparo de lo dispuesto en la Orden ETU/315/2017.

<sup>32</sup>Real Decreto 650/2017, de 16 de junio, por el que se establece un cupo de 3000 MW de potencia instalada, de nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables en el sistema eléctrico peninsular, al que se podrá otorgar el régimen retributivo específico.

**the appropriate payment parameters, and other aspects that will be applicable to the quota of 3000 MW of installed capacity, called under the aegis of Royal Decree 650/2017 of 16 June<sup>33</sup>, and the Decision of the State Secretariat of Energy, of 30 June 2017, making a call for applications for subsidy payments open to new facilities that produce electricity from renewable energy sources pursuant to Royal Decree 650/2017 of 16 June<sup>34</sup>.** The auction will be held on 26 July.

3. The aforementioned **Royal Decree-Act 10/2017, of 9 June, taking urgent steps to mitigate the effects of drought in certain basins and amending the Recast Text of the Water Act adopted by Royal Legislative Decree 1/2001 of 20 July**, also provides an increase in the levy rate for the use of inland water for the production of electricity. Said levy rises from 22% to 25.5% of the turnover from the sale of energy and will be applicable as of 10 June 2017, the date of entry into force of this Royal Decree-Act. The reduction of 90% is maintained for pumped storage hydroelectric power stations with an installed capacity in excess of 50 MW, 92% for hydroelectric power plants with a capacity of 50 MW or less and other reductions are allowed “in the manner determined by regulation for that production or those facilities which should be encouraged in the interest of energy policy”.
4. **Order ETU/555/2017, of 15 June, providing the payment (‘remuneration’) parameters of standard facilities applicable to slurry treatment and reduction facilities adopted by Order IET/1045/2014, of 16 June, and updated for the 2017-2019 half period<sup>35</sup>.**

Ana I. Mendoza Losana

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<sup>33</sup> Orden ETU/615/2017, de 27 de junio, por la que se determina el procedimiento de asignación del régimen retributivo específico, los parámetros retributivos correspondientes, y demás aspectos que serán de aplicación para el cupo de 3000 MW de potencia instalada, convocado al amparo del Real Decreto 650/2017, de 16 de junio.

<sup>34</sup> Resolución de 30 de junio del 2017, de la Secretaría de Estado de Energía, por la que se convoca subasta para la asignación del régimen retributivo específico a nuevas instalaciones de producción de energía eléctrica a partir de fuentes de energía renovables, al amparo de lo dispuesto en el Real Decreto 650/2017, de 16 de junio.

<sup>35</sup> Orden ETU/555/2017, de 15 de junio, por la que se establecen los parámetros retributivos de las instalaciones tipo aplicables a las instalaciones de tratamiento y reducción de purines aprobadas por la Orden IET/1045/2014, de 16 de junio, y se actualizan para el semiperiodo 2017- 2019.

## X. Intellectual Property

On this subject, below follow new rules and regulations we consider of interest:

1. **Royal Decree 267/2017 of 17 March, implementing the Protected Designations of Origin and Geographical Indications of a Supra-regional Scope Act 6/2015, of 12 May, and implementing the Food Chain (Improvement Measures) Act 12/2013, of 2 August<sup>36</sup>.** In addition to developing Act 6/2015, it also amends Royal Decree 227/2014, of 4 April, adopting the statutes of the Food Standards Agency, and Royal Decree 66/2015, of 6 February, regulating the monitoring to be carried out by the Food Standards Agency, as provided in the Food Chain (Improvement Measures) Act 12/2013, of 2 August.
2. **Royal Decree 316/2017, of 31 March, adopting the Patents Regulations<sup>37</sup>.** After an extended transitional (pre-commencement) period, the Patents Act 24/2015, of 24 July, came into force. That same day, the Official Journal of Spain (BOE) published the royal decree. The new regulations repeal, inter alia, the Patents Regulations adopted by Royal Decree 2245/1986 of 10 October, and Royal Decree 2424/1986 of 10 October concerning the application of the Convention on the Grant of European Patents. Parallel to the adoption of the Patents Regulations, the same Official Journal published on 1 April 2017 Order ETU/296/2017, of 31 March, laying down the time limits for determinations in the procedures regulated in the Patents Act 24/2015, of 24 July 24.

Ángel García Vidal

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## XI. Healthcare

We note the publication of these regulations in the Official Journal of the European Union on 5 May 2017:

1. **Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002**

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<sup>36</sup>Real Decreto 267/2017, de 17 de marzo, por el que se desarrolla la Ley 6/2015, de 12 de mayo, de Denominaciones de Origen e Indicaciones Geográficas Protegidas de Ámbito Territorial Supraautonómico, y por el que se desarrolla la Ley 12/2013, de 2 de agosto, de medidas para mejorar el funcionamiento de la cadena alimentaria.

<sup>37</sup>Real Decreto 316/2017, de 31 de marzo, por el que se aprueba el Reglamento para la ejecución de la Ley 24/2015, de 24 de julio, de Patentes.

**and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC.**

- 2. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU.**

Both regulations came into force twenty days after their publication, although - with the exception of some provisions - they will be applicable several years after that date, in order to allow the industry to adapt to the new changes introduced. The transitional period is set at three years in the case of the regulation on medical devices and five in the case of the regulation on in vitro diagnostic medical devices.

Ángel García Vidal

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## XII. Audiovisual

In the audiovisual sector we must mention at least the **Proposal for a Regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market** (COM/2015/0627 final - 2015/0284 (COD))<sup>38</sup>. This Proposal proposes that subscribers to online content services in the Union, which are delivered on a portable basis, receive these services when temporarily present in another Member State. Providers of online content services against payment of money - such as Netflix, HBO or Spotify - and providers of pay television services, such as Movistar Plus, would be obliged to offer cross-border portability within the European Union and under the terms set out in the regulation. Free online content providers may also offer cross-border portability. Cross-border portability applies to series, television films, sports broadcasts and all types of digital products. The regulation would allow lower quality in the delivery of the service when the user accesses from a Member State other than that of residence, provided that such lower quality is due to reasons not attributable to the service provider. Cross-border portability of audiovisual content will be required from contracts concluded even prior to the entry into force of the new regulation.

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<sup>38</sup><http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015PC0627&from=EN>.