

The essential character of **live music venues** and their nature as essential public asset

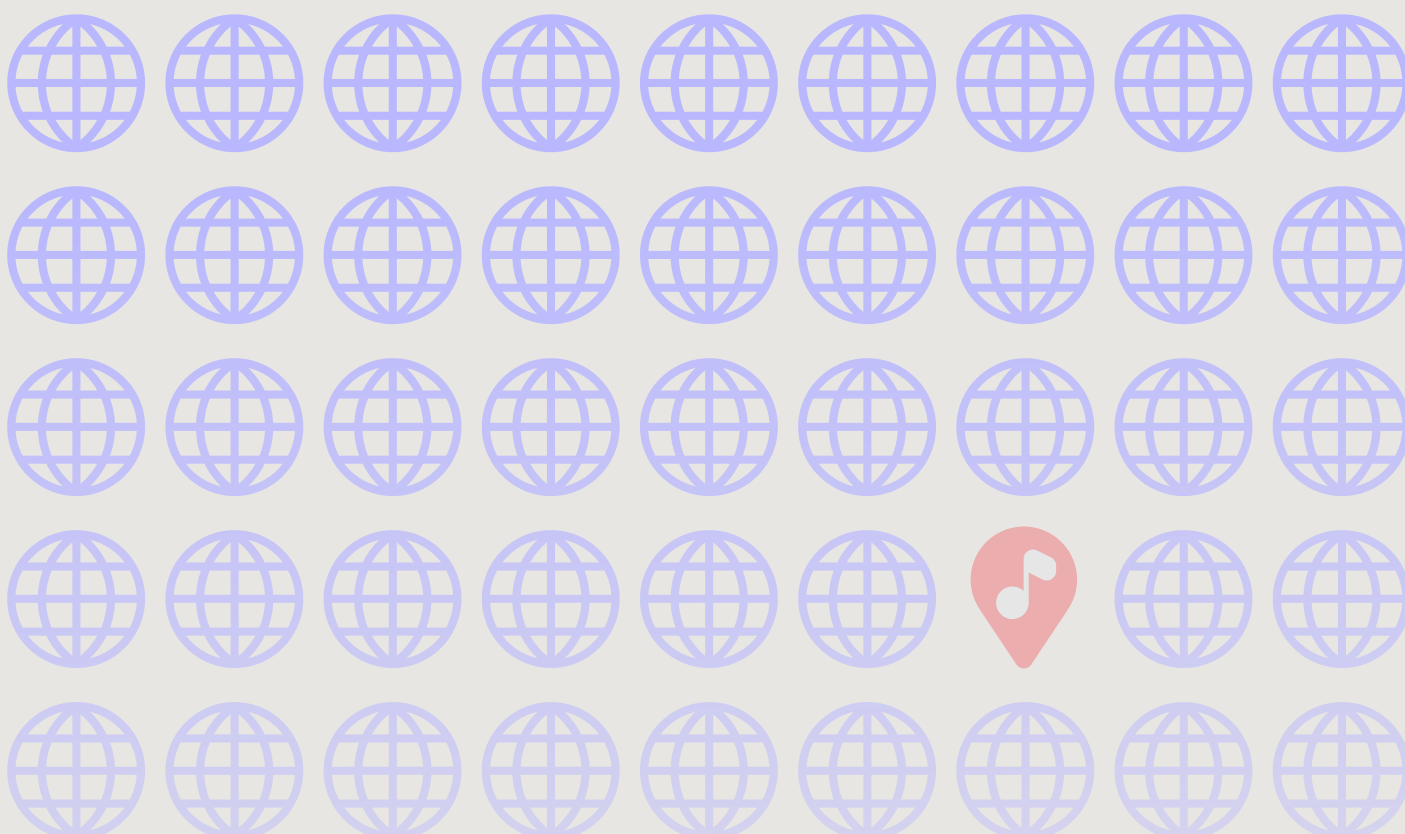
EXECUTIVE SUMMARY

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Live music venues are spaces that host a wide range of cultural activities, including concerts and live music performances, theatrical productions, comedy shows, talks and debates featuring artists and professionals from the cultural and music sectors.

Since their inception, these venues have played an essential role in promoting and enabling the enjoyment of a broad diversity of cultural and musical expressions. They have become genuine cultural laboratories, nurturing emerging artists, bands and musical genres.

As such, they have made a significant contribution to the exercise of cultural rights and the promotion of cultural diversity. Live music venues not only enable artists and bands to fully exercise their right to artistic freedom and creative expression, but also ensure that audiences have equal access to the wide range of cultural and musical experiences they offer.

These venues also generate substantial benefits throughout the live music value chain, supporting a broad range of stakeholders whose activities depend on them. This includes, for example, music publishers, record labels and artist managers, as well as many of the performers and bands first discovered through live music venues.

The importance of live music venues, together with their social, cultural and economic impact, is therefore beyond question.

Despite this, they face numerous challenges in carrying out their activities, many of which stem from the legal and regulatory framework governing their operation.

Against this backdrop, the Spanish Association of Live Music Venues (ACCES), which currently represents more than 300 venues across Spain, has commissioned this report to examine the essential role these spaces play, identify the legal issues that currently pose the greatest obstacles to their

activity, and put forward potential solutions.

In particular, this report focuses on the legal framework governing public entertainment, opening hours, noise regulation and urban planning policies. While these regulations are primarily designed to protect public safety, public health and residents' right to rest, they largely overlook cultural rights and the need to strike an appropriate balance where these rights intersect. Protecting public safety and residential amenity is essential, but so too is safeguarding the rights of creators and live music venues to create and present cultural and musical content, as well as the public's right to access it.

Starting from the premise that live music venues cannot be regarded by the applicable legal framework as mere entertainment spaces, but rather as essential public assets that provide access to a diverse range of musical and cultural programming while enabling the effective exercise of cultural rights, this report concludes by setting out a series of recommendations, summarised in the following pages.

Live music venues cannot be regarded as mere entertainment spaces, as their activities enable the effective exercise of cultural rights.

Nine proposals to adapt the regulatory framework to the reality of live music venues

1 Recognition of the essential character of live music venues and their status as essential public assets

2 Establishment of the Live Music Sector Roundtable

3 Inclusion of the "live music venue" category in the catalogues of the regional public entertainment acts

4 Establishment of consistent criteria for the interpretation of the Technical Building Code and the determination of capacity

5 Establishment of opening hours that reflect the operational reality of live music venues

6 Recognition of music as a cultural expression rather than as noise

7 Integration of culture into urban planning

8 Establishment of mediation mechanisms

9 Development of cultural policies to support the live music venue sector

1

Recognition of the essential character of live music venues and their status as essential public assets

Live music venues enable both the exercise of artists' and bands' rights to artistic creation and production, and the public's access to and enjoyment of the diverse cultural and musical expressions they present. They also possess an **intangible dimension** that generates cultural and artistic value, distinguishing them from other types of venues.

For this reason, live music venues should receive equivalent recognition and be formally acknowledged as essential spaces, as well as essential public assets.

An appropriate way to achieve this would be through **national legislation with the force of law**, declaring culture to be an essential public asset and a basic necessity,

building on the approach already reflected in Law 10/2007 of 22 June, on Reading, Books and Libraries, and in accordance with the case law examined in this report and **Spain's 2030 Cultural Rights Plan, recognising the essential character of cultural spaces**, such as live music venues, **to ensure the effective exercise of cultural rights and access to culture.**

This recognition should **be reflected across all regional and sector-specific regulations** governing these spaces. These should establish the relevant requirements and obligations, based on a **balancing exercise** capable of **reconciling public safety and residents' right to rest with the exercise of cultural rights.**

2

Establishment of the Live Music Sector Roundtable created by the Ministry of Culture's Sectoral Conference on Culture to promote the integration of a cultural perspective into the sector-specific regulations applicable to live music venues in a coordinated manner across all Autonomous Communities

The examples presented throughout this report demonstrate that many of the regulations governing live music venues overlook their cultural dimension and their essential role in the exercise of cultural rights. In particular, we have examined the legislation governing public entertainment, **opening hours, noise** and, indeed, the criteria applied to **urban planning**. All of these are primarily aimed at safeguarding public safety and individuals' privacy and family life, while **overlooking the obligation to ensure the effective exercise of cultural rights.**

In this context, it is essential to promote greater coordination between the regulations of the different Autonomous Communities and to overcome some of the existing divergences through the harmonisation of certain basic concepts reflected in those regulations.

The differences identified are giving rise not only to legal uncertainty, but also to situations of competitive disadvantage. Depending on the Autonomous Community, or even the municipality, in which a venue is located, the conditions under which it is able to carry out its cultural or musical activities may be more or less favourable.

The Sectoral Conference on Culture of the **Ministry of Culture** approved, on 30 April 2026, the creation of a **Live Music Sector Roundtable** as a forum for dialogue, reflection, analysis and the formulation of recommendations addressed to public administrations.

We believe that this roundtable will promote greater coordination of the sector-specific regulations adopted by the different Autonomous Communities and applicable to organisers of cultural events, such as live music venues, with a view to reducing the current fragmentation and diversity, **avoiding territorial imbalances** and, at the same time, **ensuring legal certainty.**

To that end, the roundtable, promoted by the Ministry of Culture, should include representatives of the Autonomous Communities through the departments responsible for the matters under consideration, the Spanish Federation of Municipalities and Provinces (FEMP), and representatives of the various affected sectors, including ACCES.



3

Inclusion of the "live music venue" category in the regional public entertainment legislation

One of the issues examined in this report is the range of difficulties arising from the absence of formal recognition of the "live music venue" category in many of the regional public entertainment acts. Alternatively, where such recognition does exist, the legal definition of these venues often fails to reflect their actual characteristics.

In this regard, it is essential that **the public entertainment legislation of all the Autonomous Communities** include a catalogue of activities and venues that **expressly recognises live music venues as a distinct category**, together with a definition that accurately reflects their nature and characteristics.

To this end, the definition should refer to the **regular and**

ongoing programming of live music and other cultural content that enables the public to enjoy these spaces and, precisely for that reason, **warrants specific treatment distinct from that applicable to other leisure venues.**

The inclusion of the new live music venue category and its definition in public entertainment legislation should necessarily be **accompanied by a transitional provision** ensuring that concert venues already operating under another category before the new designation enters into force **are automatically reclassified, provided that they meet the requirements set out in the definition.** Otherwise, the adaptation of their operating licences would remain subject to the discretionary decision of each local authority, which could refuse it.

4

Establishment of consistent criteria and parameters for the interpretation of the Technical Building Code (CTE) and the determination of venue capacity

Although the document governing the determination of venue capacity is the CTE (Technical Building Code), there is considerable concern about the inconsistent interpretation of its provisions across different municipalities. As a result, the maximum permitted capacity of a venue may depend on the municipality in which it is located. This places venues with lower capacity at a competitive disadvantage and limits public access to the cultural activities they host.

To address this situation, it is essential that **all regional public entertainment legislation expressly refer to the CTE for the**

determination of venue capacity. Likewise, within the framework of the Live Music Sector Roundtable promoted by the Ministry of Culture, together with the ministry responsible for housing, **a set of consistent interpretative criteria** should be agreed in order to eliminate the current disparities in the application of the relevant calculations. Once agreed, these criteria should be incorporated into **a recognised technical document**, as referred to in Article 4 of Royal Decree 314/2006 of 17 March, approving the Technical Building Code, in order to guarantee not only greater legal certainty and equal treatment for all venues, but also the safety of the people using those premises.

5

Establishment of opening hours that reflect the operational reality of live music venues and their role as spaces that fulfil cultural needs

Some territories do not allow live music venues to host cultural and musical activities during the morning, preventing families and younger audiences from enjoying these activities. We also find **other cases in which their closing time is significantly earlier than that of a nightclub**, placing live music venues at a competitive disadvantage without any objective justification.

The legislation governing opening hours should **incorporate the live music venue category and establish opening and**

closing times that reflect the essential role these spaces play in guaranteeing the exercise of cultural rights.

This need should be addressed within the framework of the Live Music Sector Roundtable promoted by the Ministry of Culture, so that the different Autonomous Communities can agree on minimum common criteria for implementation and avoid the current and concerning regulatory disparities between territories.



6

Recognition of music as a cultural expression rather than as noise

Legislation on acoustic pollution should **provide for differentiated treatment of noise generated by road traffic, rail transport, air transport and any other activity**, as compared with the sound produced by cultural and musical events, **through the establishment of differentiated limits**.

The limits applicable to such events, while continuing to protect health, the environment and privacy in accordance with the required balancing exercise, should

also **enable the exercise of the right to freedom of artistic creation, as well as the right of access to and participation in cultural life**, as recognised in Articles 9, 20 and 44 of the Spanish Constitution.

This issue should also be examined within the framework of the Live Music Sector Roundtable promoted by the Ministry of Culture, with the aim of achieving coordinated regulation among all the Autonomous Communities regarding noise generated by cultural events.

7

Integration of culture into urban planning

Another factor contributing to the difficulties faced by live music venues in carrying out their activities is that urban planning policies overlook culture, cultural rights and the essential role of live music venues in providing access to musical and cultural expressions and in meeting those rights.

The various public entertainment regulations should therefore call for **urban planning to guarantee the exercise of the right to artistic creation and production, through the preservation of creative activities, as well as access to the creative and artistic output for everyone**, thereby ensuring that cultural needs are met. This should be achieved by promoting venues open to the public in which cultural and musical activities take place, such as live music venues.

8

Establishment of mediation mechanisms to promote coexistence

One measure that could help achieve a better balance between the competing rights of public safety, the protection of health, the environment, privacy and family life, and cultural rights would be the **establishment of mediation processes**.

In this regard, particular note should be taken of the mediation initiatives promoted by **Madrid City Council** (through the *Nightlife Roundtable* and the *Nightlife Commissioner*, established in 2018) and by **Barcelona City Council** (through the *Night Council* and the *Night Commissioner*).

9

Promoting cultural policies that integrate live music venues

Lastly, it is equally important for public authorities to adopt cultural policies aimed at supporting the live music venue sector (through grants and subsidies, tax incentives, etc.). To achieve this, it is essential that public authorities take into

account, beyond the economic impact these venues may generate, **their cultural and social impact and their intrinsic value**, as spaces that are essential for **the exercise of cultural rights and access to culture**.

**Live music
venues are
essential spaces
for the exercise
of cultural rights
and require a
regulatory
framework that
recognises this
reality.**

**EXECUTIVE SUMMARY OF THE
REPORT COMMISSIONED BY**

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