

# Spain

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## 0. INTRODUCTION

In Spain there is neither a single media regulatory body nor a specific audiovisual authority, but instead there are several entities involved in different fields affecting the Spanish media: market competition, content and cultural industries, intellectual property, broadcasting licenses, public service broadcasting, telecommunication networks and services and other digital services. In addition, the authority in these different areas is shared among central and regional institutions (Autonomous Communities).

Market competition, telecommunications, intellectual property and most digital services regulation is basically under the authority of the State, directly attributed to parliamentary and governmental institutions, or to independent authorities or agencies. The State and the regions share the responsibility in areas related to content and cultural industries, broadcasting licensing and other audiovisual media regulations, especially public service broadcasting (see table).

Apart from central or regional regulation, however, market regulation must be considered as an important factor within the scenario when analysing the configuration and role of media regulatory bodies in Spain. In fact, the debate and creation of independent or specific regulatory bodies follows the liberalisation of former public monopolies, such as telecommunications and television. In contrast, there is less regulatory development affecting other media – print media, cinema, internet – regulated by the market and private entities.

In the case of telecommunications, a dedicated commission has been created which focuses on market issues (Telecommunications Market Commission), but in the case of audiovisual activities, there is no consensus in Spain for the necessity of such a body. Instead, the existing market regulatory bodies (Competition Commission; in some cases, Stock Market Commission), together with the Telecommunications Market Commission and the Intellectual Property Commission, are considered to be more appropriate institutions to

regulate and supervise the economic performance of media broadcasting, limiting the State intervention in issues involving content control, where some self-regulatory bodies act, both at national and regional level.

<b>Regulation bodies</b>	
<b>National level</b>	
Secretary of State for Telecommunications and for the Information Society	Central Government
Parliamentary Commission for the control of CRTVE	National Parliament
RTVE's Administration Council	National Parliament
Telecommunications Market Commission (CMT)	Independent authority
National Commission for Competition (CNC)	Independent authority
Intellectual Property Commission (CPI)	Governmental agency
<b>Regional level</b>	
Parliamentary Commissions for the control of regional public service broadcasters	12 regional Parliaments
Administration Councils of Public Service Broadcasting	12 corporations: Euskadi, Catalunya, Galicia, Andalucía, Canarias, Comunitat Valenciana, Madrid, Illes Balears, Región de Murcia, Aragon, Asturias, Castilla-La Mancha
Regional ministries of Culture, Presidency departments	17 Autonomous Communities
Audiovisual Councils	Catalonia, Andalusia, Navarra

The regulatory structure was modified by the General Audiovisual Law adopted in 2010, which included, for the first time, the creation of an independent audiovisual authority, the State Council for Audiovisual Media (CEMA). Furthermore, the economic crises and the change in political structure after the elections in 2011 have again put the new system under revision even before it was fully implemented. The following data refers to the situation in July 2012, when the new government had already renounced creating the CEMA by way of a reform of the whole Spanish regulatory bodies' structure.

## **1. LEGAL FRAMEWORK AND FUNCTIONS**

Spanish legislation outlines three main fields of regulation: telecommunications, information society services and broadcasting, covered by three corresponding laws.

The Telecommunications Law (Ley 32/2003) established the Telecommunications Market Commission, which complements legislative and executive actions in this field.

There is no independent authority assigned for the regulation of the Internet and digital content services, regulated by the Information Society services and e-commerce Law (Ley 34/2002). Instead, the Secretary of State for Telecommunications and for the Information Society is the main body responsible for the public intervention in this area.

As for the audiovisual services, the General Audiovisual Law (Ley 7/2010) planned the creation of the CEMA as an independent body for the regulation, supervision and control of the national broadcasting system, including the control of the PSB, also subject to the control of a Parliamentary Commission and of an Administrative Council elected by the Parliament and Senate.

In addition to these, at a national level, the Competition Commission, an independent body, and the Intellectual Property Commission, an administrative agency, cover economic issues affecting media activities.

Regional governments exert legislative and executive functions concerning their regional and local media. In most cases, all the regulatory activity is divided between the regional Parliaments and Governments, without independent regulatory bodies. Regional Parliaments are responsible for the adoption of media laws affecting their territories, and, when there is a regional public service broadcaster, a parliamentary commission is established to control it. Regional Governments tend to concentrate their media regulation activities within the Presidential Department or/and Culture Departments. In most cases, the allocation of broadcasting licenses for regional and local private television and radio is controlled by the Presidential Departments.

Currently, two regions have their own media councils, Catalonia (since 2000) and Andalusia (since 2004). There used to be a third one in Navarra (Consejo Audiovisual de Navarra, COAN. 2001 – 2011), but it was disbanded due to the economic crisis.

#### 1.1 SECRETARY OF STATE FOR TELECOMMUNICATIONS AND THE INFORMATION SOCIETY (*SECRETARÍA DE ESTADO DE TELECOMUNICACIONES Y PARA LA SOCIEDAD DE LA INFORMACIÓN, SETSI*).

Under the authority of the Ministry of Industry, Energy and Tourism and ratified after the restructuring of the cabinet, due to the change in government in 2011<sup>1</sup>, this area includes a General Directorate for Telecommunications and Information Technologies (*Dirección General de Telecomunicaciones y Tecnologías de la información*) which is in charge of proposing and executing the policies of the government in areas of telecommunications and Information Society<sup>2</sup>.

The General Directorate includes different Sub-Directorates related to broadcast and digital Media: General Sub-directorate for the Promotion of the Information Society, General Sub-directorate for the Information Society Services, and General Sub-directorate for Audiovisual Media<sup>3</sup>.

The main functions of this Directorate<sup>4</sup> are related to technical regulations affecting telecommunications, including regulations on telecommunications universal service provision and other services and infrastructures for telephony, Internet and broadcasting. It is also in charge of subsidy requests and for licensing rights to use the spectrum. The Directorate holds sanction capacities and has authority on taxes for the use of the spectrum defined as a public domain.

<sup>1</sup> Real Decreto 1823/2011, de 21 de diciembre, por el que se reestructuran los departamentos ministeriales; Núm. 307 Jueves 22 de diciembre de 2011 Sec. I. Pág. 139961

<sup>2</sup> Real Decreto 1887/2011, de 30 de diciembre, por el que se establece la estructura orgánica básica de los departamentos ministeriales, Núm. 315 Sábado 31 de diciembre de 2011 Sec. I. Pág. 146666

<sup>3</sup> Real Decreto 1152/2011, de 29 de julio, por el que se modifica el Real Decreto 1226/2010, de 1 de octubre, por el que se desarrolla la estructura orgánica básica del Ministerio de Industria, Turismo y Comercio. Núm. 209 Miércoles 31 de agosto de 2011 Sec. I. Pág. 94914

<sup>4</sup> Orden IET/556/2012, de 15 de marzo, por la que se delegan competencias del Ministro de Industria, Energía y Turismo, y por la que se aprueban las delegaciones de competencias de otros órganos superiores y directivos del departamento. (BOE Núm. 67 Lunes 19 de marzo de 2012 Sec. III. Pág. 24828

## 1.2 COMMISSION FOR THE CONTROL OF NATIONAL PUBLIC SERVICE BROADCASTING

Control of PSB in Spain is attributed to a parliamentary commission, Joint Commission for Parliamentary Control of RTVE Corporation and its Subsidiaries (*Comisión Mixta de Control Parlamentario de la Corporación RTVE y sus Sociedades*), composed of members of Congress and the Senate. Parliament is also responsible for proposing and adopting the nine-year framework mandate for RTVE<sup>5</sup>, which has to be supervised by the Joint Commission. The activity of the Joint Commission is based on periodical sessions where the members present questions orally to the President or other representatives of the RTVE Corporation.

In addition, Parliament also elects an Administrative Council for the RTVE Corporation (*Consejo de Administración de la CRTVE*), regulated by Public Service Broadcasting Law<sup>6</sup>, and reformed by the new government in 2012<sup>7</sup>. This board has to negotiate with the government for the adoption of a three-year programme-contract derived from the framework-mandate.

## 1.3 TELECOMMUNICATIONS MARKET COMMISSION

(*Comisión del Mercado de Telecomunicaciones. CMT*).

The Telecommunications Market Commission is defined as a public body responsible for setting and supervising the duties of telecommunication operators and for promoting competition in the audiovisual services market. It also intervenes in the resolution of conflict between operators, acting as an arbitration body.

In addition to the law regulating public administration<sup>8</sup>, the specific regulations in the Telecommunications Market Commission are: the Telecommunications Law (2003)<sup>9</sup>, article 48; the Rules of the Telecommunications Market Commission (1996)<sup>10</sup>, and the Internal Rules (2007)<sup>11</sup>.

Although a public body, under the Ministry of Industry, Tourism and Trade, it has “full autonomy” in its activity. The government appoints the board on the recommendation of both the Economic and Science and Technology Ministers, subsequent to the appearance of the candidates before the appropriate parliamentary commission.

The law clearly specifies the distinction between the regulation of rights to use the spectrum, the networks and coverage obligations (aspects regulated by the Telecommunications Law, and related to the CMT’s attributions), and the regulation of

<sup>5</sup> The framework mandate currently in force was adopted in 2007: Aprobación por los Plenos del Congreso de los Diputados y del Senado del mandato-marco a la Corporación RTVE previsto en el artículo 4 de la Ley 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal. (Boletín Oficial de las Cortes Generales Serie A: Actividades parlamentarias, 18 de diciembre de 2007 Núm. 470.)

<sup>6</sup> Ley 17/2006, de 5 de junio, de la radio y televisión de titularidad estatal (BOE num. 134 Martes 6 junio 2006, pp. 21207).

<sup>7</sup> Real Decreto-ley 15/2012, de 20 de abril, de modificación del régimen de administración de la Corporación RTVE, previsto en la Ley 17/2006, de 5 de junio. (BOE núm. 96 Sábado 21 de abril de 2012 Sec. I. Pág. 30985)

<sup>8</sup> Law 30/1992 on the Legal Regime of Public Administration; Law 6/1997, on the organisation and functioning of the General State Administration

<sup>9</sup> Ley 32/2003, de 3 de noviembre, General de Telecomunicaciones. BOE núm. 264, Martes 4 noviembre 2003, pp. 38890.

<sup>10</sup> Real Decreto 1994/1996, de 6 de septiembre, por el que se aprueba el Reglamento de la Comisión del Mercado de las Telecomunicaciones, BOE, n. 232, miércoles 35 de septiembre de 1996, p. 28605

<sup>11</sup> Resolución de 20 de diciembre de 2007, de la Comisión del Mercado de las Telecomunicaciones, por la que se publica el texto consolidado del Reglamento de Régimen Interior de la Comisión del Mercado de las Telecomunicaciones. BOE n.27, jueves 31 de enero de 2008, p. 5698

audiovisual content and services (regulated by Audiovisual Law), and “information society services” different from signal transportation services (regulated by the Information Society Services and e-commerce Law). So the CMT covers telecommunications, broadcasting and digital services only for issues related to the transmission or broadcasting telecommunications networks they use.

In terms of organization, the CMT relies on two specialized committees that carry out the specific functions associated with each field: the Audiovisual Committee, with attributions related to the planning and licensing of the spectrum for broadcasting services; and Telecommunications Services Committee.

The CMT was created as a convergent body (telecoms-audiovisual), as described before, in 1996, although from the beginning, there has been a debate about whether there should be a separate body to regulate audiovisual activities, or should the CMT broaden its objectives and functions to include the specific aspects of audiovisual media regulation, which seems to be the plan of the new conservative government elected in 2011.

The functions of the CMT affecting the broadcasting industry are:

- a) Registration of telecommunication operators
- b) To Safeguard competition in audiovisual markets, in coordination with other competing authorities
- c) Preparing technical plans for the use of the spectrum
- d) Providing Information and conditions for tendering for licenses for the use of the spectrum
- e) Technical inspections and sanctions.

Other functions of the CMT related to telecommunications are:

- a) Arbitration, number assignment, public service definition, safeguarding of plurality-in competition, safeguarding of technological neutrality, pricing policies...
- b) Provision of Information about merger agreements
- c) Informing the government on decisions related to telecommunications
- d) Technical inspections and sanctions

#### 1.4 NATIONAL COMPETITION COMMISSION

*(Comisión Nacional de la Competencia, CNC).*

Defined as a Public law entity, under the Economic Minister with organizational and functional autonomy, the National Competition Commission has a Directorate for Research, with four areas, one devoted to the Information Society (*Dirección de Investigación: Sub-dirección de la Sociedad de la Información*). It is regulated by the Competition Protection Law<sup>12</sup> and the Statutes of the National Commission for Competition<sup>13</sup>.

Both the Law and Statutes establish that the National Competition Commission is an autonomous body, which must act with total independence from the public administration.

<sup>12</sup> Ley 15/2007, de 3 de julio, de Defensa de la Competencia.

<sup>13</sup> Real Decreto 331/2008, de 29 de febrero, por el que se aprueba el Estatuto de la Comisión Nacional de la Competencia

However, the board (President, Board of directors and Research Director) is elected by the government.

The Commission has intervened in different cases affecting different media: television, radio, press, magazines, cinema, rights management (collecting societies, football TV rights), cable and broadcast telecommunication networks. It has also announced the adoption of different laws affecting media (changes in the regulation of RTVE, laws relating the use of the spectrum and the digital divide). Thus, although it is not a specific media regulatory body, the CNC plays an active role in regulating the media industry structure.

### 1.5 INTELLECTUAL PROPERTY COMMISSION

*(Comisión de la Propiedad Intelectual, CPI).*

By Royal Decree in 1989, an Arbitral Commission of Intellectual Property was created. This was also included in the Intellectual Property Law passed in 1996. But it was with the approval of the Sustainable Economy Law in May 2011 that this Commission adopted its present form, with a new structure and with wider objectives and functions.

Within the first days of its mandate, the government, elected in November 2011, developed a law for the adoption of day-to-day norms for the Commission. Therefore the legal documents framing this commission are the final disposition nr. 43 of the Sustainable Economy Law<sup>14</sup>, which amends article 158 of the Intellectual Property Law, referred to the Intellectual Property Commission; and the Royal Decree regulating the running of the Intellectual Property Commission<sup>15</sup>.

The CPI is defined as a collegiate body attached to the General Sub-Directorate of Intellectual Property of the Ministry of Education, Culture and Sports. It is an administrative agency of the government.

It is composed of two sections: First Section, with mediation and arbitration functions, and the Second Section, dedicated to the safeguarding of intellectual property rights against infringements coming from information society services. Members of the First Section are appointed by the Ministry of Education, Culture and Sport, at the proposal of the sub-secretaries of three Ministers: Justice; Education, Culture and Sport; and Economy and Competitiveness. Members of the Second Section are appointed also by different departments, among their own staff. In this case, the ministries involved are: Education, Culture and Sport; Industry, Energy and Tourism; Presidency; and Economic and Competition.

The CPI covers issues related to intellectual property rights, whatever media is involved, but in its new format, the Second Section of the Commission is particularly dedicated to internet in relation to copyright infringement.

The commission has mediation and arbitration rights in cases related to copyright conflicts and when some party demands a revision of the fares set by collecting societies (First Section). It has also to safeguard copyrights in cases of infringement by internet service providers (Second Section). The Section can order the removal of some content from ISP's sites and can even order the closure of the sites that are considered to infringe copyright.

<sup>14</sup> Ley 2/2011, de 4 de mayo, de Economía Sostenible

<sup>15</sup> Real Decreto 1889/2011, de 30 de diciembre, por el que se regula el funcionamiento de la Comisión de Propiedad Intelectual

## 1.6 STATE AUDIOVISUAL MEDIA COUNCIL

(*Consejo Estatal de Medios Audiovisuales, CEMA*).

The General Law on Audiovisual Communication<sup>16</sup> adopted in 2010 defined the CEMA as the audiovisual sector's regulatory and supervisor body. However, the government of PP which emerged from the elections in November 2011 announced that they are not going to create the Council, and instead they will include its responsibilities in another body, probably the CMT. The economic crises and the obligations to reduce the public deficit are the reasons given for this decision; however, this is in tune with the opposition of the PP against the creation of such a body in previous parliamentary debates.

The CEMA was defined as an independent authority. The government was required to elect the board, on recommendation by Parliament with a 3/5 majority (if there is no such majority, two months after the first vote it can be proposed with a simple majority).

It was meant to cover radio, television and connected and interactive services. It had also some attributions related to cinema. But the law specified that the CEMA was dedicated to the audiovisual sector, and it had responsibilities for the providers of broadcast communication services. It did not include internet services (which are regulated by the Information Society Services and e-Commerce Law), except in the case that they were connected to broadcast services.

The CEMA was expected to safeguard and adopt the measures required to fulfil the rights and obligations stated in the audiovisual regulation. It was planned to:

- a) Include a registry of service providers.
- b) Approve the list of events of general interest.
- c) Inform the conditions for broadcasting licenses tenders and approve the renewal of the licenses.
- d) Check consideration of concentration limits, of networked radio broadcasting, and of other obligations or limits established by the Audiovisual Law.
- e) Check the fulfilment of public service mandate, and the proportionality of public funds assigned for public service media.
- f) Safeguard pluralism and competition.
- g) Assess the influence of new technologies on the audiovisual market and on public service.
- h) Arbitrate in conflicts between audiovisual service providers, production companies and other content providers, and broadcasting license holders.
- i) Promote media literacy.
- j) Some responsibilities in relation to cinema (mainly, regarding quotas for independent and national production).
- k) Sanction facility.
- l) Advise Parliament and other institutions in the audiovisual area. To present a report for each law or norm affecting the audiovisual sector.

<sup>16</sup> Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual



### 1.7 NATIONAL AGENCY FOR RADIO COMMUNICATION/BROADCASTING

*(Agencia Nacional de Radiocomunicaciones)*

Planned also in 2010 by the General Law on Audiovisual Communication as the body in charge of the planning of the uses of the spectrum, it has not been created.

### 1.8 REGIONAL AUDIOVISUAL COUNCILS

The **Catalan Audiovisual Council** (Consell Audiovisual de Catalunya, CAC) is defined by law as an independent body, with powers of regulation and sanction as well as having organic and functional autonomy. The board is appointed by the Parliament and the board's president by the regional Government. It is regulated by the Law 2/2000, of 4<sup>th</sup> May, by means of which the Audiovisual Council of Catalonia was created<sup>17</sup>.

The **Andalusian Audiovisual Council** (Consejo Audiovisual de Andalucía) is defined as an independent public entity, with its own legal personality. (Dcr. art. 1; 2). The board is appointed by the Andalusian Parliament (Dcr.art.8). It is regulated by the Law 1/2004, of 17 December, by which the Andalusian Audiovisual Council was created<sup>18</sup>.

The former **Audiovisual Council of Navarra** (Consejo Audiovisual de Navarra) (2001 – 2011, which is actually an administrative agency) was defined as a public body with organic and functional autonomy, independent of Navarra governmental institutions and budgets, and with regulation and sanction capacities.

The activity of the Catalan and the Andalusian audiovisual councils focuses on radio and TV, despite the Catalan one having legal jurisdiction over the Internet as well. The legal activities outlined are very similar for both regional bodies. Their mission is to safeguard political, religious, social, linguistic and cultural pluralism as well as ensuring neutral and honest information. Furthermore, in order to safeguard rights and freedoms recognized in the Spanish Constitution and the regional statutes, the Catalan and the Andalusian audiovisual authorities are obliged to guarantee:

- Political, religious, social, linguistic and cultural pluralism as well as neutral and honest information;
- Conformity with programming and advertising rules;
- The conditions of the license concessions;
- Conformity with European normative and international agreements on media issues.

The main difference between both regional authorities is in the capacity to grant licenses: while the Catalan council achieved full legal capacity, the Andalusian only

<sup>17</sup> (Llei 2/2000, de 4 de maig, del Consell Audiovisual de Catalunya), It is also regulated by the Agreement 3/2001, of 28 February, establishing the organic and functions statutes of the Audiovisual Council of Catalonia (Acord 3/2001, de 28 de febrer, pel qual s'aprova l'Estatut orgànic I de funcionament del Consell Audiovisual de Catalunya); and the Law 22/2005 of 29 December of audiovisual communication in Catalonia (Llei 22/2005 de la Comunicació Audiovisual de Catalunya)

<sup>18</sup> (Ley 1/2004, de 17 de diciembre, de creación del Consejo Audiovisual de Andalucía); It is also regulated by the Decree of 219/2006 Organic law approving the organic and functioning reglament of the Andalusian Audiovisual Council (DECRETO 219/2006, de 19 de diciembre, por el que se aprueba el Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía)



establishes the licensing requirements. On the other hand, given its particular culture, the Catalan media council has the mission to promote Catalan and Aranese languages.

To sum up, regulation of technical aspects related to audiovisual media is entrusted to the CMT. This commission also controls competition in audiovisual and telecommunication markets together with the CNC, but with a wider brief. Other economic issues of growing relevance for media industries, such as those related to intellectual property, also receive the attention of a dedicated body, in this case a governmental administrative agency.

Supervision of public service of broadcasting remains mostly in the hands of Parliament, both at a national and regional level, just as licensing for private broadcasting is kept as a governmental decision. Only in Catalonia, the Audiovisual Council has significant powers in these two areas.

Advertising issues are covered in the case of audiovisual authorities in Catalonia and Andalusia, and it was expected to be a matter for the *non nata* CEMA, as it was committed to safeguarding the compliance with the limits to advertising established by the Audiovisual Law. The other bodies (CMT, CPI or CNC) do not have powers related to advertising (unless it affects the fields under their responsibility, such as intellectual property or competition).

As for functions related to media education and digital literacy, only the regulation of the CEMA explicitly included digital and media education (art. 47. 1<sup>o</sup>), unlike the norms regulating the regional authorities, which do not mention any function related to media literacy.

## 2. THE SOCIAL DEBATE: REGULATION OR SELF-REGULATION

One important issue which helps to understand the regulatory bodies' legitimacy concerns the functions the media regulatory entities are expected to perform according to other social representatives within the social debate.

At national level, social debates have focused on the need for an audiovisual authority itself, more than the concrete functions it should develop. The debate focuses on whether the CEMA should be created or is it possible to include the audiovisual specific functions within the CMT. This is likely to involve a revision of the functions, probably a reduction in the intervention capacity of the Commission on issues related to content and performance of private TV and radio operators. Voices from the private sector and liberal circles consider that there should be no intervention by any State authority that may condition content offered, as it could become a sort of censorship. They advocate a model of self-regulation, in addition to the influence of already existing market regulation authorities.

There is also some debate about the responsibility for regulating, controlling and ruling public service media, both at a national and regional level. Despite the reformist efforts to improve the independence of the public service broadcaster (PSB), *Televisión Española*, from government and political parties' control introduced with the reform of the PSB law<sup>19</sup> and the creation of the CEMA, the reality is that in almost all cases, the parliamentary majorities keep their power to elect the boards of PSB and control the Parliamentary Commissions of Control. The CEMA was supposed to include the obligations regarding public service derived

<sup>19</sup> Ley 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal. BOE num. 134, Martes 6 junio 2006, pp. 21207

from the European Directives and national audiovisual laws, especially in relation to the PSB contract and the proportionality and use of public funds. At the regional level, only the Catalan Council includes these functions.

Financing of PSB is another issue of conflict, amplified by the private media competing with PSB for advertising resources. The elimination of advertising in TVE has been socially accepted, in view of the audience response; at the same time, it met the interests of private broadcasters.

The national debate on the elimination of advertising in TVE moved to the regional levels, as pressures to eliminate or limit advertising in public broadcasters is growing. In the case of Catalonia, the first region to reduce advertising through self-regulation codes, the Audiovisual Council passed an instruction to limit advertising in public radio to 6 minutes/hour – previously there were no limits. The new norm led to a demand from the Private Radio Association arguing that there should be bigger restrictions.

Another main point of discussion related to both national and regional authorities, is that of the power to assign licenses. With the exception of the Catalan Audiovisual Council, the license granting is the responsibility of local governments (through the correspondent directorates or secretaries); however the CMT and the regional audiovisual authorities in their regions, have to inform the tender's conditions and to evaluate the candidates. There are calls for these independent authorities to be responsible for making the decisions, instead of local governments.

Other functions the regional media authorities are expected to perform according to other social representatives are the decision capacities and mechanisms preventing media concentration, considering that media markets need specific restrictions beyond general competition regulation, due to their social significance. Regarding the distribution of spectrum, there is an on-going debate emanating from non-profit organisations and other social activists calling for a balanced representation in media sectors'. Specifically, a top issue over the last four years in Catalonia and Spain has been the integration of a third media sector (citizen's promoting their own radio and TV) within the legal framework as well as in license planning.

Planning of Digital Terrestrial Television has also raised some controversies, due to the confusion and technical problems associated with the creation of the DTT demarcations, aggregations of municipalities expanding the traditional local coverage of local television.

In contrast to the reluctance to establish regulations on content in those areas, where audio-visual authorities exist, the public approach these entities mainly with issues related to content. In fact, basically content claims emanate from political parties. The most recent cases by the Catalan Audiovisual Council, dealing with audiences', claims are related to safeguarding the correct representation of parliamentarian forces, or to correct lack of precise presentation of facts (i.e. a report about Catalan cooperatives). Similarly, the council periodically publishes specific reports on media pluralism.

Besides the periodic reports and isolated cases on media pluralism, recent responses of the Andalusian council to audience's claims have dealt with broadcasts on astrology and sex advertising outside its schedule as well as certified movies; the negative representation of a neighbourhood was one of the last cases.

In relation to the CPI, there has been and still is great controversy about its very existence and functions, with wide reaching protests and campaigns. Different representatives from civil society (internet users and other activists), from the internet service providers of the commercial sector and even from the cultural industries, defend an opposite approach to internet and the opportunities it provides for the circulation of cultural creations, both for non-profit and commercial purposes. In this case, the social debate revolves not around the absence of, but the excess of regulation, and also about the administrative proceedings, which are considered not to guarantee enough judicial protection in cases that may involve fundamental rights (privacy, right to information, freedom of expression).

### *2.1 REGULATORY BODIES AND SELF-/CO-REGULATORY MEDIA STRUCTURES*

As has been pointed out, the liberal discourse advocates less state regulation both in terms of norms affecting content as well as the conditions of their commercial activity. On the contrary, self-regulatory authorities have been seen as better institutions to address some of these issues, especially in the areas of advertising, protection of children, respect of minorities, and other values associated with informative content. Self-regulation entities play a crucial role in collecting and distributing copyright royalties among authors and producers. These are the main areas of self-regulation in Spain.

The **Association for the Self-regulation of Commercial Communication** was created in 1995, after some years of aggressive commercial strategies in television, subsequent to the introduction of private channels, which lead to dysfunctions in the advertising market. The association gathered the main advertisers, advertising agencies, and media, and it tackles issues related to advertising practises. They have promoted two Codes: General Code of Advertising Practice (last updated in 2011) and a Code on Interactive advertising and e-commerce B2C (2003). They deal with claims and complaints about specific content (conflicts involving gender principles, cultural diversity, topic representations), and offer legal and creative advice to professionals about risks associated with their campaigns.

Faced with the existing regulatory vacuum concerning child programming, in 2004, the government and the main television companies agreed on a **Self-regulating Committee** and a **Self-regulatory Code of Television Content and Childhood**. The agreement came in response to the demands of Parents Associations and other social groups related to quality of TV programming and children, but also as a response to the requirements of European institutions. The Committee is composed of executives of the main television groups, one representative of production companies, and one journalist, and it deals with claims and complaints, most of them about social behaviours presented in specific programs, not only for children.

In order to ensure the achievement of the principles of journalistic ethics some institutions were created in the 90s, such as the **Federation of Journalists Ethics Complaints Commission** in Spain, or the **Information Council** in Catalonia. There are also other internal institutions inside media companies, such as the **News Council** and the **Newsroom Statute**, which are aimed at organizing the participation of journalists in the running of media

enterprises, as a way of guaranteeing journalistic independence. The constitution of such News Councils is binding for national Public Service Broadcasters.

In any case, these self-regulatory bodies and codes have a limited binding capacity, and they have little or no connection with other regulatory entities. Neither the national or regional institutions have formal links between self- or co-regulatory media structures, apart from some references to the importance of self-regulation (for example in the case of the Andalusian Council, Dcr. Art. 26.2).

Only in the case of the CEMA, the law itself included a co-regulatory body, a Consultative Committee, where the sector and users would be represented. However, the Committee would only have an advisory function. In addition, the law specified that the Council had to make previous consultations with the stakeholders on issues related to:

- The list of events considered to be of general interest: the council had to hear the competition's organizers and service providers.
- Arbitration in conflicts between operators: the council had to coordinate its activity with the National Commission for Competition, the National Telecommunications Commission, the State Agency of Broadcasting.
- When needed, it had to coordinate its activity with regional broadcasting authorities.

Finally, in relation to intellectual property and rewards to authors, self-regulatory bodies play a crucial role, as the law gives the responsibility of collecting royalties and distributing them among copyright holders to private non-profit entities representing the authors, producers and other copyright holders. In this case, there is a clear distinction made between state and self-regulatory entities, with the state, through the Intellectual Property Commission, with mostly arbitration and mediation functions (a part of the sanctions function related to download services and copyright infringement).

### **3. LEGITIMIZING / UNDERLYING VALUES**

The main values behind the authorities already functioning are those of liberalism, related to the safeguard of competition and free market, as effective competition in the market is considered to be the most efficient way of ensuring efficient production and the best conditions for consumption (in terms of price formation, innovation, quality of services offered...). These principles appear in the legislation and regulations and also in political discourses about the functions and performance of both the CMT and CNC, but also of the CPI and the CEMA. Regulation and control derived from cultural, social or political values associated with public service media, are left mostly in the hands of the political system (governments, parliaments), staged by the main political parties. While other principles attached to freedom of expression and the right to information and culture are shared out among regulatory, co-regulatory and self-regulatory entities.

Apart from free market principles, other values mentioned in the regulation of the CMT are the convergence of telecommunications, audiovisual and electronic services to promote the development of the information society, and the user's rights, guaranteeing a universal public telecommunications service.

A combination of fundamental rights (included in the Human Rights Convention and the Spanish Constitution) appear to justify the creation of the CPI: right to express and spread thoughts, ideas and opinions through different media; freedom of expression; right to literary, artistic, scientific and technical creation and production; and right to equitable remuneration, are mentioned to justify the protection of intellectual property as a need to preserve creativity and cultural diversity. Besides this, the law also explicitly mentions economic values, such as minimizing losses in media and cultural industries, supporting development for new business models, or contributing to a successful European internal market.

In the regulation of the CEMA there were a combination of values related to economic principles (free enterprise) and values related to the specific role of the media in society. In this case, the values that justify regulation are those of pluralism, media independence, and protection of fundamental rights, especially children's rights. These principles appear in the Audiovisual Law, in previous drafts for the creation of the audiovisual authority and in the parliamentary debates about the creation of the authority.

Regulation of **regional audiovisual authorities** is focused more on the principles related to human rights, although it also mentions the liberal principles of free market and competition.

Principles guiding the **Catalan Council's** actions are freedom of expression, communication and information, principles that should be compatible with those of pluralism, neutrality, information honesty and free competition. Other principles guiding the Council's actions are the proportionality between the infractions and the sanctions as well as promoting operators self-regulation.

The **Andalusian Authority** is supposed to act under similar principles of protection of freedom of expression; the right to honour and confidence, truthful information and communication, gender equality and non-discrimination; compatibility with the principles of pluralism, objectivity and free competition (art 3.1). Tolerance, equality, solidarity and respect for human dignity are also values inspiring the council actions, as well as the will to reinforce the Andalusian identity, cultural diversity and social, economic and territorial cohesion. (Dcr. Art. 3.2). Besides the general principles detailed above, other principles are respecting gender equality (in inner and external actions) (Dcr. Art 4) and protecting children and youth (Dcr. Art 5).

## 4. PERFORMANCE, ENFORCEMENT MECHANISMS, ORGANIZATION AND DIMENSION

### 4.1 TELECOMMUNICATIONS MARKET COMMISSION

The CMT is composed of two main areas: instruction; and resources and services. The first includes the regulation of operators, market studies and technical issues. In this field, the commission has control and sanction powers, and they are allowed to adopt provisional measures to enforce the fulfilment of the law. The second area includes statistical research, information services, and user's services, with mainly informative powers. There are also administrative and advisory departments (legal, international).

The activity of the CMT includes regulation of telecommunication services' prices; monitoring the level of competition in the different markets (mobile and land line telephony,

broadband internet access, wholesale telecommunications market, transmission services); adopting regulations of telecommunications activities; setting technical parameters; regulating and monitoring the telecommunications universal service; and informing the adoption of laws regarding telecommunications.

In many cases, all of these include measures affecting audiovisual media. For instance, during 2011 the CMT has been very active in relation to telecommunication services used by television channels: it adopted instructions regarding the price of transmission services; it arbitrated in conflicts between channels sharing a DTT multiplex; and it advised the SETSI in relation to the technical plans for the use of the spectrum, specially for the allocation of the digital dividend.

The overall number of staff members in the regulatory body is 145. The CMT's structure is based on stable work, although it is subject to labour contracts (not civil servants). The recruitment policy consists of public employment announcements. Neither the media sector nor civil society is represented on the CMT.

The Telecommunications Market Commission's board is formed by 9 members (president, vice-president and 7 directors). Members of the board, subject to the general regime of incompatibilities in public administration, are selected among professionals with experience in the telecommunications sector and market regulation.

The board is responsible for passing the internal regulation of the commission and the budget proposals, as well as for the structure and staff of the commission. The President, vice-president and secretariat carry out other specific functions (presenting the budget, establishing objectives, preparing reports, etc.). The mandates span over six years and there is the possibility of just one mandate renewal.

The **CMT** is funded mainly by telecommunication fees (and some other taxes), plus some grants. Taxes or fees account for 87.58% of total income, and 12.5% comes from grants or subsidies. CMT's revenues have decreased over the last few years, falling to 34 million in 2011, compared to 43 million in 2009, while expenses have been growing in the same period.

<b>Telecommunications Market Commission's budget</b>			
	<b>2011</b>	<b>2010</b>	<b>2009</b>
<b>Income</b>	<b>34.316.849,73</b>	<b>40.026.555,74</b>	<b>43.276.978,85</b>
from public budget	2.000.000,00	5.000.000,00	5.000.000,00
from taxes	29.843.139,70	32.829.039,71	34.182.840,54
Other	2.449.254,23	2.197.516,14	4.094.138,31
<b>Expenses</b>	<b>49.940.042,52</b>	<b>46.687.329,40</b>	<b>29.359.455,89</b>
Employee costs	10.179.489,63	10.012.480,69	10.024.878,24
Current transfers	0,00	0,00	0,00
Discontinued operation costs*	29.824.259,66	27.277.289,90	10.959.790,76
Other	9.936.293,23	9.397.558,81	8.374.786,89
<b>Profit/losses</b>	<b>-15.623.192,79</b>	<b>-6.660.773,66</b>	<b>13.917.522,96</b>
<b>Staff (n. employees)</b>	<b>142</b>	<b>145</b>	<b>145</b>

\* Correspond to extraordinary costs derived from the allegations of telecommunications companies against the tax system.

Source: Informe anual CMT 2011, 2010, 2009.



#### 4.2 NATIONAL COMMISSION FOR COMPETITION

The activity of the CMT regarding competition within audiovisual and telecommunication markets is complemented by the National Commission of Competition, which, in fact, has the authority in this field. Monitoring competition, resolving merger authorisation and dealing with accusations of anticompetitive practises is under the responsibility of the CNC's Research Directorate, which is divided into sections corresponding with different economic areas, including a Sub-directorate for the Information Society.

The **CNC** has resolved several proceedings related to media mergers (22 between 2009 and 2012), most of them authorising acquisition deals, and also regarding anticompetitive performance (21 cases in the same period). It has presented different studies and reports proposing measures to improve competition in the football rights market, copyright market and rights collecting system and the wholesale broadcasting services market (transportation services offered by telecoms to TV channels), three areas with a great impact in the economics of audiovisual and digital media. Among them, the report on the copyright collecting system has been one of the most commented upon. It came to add more arguments to the already existing debate about the failures of the Spanish copyright royalties collecting and distributing system, as the CNC report denounced the system ruled by self-regulation entities (collecting societies representing authors and producers) as an inefficient and anticompetitive system which should be reformed.

The CNC has also intervened in the reform of the audiovisual legal framework with its reports on the Audiovisual Law, on the changes in the PSB funding, on digital dividend and other issues related to technical plans for the use of the spectrum.

There is, therefore, a certain overlap between the CMT and the CNC, on issues related to market competition and reports on laws.

<b>National Commission for Competition budget</b>			
	2011	2010	2009
<b>Income</b>	<b>n.d.</b>	<b>n.d.</b>	<b>n.d.</b>
from public budget	11.902.450,00	11.153.620,00	9.281.500,00
from taxes	n.d.	842.608,00	
other	n.d.		
<b>Expenses</b>	<b>12.341.020,00</b>	<b>13.348.640,00</b>	<b>13.432.278,00</b>
Employee costs	9.355.710,00	9.949.100,00	9.890.468,00
Current transfers	321.740,00	207.020,00	0,00
Discontinued operation costs	724.820,00	845.860,00	1.193.640,00
Other	1.938.750,00	2.346.660,00	2.348.170,00
<b>Staff (n. employees)</b>	<b>189</b>	<b>210</b>	<b>219</b>

*Source: CMT's Annual Reports*



### 4.3 INTELLECTUAL PROPERTY COMMISSION

Set up in February 2012, in a period of three months the CPI had received more than 300 reports of copyright infringement on the internet. This is the main task of the Commission, especially in its second section.

The Intellectual Property Commission's board is formed by two sections and the president. The first Section mediates and arbitrates in cases of conflicts related to intellectual property and royalties. It has 3 members, appointed by Government Ministers and includes experts on intellectual property, with a mandate spanning three years with one possibility of mandate renewal. In its mediation functions, the First Section decisions are not compulsory, while the arbitration decisions are considered to be binding agreements.

The second Section, composed by 5 members, evaluates and sanctions cases of copyright infringement by internet service providers. The president is often the Culture Secretary of State or a person to whom it delegates and has the support of four members, selected from the ministers of Education; Culture and Sport; Industry, Energy and Tourism; Presidency; Economic and Competition. There are no limits for the renewal of these members, subject to the general regime of incompatibilities in the public administration.

For the Second Section decisions there is a period for the voluntary acceptance of the decisions to remove content, and proceedings to force the closure of the websites that do not accept the decision of the Section, with the participation of the Central Chamber for Administrative Litigation.

### 4.4 STATE COUNCIL FOR AUDIOVISUAL MEDIA

The State Council for Audiovisual Media's board was planned to be composed of a President, a vice-president and seven directors.

The law only established the powers of the Presidency, and it would have been the Council itself which defined the powers in their statutes. Mandates should span six years without possibility of mandate renewal. Members were to be appointed by the Government, subsequent to a proposal to Parliament, selected from people with accredited competences in the field.

In addition to the general code of incompatibilities for the high level civil servants, the board members of the **CEMA** were not allowed to maintain any direct or indirect interests in the audiovisual sector and connected activities (production, telecommunications and information society services), during the mandate and the following two years.

There were some other mechanisms directed to safeguarding the independence of the board: the term of the mandate was set at six years (different from the term of office), and the members should have been proposed with a 3/5 majority in the first vote (although a majority of 1/2+1 was sufficient second vote).

The media sector was represented in the Advisory Council of the CEMA, which would have to include the participation of audiovisual service providers, associations of producers and advertisers, as well as the most representative unions of the sector. Civil society had some representation in the Advisory Council also, with the participation of the association

for the protection of audiovisual services users, and the Consumer and User Council. All of which were assigned an advisory role.

The **CEMA** was planned to be funded by taxes from the services provided, capital gains and transfers from the public budget. A planned budget of 7 million Euros was mentioned.

#### *4.5 REGIONAL AUDIOVISUAL COUNCILS*

Both the Catalan and the Andalusian audiovisual authorities have very similar duties entrusted by law:

- Guaranteeing the adherence to regulations, in particular with respect to pluralism, objectivity and truthful information principles;
- Informing on project regulations;
- Informing on license grant requirements and candidates (the Catalan media council has capacities to grant local and regional licenses);
- Sanctioning content and advertising law infractions;
- Guaranteeing the compliance with advertising rules;
- Guaranteeing the compliance with media laws protecting children and youth;
- Restabilising the effects of contents and advertising against human dignity and equality;
- Stopping or rectifying prohibited or illicit advertising;
- Safeguarding and promoting cultural and linguistic pluralism;
- Other functions assigned by law.

Regional authorities are accountable to the Autonomous Communities' Parliaments through its competent parliamentary commissions. When citizens, media companies or other representatives disagree with media regulatory decisions or performance they can appeal by addressing the Council involved who use administrative procedures to provide resolutions; any appeal against these decisions must go to the Chamber for Administrative Litigation.

##### *4.5.1 CATALAN AUDIOVISUAL COUNCIL*

To fulfil the duties entrusted by law, the Catalan Audiovisual Council carries out the following tasks:

- Concerning content: the Council checks the performance of regional and local channels or stations in order to safeguard the compliance with the regulations regarding programming and other general obligations derived from law. It also adopts binding resolutions to deal with media users' claims.
- Concerning operators: over the last few years, the Catalan Council acquired the ability to grant licenses and they have been very active in this process (adoption of the conditions for tenders, reports and grading of candidates); it also controls media concentration by approving or disapproving mergers. The Catalan council approves norms in different fields of programming, broadcasters' information obligations, advertising or the use of the Catalan language.

- Concerning its accountability: the Council should present an annual report and proposals to improve the Catalan media system. It also presents reports about law proposals or modifications as well as a licensing specifications sheet and license candidates.

To sum up, some of the latest cases of the Catalan Audiovisual Council related to these issues have been the approval of a modification of the programming conditions of a DTT channel; the authorization of a transmission licence and for a license rental; the adoption of a request to establish the procedure for broadcasting via internet; a public declaration on the local broadcasting system; a document on the quality of information during electoral campaigns, and an instruction limiting advertising on public radio, among other cases.

The council's structure is formed by the Board, the Council's secretary, a Presidency Cabinet, a council's Administrator, an auditor, and administration services. Administration services are: Law services; Audience Defence Office; Content Analysis Services, License and Audiovisual Operators Services; Research, Studies and Publication Services; Documentation, Video-library, and Archives Services; Complaints Services; General Services; Human Resource and Financial Management Services.

The board of the Catalan audiovisual authority was reduced from 9 to 6 members, besides the president and a vice-president. The Board's main functions are debating and voting Council's actions. The mandates span over 6 years, and one third of the members (not the president) are renewed every 2 years. There is no possibility of renewal. Board members are also subject to the general incompatibilities of high administration (it is prohibited to work in Public Administration, unions, etc.). Members of the Catalan media council cannot have another employment, and they cannot have a vested interest in the media business. They can teach only part-time, in universities or higher education.

The media sector representation does not exist in a regular way, although on occasion the Council has promoted the creation of temporary working groups. For instance, during the revision of the regulation of local television, the Council promoted different forums and round tables within the sector.

Until 2011, the most stable representation of civil society within the Catalan Audiovisual Council was a working group focusing on cultural diversity content (*Mesa per la diversitat en l'audiovisual*). This working group brought together representatives from various cultures, institutions, corporations, professional associations, research groups, universities, media and other bodies and people interested in promoting a better representation of multiculturalism and diversity in the media of Catalonia. It intended to reflect the representation of cultural diversity in the media; initiating research and training on migration and diversity; to submit proposals to the audiovisual sector for better promotion of diversity, and to gather information on best practices.

In 2011, a Forum for Audiovisual User Organisations was created holding legal entity inside the council grouping 79 entities together (universities, unions, media, journalist associations, and different social groups or associations). The Forum was organised into working groups and regional offices for an in-depth study of specific topics and to draw up documents which helped foster content quality and best use of the media.

The Catalan autonomous Government (*Generalitat de Catalunya*) receives funding from providing radio and TV licenses, hence supplying a budget to the Council that represents approximately an amount of 10.000.000 Euros per year. The council may also obtain other financial funding through services and publications.

<b>Consell Audiovisual de Catalunya Budget by chapters and years</b>			
<b>Chapters</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Chapter I. Staff	5.832.402,19€	5.913.285,06€	5.452.499,46€
Chapter II. Current transfers	2.891.236,06€	3.794.736,06€	2.913.812,28€
Chapter IV. Spending of transfers to local corporations and private enterprises	150.000,00€	180.000,00€	120.000,00€
Chapter VI. Real investments	687.400,00€	759.900,00€	48.019,00€
Chapter VII. Staff advances	15.000,00€	20.000,00€	20.000,00€
<b>TOTAL</b>	<b>9.576.038,25€</b>	<b>10.667.921,12€</b>	<b>8.554.330,74€</b>
<b>Staff</b>	<b>96</b>	<b>93</b>	

Source: Consell Audiovisual de Catalunya (2010). Memòria annual CAC 2009;  
 Consell Audiovisual de Catalunya (2011). Memòria annual CAC 2011.  
 [Online: <http://www.cac.cat/web/informacio/index.jsp?MTE%3D&Q%3D%3D&L3dlyi9pbmZvcm1hY2lvL2NvbnRlbnRNZW1vcmlleWw%3D%3D>] Accessed: 07/2012.

#### 4.5.2 ANDALUSIAN AUDIOVISUAL COUNCIL

To fulfil the duties entrusted by law, the Andalusian Audiovisual Council carries out the following activities:

- Concerning content: the Council controls the content to check the compliance with media law protecting children, youth, disabled people and pluralism (social, religious, political, linguistic); it stops illicit programs and advertising and re-establishes negative effects.
- Concerning operators: the Council establishes licensing requirements (the autonomous government, Junta de Andalucía, is a body with the ability to grant licenses, through its General Direction of Social Communication); thus, the council must control media concentration, the decision power relies on the regional government; the council can approve general instructions to ensure that operators accomplish laws, and approves binding resolutions to attend media users' claims.
- Concerning its accountability: the Council presents an annual report to the Andalusian Parliament as well as proposals to improve the media system.

Besides the periodic reports on media pluralism, the latest cases of the Andalusian media council have been: a declaration showing its concern about an amendment of the Spanish media act that sets out the rights of minors with reference to television content; a statement claiming for the regulation of advertising of prostitution in the media; a public

call on broadcasters to promote the knowledge and dissemination of flamenco after finding that its presence on screen is marginal; and a fine to a TV station penalizing the emission of clairvoyance programs during child-protected scheduling times, etc.

The structure of the Andalusian Audiovisual Council is formed by the board, three thematic and administrative areas (Organisation; Legal; Content), and an auditor.

The board, composed of 11 members, is able to make decisions, recommendations, sanctions and instructions about media content through ordinary and extraordinary meetings. It also informs law projects. It is represented by a President and assisted by a General Secretary, a Presidential cabinet, and press office. Its mandate spans over 5 years, with the possibility of one renewal. According to the law, board members should be elected by the Andalusian Parliament of which include well known personalities, in the media, science, education, culture or social fields. Recruitment policy is based on Public Administration policy and employees may or may not be civil servants.

Civil society and the media sector are not represented in a regular way, with the exception of the consortiums created in order to manage the new territorial demarcations derived from the rollout of the Digital Terrestrial Television.

The Andalusian Council is mainly funded by the Andalusian autonomous government (Comunidad Autónoma de Andalucía); it also may receive grants from other Public Administrations. Other sources can be profits obtained from reports or agreements as well as the profits from the Council's own patrimony. The annual budget represents approximately an amount of 7.000.000 euro per year, being reduced in 2010 due to economic problems.

<b>Consejo Audiovisual de Andalucía</b>		
<b>Budget by chapters and years</b>		
<b>Chapters</b>	<b>2009</b>	<b>2010</b>
Chapter I. Staff	4.124.765,00 €	4.061.593 €
Chapter II. Ordinary expenditures in Goods and Services	2.432.747,42 €	2.125.558 €
Chapter III. Current transfers	96.922,58 €	101.528 €
Chapter IV. Real investments	1.113.750,00 €	925.230 €
<b>TOTAL</b>	<b>7.768.185 €</b>	<b>7.213.909 €</b>
<b>Staff</b>	<b>55 people</b>	<b>35 people</b>

*Source: Consejo Audiovisual de Andalucía (2010): Memoria 4. Informe 2009 del Consejo Audiovisual de Andalucía al Parlamento de Andalucía; Consejo Audiovisual de Andalucía (2010): Memoria 5. Informe 2010 del Consejo Audiovisual de Andalucía al Parlamento de Andalucía. [Online: [www.consejoaudiovisualdeandalucia.es](http://www.consejoaudiovisualdeandalucia.es), accessed: 07/2012].*

Board members of the Andalusian Council should be employed full-time and they cannot have any other employment. They follow a set of incompatibility rules (Dcr. Art 14.1f). It is also stated that councillors have total independence when taking decisions (Dcr. Art 14.1a)

## 5. REGULATION IN CONTEXT

The Spanish media system is characterized by an important level of concentration and internationalization, especially in the audiovisual sector, together with a strong public sector composed of national, regional and local public service broadcasters.

Big USA and European media groups have a strong presence in the audiovisual and advertising industries, but they are also present in the press market. Mediaset and Bertelsmann are stockholders of the two main TV companies, Telecinco and Antena 3 TV, while US groups are the main content providers. The six big international advertising groups (Aegis, Havas, Publicis, WPP, Omnicom, and Interpublic) hold a dominant position in the advertising market, while US investment funds and the Italian RCS are behind the two main Spanish newspapers.

Two Spanish groups, Prisa and Planeta, stand out among the Spanish media companies, with investments in all media sectors, in both cases in alliance with foreign capital. A third group of medium sized companies complete the scenario, together with a group of small and micro enterprises and freelancers offering services in the intra-industrial market and, or in local markets.

The dominance of the main media companies is counterbalanced by the weight of the public sector, in television and radio, and by the regional and local press. In fact, the importance of regional and local markets is one of the characteristics of the Spanish media system, although the economic crises and the restructuring of media industries with digitalisation, have adversely affected the smaller markets. The internet has meant greater internationalisation, with the main international internet service providers leading the rankings.

Public service media benefit from the direct frequencies allocation while private operators (including both commercial and civil society media) must put up for tender their license applications. Licenses have a 15 year period of validity and are automatically renewed (according the *General Law on Audiovisual Communication* 2010, which modified licensing conditions).

Daily reach of media in Spain (% population)- October 2011-May 2012										
	all	male	female	14-19	20-24	25-34	35-44	45-54	55-64	+65
<b>Newspapers</b>	36.4	44.4	28.7	27.9	35.8	37.6	39.6	41.2	39.4	29.2
<b>Magazines</b>	46.1	42.2	49.8	54.0	54.2	53.5	50.4	46.8	41.7	32.7
<b>Radio</b>	60.8	64.7	57.0	60.0	64.7	67.7	67.7	64.3	58.0	45.9
<b>Television</b>	88.9	88.6	89.1	87.9	86.2	85.8	87.2	89.4	91.5	92.2
<b>Internet</b>	44.7	49.9	39.7	74.7	70.6	64.3	55.7	40.5	28.9	13.8

Source: EGM. Readers/listeners/viewers/users per day.  
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