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Innovation in the accountability of public service media (PSM). The case of the CCMA

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Abstract

Introduction: This article analyses the transparency of public service media (PSM), and particularly the systems of governance and corporate responsibility of the Catalan Corporation of Audiovisual Media (*Corporació Catalana de Mitjans Audiovisuals-CCMA*). **Methods:** the study combines quantitative techniques (performed on periodic reports presented by CCMA executives in public appearances) and qualitative tools (in-depth, unstructured and recorded personalised interviews). **Results:** the study describes the internal and external accountability tools, their internal dynamics and control mechanisms. **Conclusions:** the accountability tools that were analysed are valid but have been stagnant for a decade; innovation measures are proposed in view of the need to implement changes in many of them.

Keywords

Innovation; media; accountability; public service broadcasting; television; transparency.

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1. Introduction

“Sunlight is said to be the best of disinfectants” [1], wrote Brandeis (1914: 92) as a metaphor to show that its antonym, darkness, is a great ally of corruption.

In modern times, the crisis of political and democratic legitimacy of many public institutions has become acute, strongly influencing European democracies (Gómez Urquijo, 2012). In this context, for some years many have considered it is essential to redefine governance policies, betting on principles such as transparency, understood as an element of public control, in its two dimensions: government and citizens (Schauer, 2014). Transparency should be understood here as a two-way process in which governments have the obligation to inform and answer for their management, and citizens have the right to be informed and demand explanations about the actions carried out by the former (Porras 2007). It is a process of bilateral and direct dialogue without explicit involvement of the media. The greater the consistency, depth and interaction that is generated, the greater the level of transparency (López, Puentes, Rúas, 2017).

Likewise, it is also necessary for the culture of transparency to permeate the work of public servants, enhancing public integrity and ethics (Muñoz and Azurmendi, 2016). In anticipation that their behaviour may not always be entirely correct, transparency policy contemplates the existence of accountability tools that require these groups to explain their actions as openly and detailed as possible.

The accountability of the public institutions in Spain, one of the central elements of transparency, has been enhanced with the transparency law ([Law 19/2013, of 9 December, on Transparency, access to public information and good government](#)), as a consequence of the mandate contained in article 105b of the Spanish Constitution of 1978, and of the Community legislation. For more detailed information on the European regulatory framework see Campos-Freire and Valencia-Bermudez (2017: 109-110). Transparency and accountability are key elements of the public service. This type of controls seeks to build citizens’ trust in the public policies that are implemented (Bovens, 2004).

In the academic field, accountability is understood as “the obligation of public authorities to respond to those they represent on the use of their powers and responsibilities, to act in response to the obligations allocated to them and accept liability in case of errors, incompetence or deception, that is, to act with a broad sense of ethics” (Martin Delgado, 2017). Some authors (Bovens, 2004; Day & Klein, 1987) consider accountability as the hallmark of modern democratic governance. It is used in the media discourse to refer to the process by which organisations are - or should be - held accountable to their stakeholders (Pritchard, 2000).

Used as a synonym for some diffuse political aspirations such as transparency, democracy, efficiency and integrity (Dubnick, 2005), accountability can be understood as a mechanism for measuring the quality of the administration (Miguel de Bustos, 2013, 2012, 2005).

This study is part of the national knowledge generation sub-programme of the Ministry of Economy and Competitiveness of Spain, on “indicators of governance, funding and accountability, innovation, quality and public service of European broadcasting corporations applicable to Spain in the digital context”. It focuses on some of the elements that enhance the democratic system, focusing on the transparency of public service radio and television and, in particular, public service media (PSM) and

media accountability. The consequences of refusing to implement such measures are reflected in the growing disaffection of citizens against their rulers (Alfaro and Gómez, 2016).

Over time, the media have developed various accountability tools for citizens to hold PSM accountable (Rodríguez-Martínez *et al.*, 2017: 256). In recent years, some options have emerged on line, which entails the possibility of more dynamic interaction with the different types of publics: *strictu sensu* with audiences, but also with citizens in general (Suárez-Villegas and Cruz-Álvarez, 2016).

The objective of this research is to delve into the systems of governance and accountability of Catalan public service audiovisual media operated by the Catalan Corporation of Audiovisual Media (*Corporació Catalana de Mitjans Audiovisuals* - CCMA), as public body dependent on the regional Catalan government (Spain). In particular, the research examines the existence of internal and external accountability tools. The purpose of the study is to know the use of such accountability tools by the CCMA, as well as the level of innovation the CCMA has introduced in recent years. “This transformative element, in the case of public media, must be closely linked to the preservation of the values of democracy, freedom, editorial independence, attention to minorities and public opinion formation” (Campos-Freire and Valencia-Bermudez, 2017: 112).

Anyways, transparency is not an end in itself “but an instrument in the service of citizen participation in and control over public affairs, and, at the same time, a mechanism for the prevention of corruption” (Colón de Carvajal, 2016: 15). It is a system that aims to generate confidence in public institutions in society (Bovens 2005), but without perpetuating itself. In this sense, “if we considered transparency, in a permanent and sustained manner, as a specific objective to achieve, we would run the risk of turning it into a weapon that benefits unknown interests that are alien to the community” (Martín Delgado, 2017: 170).

This has been posed in the same way by authors such as Pérez Cisneros (2015) and the Anti-fraud Office of Catalonia, which monitors the integrity of the Catalan public administration and fights against corruption and in 2015 [2] established the principles that should govern transparency systems and a series of recommendations for their regulation.

La CCMA (initially known as the Catalan Corporation of Radio and Television/ *Corporació Catalana de Ràdio i Televisió*) was created by a law passed by the Catalan Parliament, in May 1983 ([Law 10/1983](#)). The corporation was amended in 2007 to adapt to the new digital cultural environment by the [Law 11/2007](#) (amended in 2012), which is currently in force. This regulatory change resulted in the redefinition of the role and public service obligation of PSM, as stated in article 2: “the public service media of the Generalitat consists of [...] satisfying the democratic, social and cultural needs of citizens, ensuring universal access to information, culture and education, disseminating and promoting the Catalan language and offering quality entertainment”.

The CCMA, as PSM with multimedia and cross-platform structures, should be a clear social model, and as a public actor of reference in its territorial market, must know how to adapt to the new social demands. In this sense, innovation is still the best option to preserve its mission (Fernández-Lombao, Valencia Bermúdez and Campos-Freire, 2016: 490).

After more than 35 years of existence, the CCMA highlights that its public service mission [3] is to become a reference model, both in quality and innovation, in the whole audiovisual European sector, and emphasises its values:

- Commitment to the country, materialised through the promotion of the Catalan culture and language, its identity and the international projection of Catalonia.
- Efficiency in management, which is related with the search for maximum acceptance of the different programming broadcast by its channels by the audience.
- And transparency, resulting from a commitment to ethical and democratic principles.

The CCMA is considered by the Catalan society as one of the central institutions in the recovery of self-government and the indigenous culture. For decades, the CCMA has been a central instrument in the dissemination of the Catalan language in the territory. In addition, it has been entrusted by law “to disseminate democratic, civic and ethical values, as well as human rights” (preamble of the law).

According to data from 2017, the CCMA is a public entity constituted by an amalgam of media which are divided into three main areas: television (with seven channels), radio (four channels) and digital media, although the boundaries between them are no longer so clear (Cebrián-Herreros, 2009). As a result of the new digitisation processes, the media are increasingly more hybrid (Broullón-Lozano and Alonso-Jiménez, 2016), developing transversal synergies between them (Direito-Rebollal, Lago-Vázquez and Rodríguez-Vázquez, 2017). The CCMA is a public corporation that also acts as a shareholder in private companies, which blurs the border between public and private.

The highest management body of the CCMA was initially a Board of Directors, but with the reform of the law of the CCMA and the validity of Law 11/2007, during the tripartite Government of President Maragall, this body turned into a *consell de govern* (government council), whose members are elected by the Parliament of Catalonia through a voting system which required a qualified majority and the election of the President of the CCMA in singular way. This system was changed in 2012 by a legislative reform, when the head of the Catalan Government was Artur Mas (*Convergència i Unió*). Among other changes, this reform changed the system of election of the members of the Council, requiring only the absolute majority of Legislative Chamber.

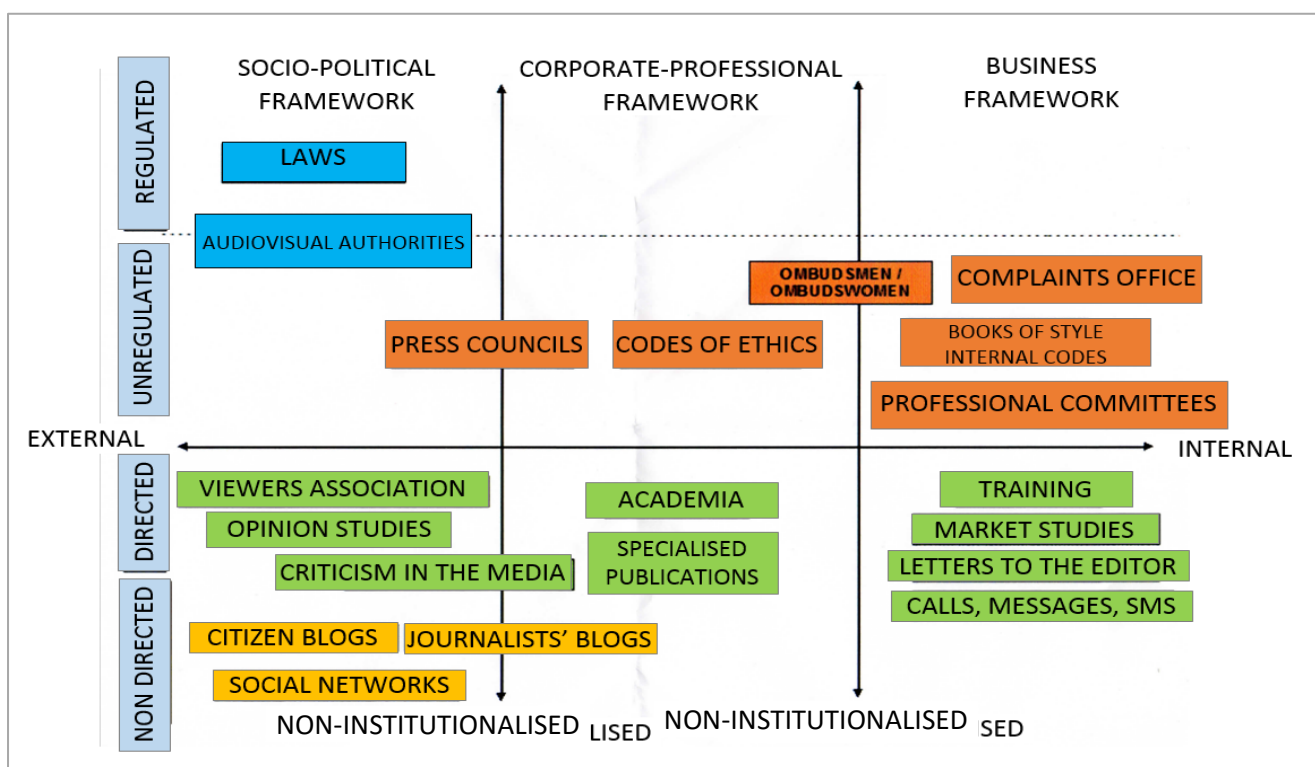
This counter-reform, as it is labelled by the President of the Union of Journalists of Catalonia, Francesc Ràfols, changed the spirit with which the law 11/2007 was created. For Albert Sáez, the first President of the CCMA (2008-2010) elected in direct and singular way by the Catalanian Parliament as head of the corporation (with 118 of 135 votes), this law established a new system of governance in the corporation, where the Parliament gained much prominence. For Ramon Espuny, a former President of the Union of Journalists and member of the works council of TVC, one of the entities of CCMA responsible for the management of TV channels, with this new law “Parliament became the business association of the Corporation”.

The CMMA is funded primarily by the general budget of the Generalitat, through contributions and credits. In a secondary manner, it obtains advertising revenue and income from the exploitation of its activities and content. In recent years, the deficit has been a constant in its profit and loss accounts and has had to be covered by public money.

There are different classifications on the different mechanisms of media accountability. Several authors have explored this issue since long time ago. Here we review the most recent and useful for our research, from Shoemaker and Reese (1996) to Russ-Mohl (2003) and Fengler (2008), although the most interesting for accountability and transparency of the media in Europe is the typology offered by Bichler *et al.*, (2012).

The following figure presents the different accountability tools generated by the Journalism Research Group of the Pompeu Fabra University, which is arranged in two axes: on the abscissa (external tools on the left and internal tools on the right); and in the coordinate axis (higher degree of institutionalisation on the top and non-institutionalised instruments on the bottom). The value of this organisation of instruments lies in the triple configuration of frames (socio-political / corporative-professional / business).

Figure 1.



Source: Journalism Research Group of the Pompeu Fabra University.

2. Methods

This study combines qualitative techniques and data collection in a descriptive context of the situation of the CCMA. This mixed technique was chosen because it provides a greater understanding of the reality of the reality under analysis (Molina *et al.*, 2012). In addition, the literature on the case study was previously reviewed.

Based on the different classifications mentioned above, we listed the existing accountability tools: from the most traditional (such as telephone service to the audience) to the most innovative (mainly based on social networks). From the purest self-regulation to the most formal and regulated controls.

A list of accountability tools is provided in Annex 1 based on the model of indicators proposed by López, Puentes and Rúas (2017), centred on three blocks: institutional information, economic information and those related to the production of information. Based on this list the research formulates the following questions: (Q1) which of the mechanisms are used by the CCMA? and (Q2) how does the CCMA use these mechanisms?

In response to the questions raised, we chose a qualitative method that provides descriptive data about the real situation, following the approaches of Taylor and Bogdan (1986), through in-depth interviews to industry experts and the institution's executives.

A series of customised, non-structured and recorded in-depth interviews were conducted, following the model of open conversation, but redirecting them, when necessary, towards the central scenarios and issues. Some questions of contrast were introduced to know the meanings respondents assign to certain concepts and find links and divergences. Usually this type of interviews allows us to define the mental constructs and firmness of the interviewees who provide an imaginary of their views.

The interviewees are as follows:

1	Salvador Alsius i Clavera	Vice President of Audiovisual Council of Catalonia (CAC) and Professor at UPF.
2	Laura Baladas Ortíz	Ombudswoman of the CCMA and responsible for activities related to CSR.
3	Eduard Boet i Domènech	Responsible for strategic and corporate projects at the CCMA. Coordinator of the stylebook monitoring commission.
4	Ramon Espuny Solé	Former President of the Union of Journalists of Catalonia, and member of the works council of TVC
5	Esperanza García González	Popular Party Member of the Parliament of Catalonia (XI legislation 2017-2017). Member of the Control Committee of the CCMA.
6	Albert Garrido Llor	Secretary general of the Council of Information of Catalonia (CIC), a foundation created by of the Association of Journalists of Catalonia.
7	Josep María Guerra Mercadal	President of TAC, Association of Consumers of Audiovisual Media of Catalonia.
8	David Mejía Ayra	Congressman and Chairman of the Control Committee of the CCMA in the Parliament of Catalonia (2015-2017).
9	Mar Pons Púbul	Member of the Advisory Board of Content and Programming of the CCMA.
0	Francesc Ràfols Sagués	President of the Union of Journalists of Catalonia
1	Albert Sáez I Casas	President of the CCMA during the period 2008-2010, chosen by 87% of the parliamentary Chamber.

2	Josep Vicent Sanchís i Llàcer	Director of <i>Televisió de Catalunya</i> (incorporates seven channels of the CCMA).
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The interviews were conducted with various professionals and politicians, closely related to different aspects of the research. In particular, we have tried to identify the different accountability tools through each of them.

Quantitative techniques were used to collect some data, in particular, from the periodic reports presented by the directives of the CCMA in their public hearings (activity reports, income and loss accounts, etc.).

3. Results and discussion

After an analysis of the existing accountability tools we can conclude that the CCMA has implemented the following mechanisms:

- Works Council
- Professional Committee
- Advisory Board of content and programming
- Annual reports:
 - Annual activities report
 - Annual income statement
- Stylebook
 - Monitoring committee for the stylebook
- Office of the Ombudsman
- Annual report of the Ombudsman

The CCMA is evaluated externally on a regular basis by:

- Associations of consumers and users, being TAC (Association of viewers of Catalonia) the only specific entity of this type that exists in the Catalan community.
- Audiovisual Council of Catalonia (CAC).
- Information Council of Catalonia (CIC), external body linked to the Association of Journalists of Catalonia.
- Parliament of Catalonia, through a Commission for the control of the CCMA which gathers all groups in the chamber (on a monthly basis during active periods).

For the general director of *Televisió de Catalunya*, Vicent Sanchís, one of the top heads in the Catalan Corporation, “the instruments of the CCMA are not excessive, they are too many [...] We allocated far too many people (public money) to comply with all the commitments of accountability”. For Sanchís, “if all these mechanisms could convince people that we do a fine job it would be nice, but that is not

the case [...] we have many people focusing their efforts on them, to show that our operation is correct [...], but they have little effect in citizens”.

Sáez believes that “for the dynamics of the Corporation, accountability systems were very complicated because the top executives of the company should be held accountable in the steering committee, the council of the government and Parliament. There were weeks only dedicated to accountability. The system was not effective as it was. Now with the reform, with a general chairman, with competences of the council of the government and CEOs, this part has been simplified”.

The following section describes each of the accountability agencies and tools that have been analysed.

Workers’ committees (trade unions and professional associations)

One of the first instances where almost all entities, both public and private, are motivated to provide information is the internal realm. It is usually employees who, through their unions or internal associations, establish lines of dialogue with the management. The figure of the Works Council is recognised as a right derived from the constitutional mandate of article 28. Union freedom and activity at the workplace has been widely defended by the Constitutional Court through multiple sentences (Monereo and Fernández-Avilés, 2008).

The figure of the works council in relation to the CCMA should be addressed in plural because there is one for television and one for radio, in addition to the committee of the headquarters, all products of the legacy of the past (different collective agreements and wage differences), which has not precluded the existence of a line of unity that is reflected through a kind of inter-company committee, more *de facto* than *de jure*, and joint actions when necessary. Anyway, trade unions work for the creation of a single group convention.

Different work councils unite professionals from different work and business centres, previously defined, that make up the structure of the corporation. Its composition is divided between different unions, of which the CCOO and the CTTVC are the most important. We will speak in singular (works council) except in cases that refer exclusively to one type of medium.

The interaction of the works committee with the managerial staff focuses on the defence of job positions, as well as the improvement of work conditions. At the current stage, with the current government team of the corporation (not in all cases since there are counsellors whose mandate has expired) there has been confrontation between the Works Council and the Council to the extent that the former have demanded the resignation of the latter [4]. For Espuny, who has been a member of the works council for 28 years, the dialogue with the Management is “fluid and can be an interrelation between two forces with opposing interests where the other party never gives details or explanations”.

The election of the members of the Board of Directors of the CCMA is direct responsibility of the Parliament of Catalonia, which appoints members according to political criteria and not according to professional merits as it should be. This implies a subordination of the elected members to the guidelines of the party in power and not according to the needs of the media. This practice, which has been developing for many years, generates a point of significant discrepancy with the representatives of the workers who have demanded a reform of the law of the CCMA to change this situation. According to Ràfols, “We need to depoliticise and remove the control of the government and parties

over the Corporation, based on qualified parliamentary majorities that guarantee the selection of members with criteria of independence and professionalism”. That would stop the members of the Board of Directors of the CCMA from “depending on the governments who use it for their own interests [...]. It should be composed of independent experts who address it with professionalism and knowledge so that public media are really at the service of citizens”. However, for Sanchís this does not guarantee that the experts will not be influenced by parties. “The problem is not regulation but the behaviour of the chosen people [...]. The system we have is perfect. The reform of the law provides the members of the *consell de govern* of the CCMA with independence since they are appointed for six years. But the chosen members are those who choose between independence or obedience to those who appointed them.”

Meanwhile Espuny, who for many years has been critical of the neutrality of TV3 and the influence of the different Governments of the Generalitat since its inception, says that “the greater independence of the Council occurred between 2007 and 2012”, a period that coincides with the mandates in the Presidency of Albert Sáez and Enric Marín and the new system of governance of the entity. However, the period also faced some problems. Sáez narrates his disagreements with the Parliament and the Control Commission: “some of us thought that the new system of governance where the Parliament had acquired much prominence in the appointment of the directors of the CCMA, would produce a change in the Control Committee with a new operating system. But the traditions and customs of the parliamentary chamber were very regulated and the members believed that nobody could tell them what to do. It is certainly. [...] a new form of governance in the CCMA, which was treated as before when was held accountable in Parliament [...] They actually approved a system of governance that did not believe in”.

The way in which the Corporation is governed is not readily accepted by many instances. The works council of this public entity has shown support to study the desirability of establishing a system of joint management, following the German model (Pérez-Latre and Sánchez-Tabernero, 2016). The possibility of its application to the case of the CCMA would add important innovative elements. However, as indicated by Espuny, “the proposal made in the bosom of the CCMA by certain groups of employees, should result in workers getting two seats of representation in a remodelled *consell de govern* which would have nine chairs [currently six]. The proposal, which has not evolved, is neither a real joint management since this would requires workers to have half of the seats in the council.”

According to Ràfols, a proper proposal for election of the Presidency of the Catalan Corporation, which also holds the general direction of the entity, could resemble the public contest of merits, in line with what is done in the BBC. Ràfols point out that “This system of election of the Chief Executive is complemented with the requisite that the members of the selection committee should not be strictly political, but should be representatives of the civil society, the academia, the cultural world and workers. In short, the selection committee must have a great social pluralism”. However, for Sanchís “we should not focus on what the BBC does. It is true that we have an obligation to try to be better, but our society is not British. We are Catalan, not British. Here we have a way of doing and act different. There are things that can help us and things that cannot, because of the different social behaviour”. For Sáez, “the accountability systems are very typical of the Anglo-Saxon culture. And the biggest can fails us. We can have an instrument and use it in 50 different ways. It also happens

with the system of governance. We like to buy institutions, but not to buy the culture that goes with it. I was told this would be like the BBC. But no, because we are not like Great Britain”.

Regarding the Professional Committee, it is a representation of workers that has capacity for dialogue with the management of each medium, dealing with certain issues exclusively related to issues that affect the works of news programmes. The case that involves many efforts for being recurrent, is the problem of news blocks in the PSM during election periods that restrict the autonomy of journalists (Marqués *et al.*, 2016). In this sense, the Professional Committee has fought repetitively for the exclusion of the criteria of the election board, and has had some victories: thanks to various agreements with the *consell de govern*, the news restrictions for election periods have not been applied.

Advisory Board of content and programming

It is a consultative body which assists the Board of Directors (known since 2007 as the *consell de govern*) in the definition and evaluation of the programming policies and strategies of the various media and services of the CCMA. It is integrated by sixteen members who are prestigious people elected by the Parliament and representing the plurality of the Catalan society. They must represent, at least, the professional and educational sectors, the civic, cultural and user associations, as well as the workers of the CCMA. “It is an organ of expression. The CCMA executives who attend their meetings are not held accountable expressly”, according to Sáez.

Their mandate lasts four years. At the beginning of 2018 it had expired but had not been renewed and for this reason its members wait for the stabilisation of the political situation in the community, which is currently suspended and intervened for the sake of article 155 of the Spanish Constitution, awaiting for the formation of a new government.

Its main task is the organisation of two reports per year on the programming of the different channels (radio, TV, websites, and social networks), including ideas for improvement proposed by members. The importance of its role is very relative since, according to a member, Mar Pons, elected as representative of TAC, “I have the impression that the impact of our work is scarce, although it is true that sometimes they take it into considered since we have seen that some of the provided instructions have been implemented. However, in meetings with some executives it is normal to justify the non-implementation of the improvements proposed due to budgetary constraints”.

Being a very extensive council composed of people with very different sensibilities, “each of us focuses on a specific theme on which we propose changes. In my case, I oversee television programmes for children and young people, also web content and networking, and propose modifications and filters when necessary”.

Audiovisual Council of Catalonia (CAC)

The CAC is the Catalan public body ensures compliance with the rules governing the audiovisual sector and political, social, religious and cultural and thinking pluralism in the media.

The last report corresponds to a mandate of the Catalan Parliament on the level of plurality in television talk shows where, among the sample of eight channels and 125 talk shows, two were produced by the CCMA (TV3 and 3/24 with 44 shows). During the months in which this research was carried out, the

CAC had issued other reports where the CCMA was a collective subject. Thus, the report on the news treatment of the first of October 2017 (1-O) in various networks of Spain [5].

In particular, and exclusively on the CCMA, the CAC in its role as guarantor of the fulfilment of the public service mission, requested on several occasions reports and hearings from the various bodies of the CCMA on some particular events that had been reported or considered irregular.

As an example, the last case analysed by the CAC [6] on the programming of the CCMA refers to the information about the 1-O provided by a children's TV news show: *InfoK*, of *Super3*, on the next day, where no infringement to the stylebook was detected. In the same vein, the agreement on the request of sanction for alleged breach of certain precepts of the stylebook of the CCMA by the host of the show "*El Matí de Catalunya Ràdio*", Monica Terribes [7]. On other occasions the CAC did act against certain news programmes and shows broadcast by the CCMA [8].

In relation to the function of surveillance exercised by the CAC over the CCMA, its Vice President, Salvador Alsius, considers that "accountability tools are a whole. One cannot be considered them one by one. Their greater or lesser effectiveness comes from the combination of different instruments. It is a gear where all the parts must exist to work properly".

In addition, according to Alsius, for accountability to work properly it is also necessary that "the public is ready to demand this accountability. And today's society is not. For this reason, it is necessary to require previous media training from citizens so that they can be critical and assess the quality of information and its importance for democratic life". This reflection leads to the question: why should the CCMA offer more transparency, create more accountability tools of higher quality or more exhaustive, when citizens are not prepared to demand it? For Alsius it is a must: "the public company must be aware that we have a corporate social responsibility and that, although there is no demand, we have to fulfil it".

On the level of plurality of the programming of the channels of the CCMA, Alsius is sharp: "initially a great effort was made to reach the entire audience. Afterwards they did it very badly. A small group has created an absolute wall that limits the audience, by making TV that is plural in some respects, but not plural enough in others. Many people do not feel close to this television and will never feel this way". Is this a problem too difficult to solve? Can it be fixed? "We could have some indication that something can be solved by expanding audience with entertainment content. At the beginning of the broadcasts of TV3, the audience was expanded thanks to matches of the FC Barcelona and the Dallas series. They were the great hits that made this TV reach many homes."

Information Council of Catalonia (CIC)

It is an external body, part of the press councils (see Figure 1), which was created in 1997, by the Association of Journalists of Catalonia (CPC), and became a non-profit organisation in 1999, with independent legal personality. Its objective is to ensure compliance with the principles of professional ethics contained in the code of ethics of the journalistic profession, developed back in the day in the bosom of this professional association.

Its main function is to mediate between citizens and their various representations, with the media and journalists, focused exclusively in the Catalan territory. All its resolutions are public but do not have

executive power, so their compliance occurs in the strictly ‘moral’ level of the investigated people and media.

The operation of the CIC, which is governed by a regulation, is defined in its norms: “to receive arbitration from the CIC any person or entity may file a complaint about an injury committed by a professional or medium. However, the Presidency, based on its own criteria, the Board of Trustees or the CIC, can fill a complaint on any matter of social significance”.

The CIC publishes annual public reports that describe all actions with the media carried out during the year. The volume of files has been very low in recent years. It was under twenty in 2015 and 2016. The general Secretary of the CIC, Albert Garrido, points out that “many of the complaints that we received are redirected the CAC since they do not deal with issues related to the code of ethics of journalists or news but rather with the orientation of the medium, in this case the CCMA, and we are not competent in this issue”. Surprisingly, in 2017, the number of complaints increased three times. In this regard, Garrido explains the increase: “it is caused by the political situation and the radicalisation of society and the media. And 2018 is heading in the same direction.”

In relation to the CCMA, its programmes and professionals, the CIC has had to intervene on several occasions. Last year a couple of cases were reported by important entities: [complaint 10/2017](#), filed by the FC Barcelona (for alleged lack of verification of information and use of hidden cameras to obtain information) and the Union of Journalists of Catalonia, [complaint 8/2017](#) (against a journalist and presenter for commercial advertising).

This is not the first time that the CIC has had to investigate as it had to intervene in 2016. “The conflict between advertising and information is a classic for us. It appears repeatedly. The code of ethics is clear on this point”, said Garrido. Its seventh point establishes, in its current form, that “it is not permissible to combine the exercise of journalism with other paid activities that jeopardise the principles of truthfulness and independence”. In its original wording (of 1992) the code was more explicit with regards to advertising: “the exercise of journalistic activities should not be combined with other professional activities that are incompatible with the ethics of information, such as advertising, public relations and image consultancies”.

The case of the complaint 8/2017 was reviewed by the CCMA internally. It did not result in any reproach since according to the stylebook of the Corporation none of the precepts of the code of ethics of Catalan journalists was broken given that: “Ms. García Melero is not a passive subject of the point 7 of the given Code given that she is not making news programmes (...) but an entertainment magazine show” [9]. In addition, the CCMA justifies that the presenter had the management’s permission. However, the CIC indicates, after condemning the events, that “the spirit of the norm must be addressed... that infotainment is also information... and that a review of the stylebook of the CCMA is urgent”. Garrido believes that the stylebook of the CCMA, in relation to this aspect, does not follow the ethical indications marked set by the CPC. “It is much more relaxed.” Faced with this situation the CIC has recommended the CCMA to review the stylebook.

With regards to this discrepancy, Sanchís believes that “both opinions should be combined” to recognise “our mistake in this regard and we should adapt in the future. We are reviewing the stylebook

according to the criteria set by the CIC, but also because the manual needs to be adapted to the new situations that have emerged over this decade”

Control Committee of the CCMA (Parliament of Catalonia)

One of the mandatory external accountability tools is the monthly hearing of the executives of the CCMA (normally the President in office, and the directors of television and radio) in the Parliament of Catalonia, before a control Commission composed of 17 representatives of the various parliamentary groups which of the Catalan Chamber. This commission is technically known as the *Comissió de Control de l'Actuació de la Corporació Catalana de Mitjans Audiovisuals*.

These hearings take place only on active legislative periods, but there has been no hearing since September 2017 [6]. The Chairman of the Committee in the previous term (2015-2017) is Congressman David Mejía Ayra, from the political organisation *Ciutadans*, who believes that “the accountability of the CCMA before the Catalan Parliament is mandatory, but its effectiveness is minor. The executives of the Corporation stand before the representatives but answer questions as vaguely as they possibly can. Therefore, this form of accountability could be described as minimal”.

For this young political representative, if PSM operators are not able to adapt to the evolution of the needs and demands of all citizens, they will lose social support and, consequently, their legitimacy to act as a public service, being the case of the CCMA.

Another political actor, in this case the representative of the Popular Party of Catalonia in the previous term (2015-2017) in that committee, Esperanza García González, wondered whether the legal obligation of the public entities to be transparent, according to the [Catalan Law 19/2014 on Transparency](#) is being met? “Sometimes yes and some other times not so much because they do not comply with the requirements of the law. Often executives ignore the indications and reproaches of the entity on which they depend, Parliament”.

For García, “the Control Committee does its homework. However, once the monitoring has been made, the requirements of political representatives are not answered. The resolutions of the Commission or its members in connection with the CCMA are not attended. There are no measures to punish breaches. In addition, the resolutions adopted at the plenary session of the Chamber must be mandatory and now they are not fulfilled.”

With regards to whether this Commission is an efficient instrument for accountability, García is clear: “it is completely inadequate. First of all, the anomaly of the Board of Directors of the CCMA. The mandate of some members has expired and others are exercising their responsibilities (as the President) violating the audiovisual law, given that the President must be appointed directly by Parliament”. In this sense, Mejía explains that “one of the measures that the legislature wanted to implement in the last term but has been paralysed by the advance of the elections, was to reach greater consensus for the election of the President of the CCMA, two-thirds in first or second round. Currently, only voting in the first round is required, while in the in second round only absolute majority is required. The goal is to demand the respect of the rules for the election of the members of the Board of Directors. They have to be accredited professionals”.

Thus, the effectiveness of the Control Commission as an accountability tool does not seem to meet all the expectations in relation to this instrument. For Mejía, an option to make the Commission meet its mandate in a more efficient way is to make it legislative commission. However, this proposal for innovation is not perceived in the same way by García, who believes that it should continue to be a Commission and that this gives it a plus in the sense that its agreements are directly endorsed by the plenary of the Chamber.

This view, for different reasons, is also shared by the director of TV3. For Sanchís, this Commission, although necessary, is inefficient because it does not understand the context of the sector, nor the economic reality of the time. In addition, “the internal dynamics of performance is not correct to explain in depth the reality and needs of the entity”.

The Ombudsman

The Ombudsman of the CCMA (in recent years carried out by two women, Adelina Castillejos and Laura Boladas) is a self-regulatory journalistic mechanism which the Corporation adopted in 2008, with a three-year mandate, renewable for a second term. Its mission is to guarantee the rights of viewers, listeners and users of the media of the CCMA, betting on the transmission of truthful, objective, balanced and respectful information with political, social and cultural pluralism as well as territorial balance, as set out in the statutes.

This organisation, currently composed of four professionals, receives queries, suggestions and complaints from users of the media. This research has focused on the complaints section. Queries cannot be defined as accountability from a strict point of view. There is interaction with the audience, but no request or requirement of responsibilities.

This office receives citizens’ complaints through various channels (telephone, web, social networks...). A has a complaint form available on the website of the CCMA which is the most common mechanism. According to Baladas, the current Ombudswoman, once the complaint is received, it is investigated under the principles of accuracy, fairness, veracity, rigour and plurality. The obligation is to attend all complaints. The response time varies. “It depends on each case. We have set a maximum of 30 days. We need first to learn about the case, contact the people involved and think about the causes of the events. Immediacy is the enemy of reflection, of a precise and accurate response (accuracy)”, says Baladas. “

COMPLAINTS	2012	2013	2014	2015	2016
TV	2,613	2,171	1,819	2,051	1,179
RADIO	416	372	449	369	144
LA MARATÓN	99	71	61	127	41
TOTAL	3128	2614	2329	2547	1364

Source: Authors’ own creation based on the Annual Reports of the Office of the Ombudsman.

The CCMA considers that with this mechanism it complies with the defence and exercise of the rights of citizens. While the statutes of the Corporation declare that the Ombudsman is an independent institution [7], the reality is that the person is chosen from in-house professionals (its selection

privileges being part of the staff of the CCMA). So once the mandate expires, the person must go back to perform past functions. This suggests it is difficult to enjoy true independence.

In relation to the evolution of complaints, the following table shows their evolution, classified by type of media, based on the exercises available on the website of the CCMA.

Two trends can be observed: television absorbs most complaints (four-fifths of the total, approximately, varying slightly according to age) and there is a gradual fall that was accentuated in 2016. According to López, Puentes and Rúas (2017), there is no strengthening but stagnation of the bilateral relationship. The Ombudsman partly justifies the decline because “we are offering much more information from the websites of the programmes. Citizens can obtain clarifications without requesting our service”. However, this explanation may be valid only in the event of queries, but not of complaints, which have a very precise and personal resolution process.

It was not possible to classify the content of the complaints since these data is not made public. When asked whether the CCMA could be more explicit on the subject matter of the complaints, Baladas says “it is possible to include these data in the annual report (2017). The question is whether the subjects of the complains are indeed justified, since they may be unfounded complaints”. In addition, it indicates that this information could be used by the competition and by party authorities to undermine the prestige of the CCMA.

For Sanchís, the figure of the Ombudsman “before the technological revolution was an efficient system. But today it no longer makes sense. The existence of this figure must be reviewed [...] It is a very interesting Anglo-Saxon figure that the Catalan media introduced very slowly at the end of the last century with audiences who had little access to the media. Today audiences are very active users”.

Stylebook

One of the internal instruments implemented by the CCMA is the so-called stylebook, which consists of three parts: an editorial guide, a manual for each medium and the corporate language portal *ésAdir*, for questions and doubts about the use of the Catalan language in the media.

It is a compendium of journalistic and professional standards of the various media that comprise the CCMA. It links all workers, whether executives, professionals and permanent or temporary collaborators of all media of the CCMA, regardless of their contractual relationship with the companies of the group. In sum, it is obligatory.

There is an open Catalan version [available online](#), on the website of the CCMA, for all those who wish to make enquiries. It does not only focus on content, but also in professional behaviour and management methods.

Eduard Boet, journalist and professional of TV3, was one of the editors of the stylebook, about a decade ago. He is the current head of corporate strategy and coordinates the stylebook monitoring committee, which is composed of a dozen of professionals from different departments and areas of the Corporation.

This commission, unique in Spain, ensures compliance with the precepts of the stylebook. Every month the members meet to analyse and discuss various cases “in relation to whether contents of radio,

television and the Internet conform to the provisions of the stylebook”, says Boet. “This Committee is advisory and non-binding, but often acts *ex officio* when the violation is very clear”, according to Boet. Each meeting the members “reach agreements that are notified to the direction which is the only figure who can make decisions to enforce the stylebook”. Boet indicates that they attend most observations made by the Commission “although the sin has already been committed”. However, there are no penalties established for breach of the stylebook, so CCMA professionals do not have clear norms in the event of violation of the rules of the stylebook.

David Mejia believes that “Parliament should find a way to enforce the stylebook in a strict manner. Right now, nothing happens if a worker of the CCMA does not meet the demands of the stylebook”. For Esperanza García, “the stylebook has been an instrument in the service of political nationalism. It has been respected only when it has mattered”.

According to Boet, cases tend to be detected through monitoring of the programming by the members of the commission, especially its coordinator (the only full-time member). In addition, there are cases that come from abroad, via the Ombudsman (20%), and from the queries of workers.

Another function of the commission is the dissemination of the stylebook. The internal communication spaces of the CCMA disseminate weekly articles related to recent cases. Another function is prevention, reminding people the guidelines of the stylebook in relation to certain current issues.

The Commission, in addition to the monthly reports it hands to the management, produces an annual report (which the Presidency has decided not to make public) that is handed to the corporate direction strategy (and, therefore, to the Presidency of the CCMA) and the directors of the three media (radio, television and digital media). It is composed of more than one hundred cases which are described by types. The report does not include all the incidents occurred on possible violations to the stylebook. 70% of the complaints come from television.

Confronted with the possibility to make this report public, Boet believe that this information should be treated with some caution since “it is sensitive for the media of the competition. Which misuses can be made from other media?”. In any case, for Boet, the Control Committee of the Parliament would be the place to show it.

Finally, Boet points out that the stylebook “is a document that must be updated and modified. And we have been working for some time due partly to the digital evolution of media that brings about new ways of working that did not exist when it was created a decade ago”. For him, it is a task that should not be outsourced. They plan to present the new proposal to the Direction at the beginning of 2020.

Association of audiovisual media users of Catalonia (TAC)

One of the options available to citizens to oversee the activities of public radio and television is the associations of users of audiovisual media that defend their interests. They are private, non-profit entities.

At the European level, Euralva (The European Alliance of Listeners and Viewers Associations) represents the interests of listeners and viewers of radio, television and new media services that can be received in the EU member countries. Includes associations from ten European countries plus

Australia, Canada, and Mexico. Its President since 2011 is the Spanish Josep María Guerra Mercadal, who is also the President of the only Spanish association exclusively focused on audiovisual media users: *Telespectadors Associats de Catalunya-TAC* / Association of audiovisual media users of Catalonia. Guerra indicates that, with 33 years of existence, “we are the only association of media consumers in Catalonia and, despite being small, we are the largest and most important in Europe”. There are about 4,000 affiliated families which represents more than 30,000 people.

It was created in 1985 by a group of parents concerned by television content. “Today we work on any content that reaches users in Catalonia. Although our actions go beyond. We have always have acted with a national vision -we appear before Congress- and even a European vision -we interact in Brussels when the directive was created-”.

According to Guerra, “Our interaction with the CCMA is very scarce. The truth is that they do not ask us absolutely anything, but we are actively involved in some situations and regulations of the sector as a whole, for example, in schedule changes”.

The aim of the association is to give users a voice and defend their rights. TAC focuses on improving the quality of programming and the defence of minors in the new digital environment. According to Guerra, it does not influence directly the media “for being very expensive. But we do it indirectly... we are ashamed of the management of the public television (whether Catalan or Spanish) in relation to the institutional issues. There is a radical exclusion of one part or another of society in every television channel. It seems brutal to us. It has always obeyed very clear partisan guidelines, but now it is worse. In the private media, however, it is different. It is where the highest plurality is present. It is very sad that public television channels are unable to respect the different sensitivities of the population, which is also a legal obligation.”

These entities do not exist in other instances. For Sanchís, “TV3 viewers are not represented by a small entity like this”. Boet equates it with a pressure group. In line with the potential pressure of the Federation of Audiovisual Producers (PROA), which “is the lobby of the producers” for Espuny. PROA brings together five Catalan sectoral associations, plus one from Valencia and one from the Balearic Islands.

Income and loss Accounts and annual reports of activities

The CCMA website provides citizens with reports of activities, as well as recent accounts of results. The latter include audits of each year. These mandatory instruments of financial accountability (especially the second) reflect the economic health of the entity. With regards to the contribution of the annual authorship reports it is important to mention that, except the first one to be consulted (2010) which was carried out by the consulting firm KPMG, the rest (2011-2016) have been carried out by PWC.

The following table summarises all the profit and loss accounts provided, which have a negative result. In total, in eight years, there were more than 173 million euros in losses.

In the past the CCMA and the Catalan Government reached agreement for stable financing through the so called “contract-programme”, a multi-year agreement which guaranteed a stable income to the corporation from the public treasury. The last one (2017-2020) is pending definitive concretion. The

agreement for the period 2013-2017 was neither signed. The last one that worked corresponds to the programme that expired at the end of 2009.

Year	Net turnover (in million €)	Annual Net results (in million €)
2009	94.589	-11.134
2010	103.296	-18.048
2011	91.450	-17.824
2012	70.105	-31.769
2013	64.307	-36.345
2014	67.108	-37.016
2015	69.011	-17.640
2016	67.530	- 3.737

Sources: Authors' own creation based on profit and loss accounts.

Without the possibility of financial stability in the mid-term (due to lack of approval of public funding) and faced with a scenario of almost permanent losses, we wonder whether the situation can be sustained any longer and whether urgent measures should be taken to change this situation. In any case the red numbers force us to reflect on the viability of the corporation. “The severe economic crisis, strong competition and the fragmentation of the market (caused by DTT and multiplatform consumption) have damaged the justification of the permanence of autonomous public bodies” (Muñoz and Azurmendi, 2016: 46).

Taking into account the solution taken in the case of *Radiotelevisión Valenciana* (RTVV), which closed its facilities and ended broadcasts (Marzal, López-Rabadán and Castillo, 2017), one of the alternatives is a possible closure, even though it does not exist at the moment a voice in this sense. Even García, representative of the PP, believes that “the CCMA is not viable because it has an excessive workforce in comparison with competitors, even private. This problem must be tackled [...] and therefore the restructuring of the agency should be reconsidered”.

Another of the consulted experts, Alsius, is quite clear: “TV3 and *Catalunya Ràdio* have been fundamental tools and in the past were much needed, but they can cease to exist one day, and nothing would happen [...] The concept of public media is contingent” (Marqués, 2014: 48). Of course, in a given context: “what is essential is the concept of public service, which is different. What all media, including private media, should be doing is to pay the public service fee they are obliged to pay. If we do not reclaim this and concentrate on vindicating public media, we will lose everything. Private broadcasters are deregulated in an atomic manner”.

The economic situation led the current President of the CCMMA, Brauli Duart, whose mandate began in 2012, to implement some cost-saving measures, such as the implementation of a workforce downsizing plan (ERE), but not in the initial terms. “Under the presidency of Duart, the situation of the CCMA deteriorated severely”, Espuny points out. This trade union representative believes that “since the reform of the CCMA Law, in 2012, the level of independence of the Corporation has been

substantially reduced. The law should be amended again to recover the political consensus that existed before 2012”.

4. Conclusions

Throughout the previous pages we have analysed the internal and external accountability tools of the CCMA. Some tools have been left out, like the Court of Accounts (*Sindicatura de Cuentas*), due to the delay of its reports in relation to the current situation.

The point of departure is that the system of governance assigned to the CCMA does not work as it was devised which results in deep asynchronies. All accountability tools implemented for the CCMA, voluntarily or by legal requirement, are widely consolidated and all of them have, as a minimum, a decade of existence. Some are more valid than others, but almost all show clear signs of stagnation. The CCMA works in the same way it did at the beginning of the decade. No substantial changes have occurred in the operation of each one of the tools from the beginning to nowadays. In the opinion of Baladas: “innovation in accountability tools is required. The current ones are obsolete to some extent. It is true that we are still living in the tradition of the last century. We drink from these fountains. Today, more direct interaction with the user is vital and the user calls for it. We need to open ourselves more in this sense”.

Following Baladas, below we outline some ideas for innovation. The first has to do with the concept of *jibarisación*, proposed by Alsius to refer to the composition of the boards of directors of some public bodies in Catalonia, as the CAC and the CCMA, which try to clone the composition of the parliamentary forces. We must bet on depoliticisation and choose experienced professionals for those responsibilities. The current directors are servile with the political parties that have put them in office.

It does not make much sense to establish advisory bodies that are not heard, like the advisory council of contents. Its members represent certain sensibilities of society and when they propose changes in schedules these should be collected if they are viable, as they reflect citizens’ demands.

In relation to the presentation of the annual accounts and reports, including CSR or corporate reporting, the CCMA could be a bet for innovation in the presentation, betting on an integrated report (IR). Some corporations began to bet on it over the past decade and it is “the best way to get a full picture of the value of the companies, overcoming the limitations of traditional reports” (Rivera-Arrubla, Zorio-Grimab, García Benau, 2016).

Some improvements should also be proposed in relation to the stylebook: for example, make the violations committed by journalists of the CCMA public would result in greater respect for the stylebook itself. The annual report, issued by monitoring committee to the senior management, should be open to the public. This report should include the flagrant breaches to the stylebook since there is no referential disciplinary regime. On the other hand, in relation to the ongoing review and update, it would be advisable to involve external experts to the CCMA, for example, from the CIC, to provide a different, non-inbred, view.

On the other hand, regarding the Parliament’s Control Committee, and taking into account the failures of the direction of the CCMA to respond to the requirements of Parliament, we should at least agree with the recommendation of Anti-fraud Office of Catalonia: “implementing effective coercive

measures for public authorities who are not held accountable and do not to collaborate with the control measures” (2015: 37). It is necessary for the observations and recommendations made by the supervisory bodies to be effectively implemented by the directors. We should not discard the possibility that the Control Committee will provide a sanctions regime.

With regards to the Office of the Ombudsman, we have a couple of proposals to improve accountability. The annual report it sends to the senior management should be made public so that citizens can learn about the complaints against the CCMA and know whether these complaints are attended or not. On the other hand, the Ombudsman should be present in the programming (through its own program, or a micro-space within a broader programme), as other media already do, to explain the errors, mistakes, misunderstandings and violations committed by journalists in relation to the stylebook. “In the audiovisual media, radio and television, it is frequent for the Ombudsmen to have its own spaces and programmes” (Herrera-Damas, 2008). In addition, this type of themes tends to be very well accepted by the audience and enjoys high ratings.

In relation to the auditing role that certain external agencies can play, such as the CAC, the CIC, association of media consumers (such as the TAC), certain professional associations and professional unions, it is important to note that an advance in the accountability systems would be to integrate some of their members or representatives in the monitoring commissions for the different instruments. The external presence, with points of view and sensitivities that are different from the internal ones, enhances this diversity. In addition, the independence of these people contrasts with the dependence of in-house professional and bring a plus of credibility.

In general, much more must be done in relation to the respect for the system of governance of the entity and accountability from the point of view of innovation. In this sense, we detected a lack of reflection on the preparation of the future of the CCMA in the new context of digitisation and distribution of audiovisual content.

Finally, it is important to point out that, to contextualise the positioning of greater or lesser modernity and relevance of the instruments used by the CCMA, it would be advisable to carry out a comparative study (benchmarking type) with similar bodies in neighbouring countries, mainly focused on the European Community, in order to implement measures that have not been implemented in Catalonia and have yielded contrasting results.

5. Notes

1. The full sentence of Louis D. Brandeis, in his book titled *Other People's money and how the bankers Use It*, was: “Publicity is justly recommended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman”.
2. Report on the follow-up to the works of the Commission of Inquiry into Tax Fraud and Evasion and Practices of Political Corruption (CIFEF), prepared by the Anti-fraud Office, dated 10 July 2015. It can be found on its website:
https://www.antifrau.cat/images/web/docs/publicacions/estudis_integrat/20150710_informe_cifef.pdf

3. Available at: <http://www.ccma.cat/corporatiu/es/missio-i-principis/>
4. Available at: <https://www.elperiodico.com/es/tele/20160623/trabajadores-catalunya-radio-piden-dimision-staff-ccma-5225067>
5. Agreement 96/2017, of 18 October, of the Plenary of the Audiovisual Council of Catalonia.
6. Agreement 108/2017, of 29 November, of the Plenary of the Audiovisual Council of Catalonia.
7. Agreement 97/2017, of 18 October, of the Plenary of the Audiovisual Council of Catalonia.
8. Agreement 48/2014, of 9 April, of the Plenary of the Audiovisual Council of Catalonia.
9. The Stylebook of the CCMA specifies in section 1.2.1.5.4. hidden recordings: “in news contents, hidden recordings can be included only exceptionally when it is the only way to obtain information of great interest. The dissemination of the material obtained must have the authorisation of the Directorate of the medium. In entertainment content, we can resort to this type of recordings whenever we ask for permission to disseminate material to the people who we have recorded”.
10. https://www.parlament.cat/web/canal-parlament/sequencia/index.html?p_cp1=8107789
11. The statutes specify that the Ombudsman must be a prestigious audiovisual media professional with credibility and solvency, with university education and extensive experience in management work, public relations and professional practice in the media.

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Apéndice

- A. Cuadro de instrumentos de rendición de cuentas empleado para la determinación de aquellos que son los utilizados por la CCMA.

Instrumentos internos	Si / No
DEPARTAMENTO DE ATENCIÓN AL PÚBLICO / AUDIENCIA	
Atención telefónica	
Atención vía web	
Formulario de sugerencias, reclamaciones y quejas en la web	
DEFENSOR DE LA AUDIENCIA	
Programa propio en parrilla (radio / tv)	
LIBRO DE ESTILO	
Seguimiento interno de su cumplimiento	
Formación interna sobre deontología profesional	
ORGANISMO/S DE CONTROL (con participación de empleados)	
Consejo de profesionales de los medios	
Comités de empresa	
ENCUENTROS CON LOS DIFERENTES PÚBLICOS	
PUBLICACIÓN DE INFORMACIÓN	
Cuentas financieras públicas	
Memoria pública de actividades	
Instrumentos externos	
ORGANISMO/S DE CONTROL	
Parlament de Catalunya	
Consell de l' Audiovisual de Catalunya (CAC)	
ASOCIACIONES DE CONSUMIDORES Y USUARIOS	
TAC (Telespectadors Associats de Catalunya)	
CONSEJOS DE PRENSA	
Consell de la Informació de Catalunya (CIC)	

Elaboración propia

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