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# Analysis of the Canary Islands’ new Public Radio and Television Law

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## Abstract

The new Public Radio and Television Law of the Autonomous Community of the Canary Islands (Law 13/2014, of 26 December), came into force in a delicate time for the Spanish regional public radio and television networks, which are currently being questioned on several fronts. It is also the result of the application of Spain’s 2010 General Law on Audiovisual Communication and its amendment by law 6/2012, of 1<sup>st</sup> August, on Management relaxation for regional public service TV channels. The article analyses the use of the opportunities offered by the General Law to democratise the media (an area in which minimal progress has been made), to develop a self-management model for TV programming and content, and to face the challenges of the Internet. The article concludes that the Canarian Law is a step forward in regional public service broadcasting in comparison to previous models but does not go far enough to strengthen the public service mission of its regional radio and television network in this stage of the digital revolution. In addition to examining the terms and spirit of the final legislative document, the article addresses its process of conception and the philosophy that permeates it, based on the analysis of the amendments proposed by the different parliamentary groups throughout the course of its negotiation.

## Keywords

Canary Islands’ Public Radio and Television Law; regional radio and television; public Service broadcasting.

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## Introduction

Before reviewing the comments [1] on the Public Radio and Television Law of the Autonomous Community of the Canary Islands (Law 13/2014, of December 26), which was published in the Official Newspaper of the Canary Islands (BOIC No. 3) on 7 January 2015 and effective since 8 January, 2015 [2], was passed by the Canarian Parliament after being jointly proposed by the Canarian Nationalist Parliamentary Group [3] and the Socialist Parliamentary Group, and approved by absolute majority by these groups, plus the Mixed Group of the Canarian Parliament, it seems convenient to contextualise the law within the general framework of the regional public “Radio and Television Networks” (hence RTVNs), to describe the different phases and models experienced by the different regional RTVNs before facing the current generalised crisis, and to examine their missions in the digital age.

### 1. Contextualisation of regional public broadcasting

1. Contrary to what is normally said, entertainment TV is not going through a deterioration phase but through an expansion phase, both in terms of average broadcast hours and diversity of content, and for which the Internet is an ally, not an adversary. In Spain, 88% of the population watches TV and the average daily consumption per persons is around 4 hours (242 minutes per day according to EGM and 236 minutes according to Kantar Media). The average TV consumption rate in the Canary Islands is 9 points lower than the general average rate.

There is a significant rise in cable consumption (14.1%) at the expense of Digital Terrestrial Television (hence DTT). The autonomous communities that watched cable TV the most are the Basque Country (41.3%) and Asturias (38.6%), while the Canary Islands is the community that consumes satellite TV the most (6.1%).

The level of Internet penetration is 55.6%, which includes internet-delivered TV [4]. While the Internet competes with television in terms of users’ consumption, it opens a window of opportunities for live and on-demand TV (TV programme catalogues in *catch up* TV) and for TV via PC or mobile devices. In addition, the internet promotes the configuration of a customised multitasking model that combines free-to-air TV (on a TV set or a PC), pay TV (satellite, cable or IP pay TV) and mobile TV. TV and radio have adapted and enjoy a window of opportunity to offer, in multiple ways, their generic programme and programming services.

2. The communication spaces traditionally linked to the (national, regional, local) territory have been shaken by technological changes that establish a new relationship. The new communication spaces go beyond these territories (not necessarily go through them) and, at the same time, territories and cultures (even more if they are very peculiar) see their relationships with other people and areas amplified in the international landscape.

Internet brings new demands to public service RTVNs. The media have to adapt to the new communicative uses and platforms, transcending the characteristics established by analogue radio and television. Traditional broadcasting media can retransmit via *online* or on-demand; can be part of multiple networks (by collaborating with other local agents and agents from other territorial and social spaces); can use certain tools to increase interactivity (messages, tweets, SMS, blogs, videos, apps, podcasts, RSS, wikis, online advertising) and can develop a specific and feasible programming

offer for the internet (IPTV) in multimedia platforms that include written content; and can encourage the blogosphere to talk about very different issues. This is a communication opportunity for the public media from the regional territories with strong identity.

3. Regional public service radio and television is a great asset of the Spanish public service broadcasting (PSB) system in comparison to the rest of Europe. Of the 17 Spanish autonomous communities, 13 have a regional PSB network (except for Rioja, Cantabria and Navarre, which have private Popular TV - and more recently the Valencian Community), which is generally absent in other countries and is maintained at a competitive cost. While the average financial cost of public service radio and television in Europe is €52 per resident, in Spanish the cost is €46 (Francisco Campos, 2012: 148 and 153). In addition, public service radio and television in Spain offers an added territorial service adapted to the diversity of communities. The cost per resident of radio and television in the Canary Islands was €17.88, the lowest in the Spanish system (a fourth of the most expensive system – Basque Country-, a third of the cost in the Balearic Islands and, practically half the average cost in Spain).

4. There has been a proliferation of TV channels, most of which are private and are part of a duopoly of private operators (Mediaset and Atresmedia) that attract 90% of advertising investment on TV and 60% of the audience (in comparison, 8 years ago they only reached 30% of the audience). This situation is not the result of changes in audience's preferences but of governmental regulations (the governments of Aznar, Rodríguez Zapatero and Mariano Rajoy) embodied in laws -the 2010 General Law on Audiovisual Communication (Ley 7/2010 of 31 March, hence GLAC) and its subsequent amendments, the Law on the Financing of RTVE (*Radio y Televisión Española*/Spanish Radio and Television)- and decrees (the subsequent Technical Plans for DTT, the distribution of local, regional, and private TV and radio frequencies, etc.) [5].

5. Audience levels in Spanish public service television channels have gone from 56% in 1999 to 25% in 2015. The harassment and erosion suffered by PSB in Spain in the past three years affects both national radio and television (RTVE) and the regional RTVNs. Rajoy's government reformed the socialist 2010 GLAC to authorise not only extended outsourcing (which was already implemented without legal protection) and to privatise the regional PSB networks and their programming. It is important to talk about gradual dismantling of the PSB system, of which the most serious example is the closure of the Valencian RTV Corporation.

6. All this has provoked an identity crisis in the more or less governmental models of the regional RTVNs (with interference in varying degrees and the consequent apathy in citizens) and in the outsourced models that are too similar to the private models and are not exempt from partisan influences. In both models there is a lack of correspondence between citizens' concerns and the missions of PSB.

The Spanish media model fits in the Mediterranean *polarized pluralism* model (Hallin & Mancini, 2004), characterized by a high degree of politicisation, clientelism and agreements between political, economic and media elites, including governmental interference.

7. There are serious difficulties in the financing of the regional model, due to the accumulation of a restrictive political commitment in terms of subsidy and public investment and the narrowness of the

TV advertising market. While advertising investment has dropped from 1.37% of GDP in 2008 to 1.03% in 2013 in general terms, it has dropped more markedly in the conventional media (TV, press, radio, internet, cinema, outdoor advertising) than in the non-conventional media (sponsorship, patronage, yearbooks, junk mail, point of sale, Corporate Social responsibility, fairs, mailing, merchandising, gifts, diverse marketing, cards, and directories). Advertising investment in TV has decreased nearly half from 3,082 million euros in 2008 to 1,703 in 2013. However, the TV sector where advertising investment has declined the most in regional TV where it went from 319.6 million euros to just 120.4 (a decline of almost one third) (Infoadex, 2014). This means that advertising investment in TV is concentrated in the private national television sector.

With wide variations between operators, the resulting average funding model for regional RTVNs is one in which 20-25% of funding comes from advertising revenue and 70-75% comes from the subsidy.

That decline and the forced need to reduce deficits imposed by the Government of Spain and the European Commission has led to budget cuts that have called into question the viability of regional RTVNs in some communities or have meant a reduction of channels, programmes, staff and in-house productions in the rest of the regional RTVNs.

8. The main victims of the resulting communication model are the (regional) meso-communication, the (local) micro-communication and the (community) socio-communication to the benefit of a free-to-air private model, distributed among two large groups and the growing pay TV market (in its cable and IPTV versions, since Digital Plus in the last quarter of 2013 had 1.65 million subscribers, 85,000 fewer than in the previous year). RTVE is experiencing a remarkable deterioration as it is gradually becoming incapable of reaching large audiences. In November 2014, the audience share of Mediaset was 31.2% (Tele5, 14.6%), of Atresmedia 27.1% (A3, 13.6%) and of TVE 16.2% (TVE 1, 10%).

9. After the regenerative process that began in 2006 (the RTVE Law) [6] and was abandoned early, an opportunity was missed to make a qualitative leap towards the European political and financial standards for the independence of the public media. The short trial of RTVE as authentic PSB from 2007 to 2010 had a dramatic, *thermidorian* setback in terms of independence and budget. In the second term of Rodríguez Zapatero (Zallo, 2010), the process culminated in the re-governmentalization with Rajoy's government, through the amendment of the articles of the law relating to the composition and election of the direction bodies. Here, the most damaging result for its plurality and prestige was the change in the way to elect the Presidency of the Corporation and the Council which was elected by absolute majority in the second round [7]. Currently, RTVE is in a situation of high politicisation, vulnerability and instability (three Presidents due to resignations over two years).

However, one can deduce that with the new democratic regeneration or re-foundation momentums there is an opportunity to develop public service broadcasting and projects.

## 2. Brief history of the different regional radio and television models

Four stages can be distinguished in the history of the regional autonomous RTVNs [8]

1. First stage: 1979-85 (the governments of the Democratic Centre Union and the Spanish Socialist Workers' Party)

The 1980 Statute of radio and television [9], approved by the General Courts during the era of the *Democratic Centre Union* party (*UCD* according to its initials in Spanish), considered the possible emergence of regional RTVNs. As a framework law, it applied to RTVE and those that could emerge, establishing a structural model that was very dependent on the government (Board of Directors, General Management, Advisory Council and Parliamentary Control Council) and contained mandatory criteria that in future all new entities should repeat, leaving to free regulation the number of counsellors, voting rates, and modes of appointment. The Canary Islands' public radio and television law was not an exception of this governmentalized model.

However, the development of regional RTVNs faced the opposition of the governments of both the *UCD* and the Spanish Socialist Workers' Party (*PSOE* according to its initials in Spanish), and for these governments the lack of a specific authorisation law appeared to be enough.

Nonetheless, in 1982 the Basque Parliament passed the Law for the Creation of the *EITB (Euskal Irrati Telebista/Basque Radio and Television)* [10], under a statutory jurisdiction and with its own network, starting its first broadcast on 31 December of that same year. The Spanish Government protested but transmissions continued. Catalonia passed the Law for the creation of the *ente Corporació Catalana* in 1983 [11] (renamed as the *Corporació Catalana de Mitjans Audiovisuals*), which began broadcasting in January 1984, but did not achieve a legal status until December of that same year, after the passing of the 1983 Third Television Channel Law [12], which authorised the State to provide this kind of broadcasting services to the communities that requested it, in a concession regime. Agreements to broadcast to neighbouring territories were prohibited [13]. The government -led successively by the *UCD* and the *PSOE*- always had in mind a third channel of TVE with disconnections and using the RTVE networks –following more the model of territorial centres of Great Britain and France than that of Germany- but the model did not transcend due to the Basque and Catalan overflows that were supported by their Statutes (organic laws).

The first autonomous RTVNs were thus born with social forceps, with the exception of the *Compañía de Radio e Televisión de Galicia (CRTVG)* created by the Law 9/1984, of 11 July by a majority of the People's Party Alliance, and beginning its transmissions year later, in accordance with the Third Channel Law [14].

As noted, the first regional RTVNs were born in the “historic nationalities” recognised by the Constitution. The missions at that time were: language, culture, self-government and national reality. And, in any case, like the next generation regional RTVNs, the first ones bet strongly on in-house productions and becoming major entities.

However, in all cases, RTVE saw the regional RTVNs as adversaries and not as allies and thus the former did not provide codes and links and made it difficult for the latter to carry out international and sports retransmissions. The Government vetoed their presence in the European Broadcasting Union and retained imported equipment in the Customs.

The Canary Islands also passed their law in 1984 [15] (already having passed the Third Channel Law) but its implementation occurred 15 years later in 1999. Conspicuously, that law dedicated the Title II

and its 6 articles to its participation in RTVE (which had a significant territorial and production centre at the time) and in particular to the assistance to its general delegate in the Islands. The same thing happened in the Balearic Islands, which despite having passed a Law early (1985) did not see its radio and television network in operation until 2005; and with Aragon, which despite having passed a similar law in 1987 had to wait until 2006 to see its TV Corporation with the implementation of DTT [16].

The pioneering regional RTVNs launched their second channel in 1986 (ETB 2, in Spanish) and in 1988 (Catalonia with Canal 33). Over the years, while EITB launched Canal ETB3 (today a children's channel), the Corporació bet on a more ambitious 6-channel model (today 4 channels plus one in HD), following RTVE's comprehensive model.

## 2. Second stage: 1986-1998 (the socialist government)

During the successive socialist legislatures led by Felipe González three regional RTVNs were launched: RTV de Madrid (Law of 1984, with broadcasts starting in 1989), *RTV Andalucía* (Law of 1987, with broadcasts starting in 1989 with two channels that currently offer the same programming, plus one HD channel) and *RTV Valenciana* (law of 1984, with broadcasts starting in October 1989 in Spanish) [17]. In 1997, *RTV Valenciana*, launched a second channel (Canal Nou Dos) in català-valencià, whose emissions ended with the Settlement Law of 27 November, 2013, supported by less than 60% of *Les Corts* (a percent needed, however, for the election of the Board of Directors as requested in the first Law) (Zallo, 2013).

The initiatives promoted by the PSOE were not random. They were justified with discourses about equality, education, territorial articulation, social cohesion and economic development and the development of the local audiovisual industry. But it is more than likely that they also attempted to manage the public opinion in territorial frames prompted by the advent of private TV in 1989 (Private Television Law 10/1988, of 3 May) [18] and by the need to counteract the nationalist and popular regional management entities (like the Basque Country and Catalonia, and Galicia, respectively).

The Federation of Regional Radio and Television Organisations (FORTA, according to its initials in Spanish) was founded in 1989 with a view to the syndicated purchase of rights, possible agreements of joint production, associated advertising, and exchanges of information materials.

After those two stages, the resulting model was, in general, one of entities with a general-interest channel and a specialised channel, with the exception of EITB (which had two general-interest channels, but with language specialisation) and Catalonia, which adopted a model more akin to that of RTVE: a general-interest channel and several specialised channels (news, culture, children, sports, etc.). But since Catalonia had two multiplex, one public and one private, Pujol assigned the latter to Grupo Godó.

## 3. Third stage: 1999-2011 (DTT)

At the end of the first decade of the 21<sup>st</sup> century, new outsourcing management models arrived with the new RTVNs. The pioneer, before DTT, was *RTV de Canarias* (1999). This was followed by a trail of other 6 public operators that had -before the adjustments- with 16 (DTT) channels, including those broadcasting in HD. Thus, for example, the Law 2/2003 of 17 March of the Principality of Asturias created the Public Communication Entity of the Principality of Asturias, adopting the outsourcing

model, by delegating programming and management to TV production and service companies. In the first decade of the 21<sup>st</sup> century, the number of regional operators went from 6 to 13, and the number of channels, before the current adjustment, went from 10 to 37 (including HD repeats), of which 22 corresponded to the 6 operators of first and second generations.

In 1997, Aznar's Government took advantage of the Law 66/1997, of 30 December, on Fiscal, Administrative and Social Measures to include in the additional 44<sup>th</sup> Regulation an unexpected provision: the legal regime of digital terrestrial sound broadcasting and digital terrestrial television [19]. A year later, in 1998 the government introduced the Technical Plan with 5 national multiplex (20 programmes) and a regional Multiplex for each Autonomous Community [20]. The fact is that in the absence of digital receivers in households, this plan failed (the failure of *Quiero*, licenses to broadcast *El Mundo* and *Vocento* which, ultimately and via *simulcast*, started broadcasting in analogue, where the market still existed) (see García Castillejo, 2009).

In 2005, the new Technical Plan of the Socialist Government [21] sought to stop the paralysis. It assigned two multiplex to each community (three in Catalonia) although the acid test was the analogue blackout. In the same year, the Law 10/2005, of 14 June [22] abolished the maximum limit of three private concessions, while the 2005 Royal Decree on Development [23] approved the launch of a new analogue channel (*La Sexta*) and authorised Canal+ to broadcast free to air (*Cuatro*). These decisions rendered useless the previous expensive strategy of the Localia group (Sogecable-Prisa) and Vocento group (also with licensed), to enter the local TV and regional private TV markets to form networks, Italian-style. They were trying to sell local TV concessions and facilities.

DTT was the starting signal for low cost television companies, based on an outsourcing model that was used even for news content (except in Castile-La Mancha and Extremadura) and with low budgets ranging from 15 to 43 million euros (in Aragon and Canary Islands, respectively) and far away from those of Catalonia (5 channels, 155 million).

The arguments were somewhat different to those of the previous periods. They were justified on the need to provide regional information, contribute to cohesion, reinforce identity, promoting the audiovisual sector and economic development, normalise and spread the regional languages (in the cases of the Balearic, Asturian and Aragonese languages) [24]. However, the truth is that the allocation of a minimum multiplex to each community almost forced the Autonomous Communities to bet on providing public operators.

The general model of this third wave of public operators under a mixed regime consists today of 1 channel (and other in HD) except in the Canary Islands and Asturias (with another cultural channel, today in stand-by mode in both cases).

#### 4. Fourth stage: crisis of the regional RTVNs and re-conversions (2011-2015)

Subsequent regulatory changes to the GLAC of Rajoy's Government (Law 6/2012 on Management relaxation for regional public service TV channels and the Decree-Law 15/2012 on the modification of the administration of the RTVE Corporation) have meant a depth charge against the entire public system (the re-governmentalization of RTVE, the reduction of channels including international ones, the privatisation of operators and formal confirmation of the outsourcing of news which was already

occurring in several regional TV channels, including in the Canary Islands). The widespread declines in public spending appeared as the legitimising factors for these privatisation options.

This situation does not benefit the local audiovisual sector (except in Asturias) but the centralised audiovisual groups such as Vértice 360 (in insolvency proceedings since April 2014), Secuoya, Media Pro, Plural Entertainment and Telefónica Servicios Audiovisuales.

In summary, regional RTVNs in general have experienced strong adjustments. They have seen the weakening of their general content offer and the production area as well as their international satellite channels (which are disseminated over the internet). Two situations have taken place: the effective disappearance of channels (Madrid, Andalusia, Catalonia, Galicia, the Canary Islands) but not of the entity itself; and the outsourcing of management (all TV channels born with DTT plus the Canary Islands) to production companies whose workers face more precarious working conditions, reduced staff and are closer to the private TV management model (little structure and multiple orders and purchases of programmes and services).

In fact, today the number of corporations that have their own programming, and excluding HD channels, stands at only 12: 5 classic corporations with only 9 channels (while in 2011 there were 19 entities, or 22 if we include HD channels) and 7 recent regional operators with only 7 channels altogether. A total of 16 channels.

### 3. The mission of public service broadcasting

It is important to highlight some of the missions set for regional PSB (Zallo, 2011: 334 and subsequent pages).

1. Protect such assets and rights as **diversity** (a necessary condition for pluralism), which facilitates the encounter of identities. Although it is a parameter subordinated to the criteria of PSB, audiences monitoring is a necessity linked to PSB seeking general-interest programming for an audience of reference, with specific attention to all kinds of minorities, whether by age groups or social profiles in certain programmes (child, youth, female, elderly, and immigrant audiences).
2. Contribute to the articulation of our own **communicative and cultural space**, with a double aim: to create a self-referential public opinion and to develop a collective identity. To this end, we can use conventional radio and television and new networks. Multi-screen activity poses new demands to the purposes of PSB in the non-linear field, without considering its entire assignment to the private sector.
3. Promote **cultural** memory and normalisation (and linguistic culture in communities with minority language through positive discrimination), the knowledge of the different cultural and artistic expressions, innovation and creativity. With particular emphasis on enhancing the audiovisual and music sectors (including quotas, for example) and giving special importance to the promotion of cultural dissemination.
4. **Social, political and cultural integration** requires the generation of a formed public opinion and the articulation of the social fabric and its cohesion. Social influence -in information, culture and



equality and solidarity values- on the general population will not be oblivious to the level of exemplarity in the development of self-government and the collective exercise of democracy.

5. Keep **closeness** as one of its main assets. To do so, it is necessary to promote participation, the organisation of the right of access and social dialogue, in the conviction of contributing to social reflection and adaptation in a time of profound changes.

6. Give priority, as backbone, to **information** in all its forms, and to become the main reference in audiovisual information, based on its objectivity and depth, contributing to the formation of a mature and plural public. The work of a News Council is imperative. However, also needed is the promotion of creativity and quality entertainment, but not based on the imitation of private TV models, as they are specialised in the most banal type of entertainment.

7. The **quality** of all the programming would go through independence and professionalism in management of the production, programming and the public enterprise, by offering a general-interest programming in its double meaning (for the heterogeneous public and a multi-genre offer) and by offering a diversity of offers (to all audiences and citizens, including interactive services and e-government).

8. Boost own internal and external **productions** of programmes, in order to take advantage of the human resources of the public radio and television and promote the development of a strong and strategic audiovisual industry, in the industrial, economic and professional sectors of the country. With special sensitivity for the independent audiovisual production, with the consequent promotion of the creation and the production of own contents.

9. Ensure internal **universal access** to transmissions and maximise the dissemination of production towards the part of the community living in other countries, taking advantage of satellite and internet for this purpose.

10. Cover activities of interest to the **public space** (institutional and parliamentary activity, civic education in values, social problems, social services, human development) and facilitate the **right of access** to different groups and the less powerful social sensibilities so that they can communicate directly as community radio stations have traditionally done so with some sectors.

11. Act democratically and efficiently in the political, social and economic **management** of PSB. The objective is to optimise resources (balancing public and commercial contributions), based on the systematically evaluated principles of legitimacy, professionalism, efficiency, independence, innovation, neutrality, transparency, accountability, subsidiarity and proximity.

12. Given the % of public funding, the principle of proportionality puts the emphasis on **public service programmes**, as the EU mandates. The principle of transparency should be applied to the understanding of the cost of each programme unit and each channel. The PSB entity should explicitly be responsible for a well-defined service, by way of public financial compensation for the obligations of PSB. In regards to the digital PSB, the *value test* required by the European legislation, must meet the objectives of pluralism, transparency and citizen needs, literacy, and common interest.

#### 4. Notes on the Canary Islands' broadcasting system

The Canary Islands' public RTV Law (Law 8/1984, amended by law 4/1990) briefly highlighted, in its article 3 g, the principles of “defence of the **identity, values and interests** of the Canary Islands' people as well as the promotion of coexistence and solidarity (...)”.

However, in its implementation, in 1999, a “**mixed management model**” was adopted (Bustamante, 2013: 179). During this first stage the management was awarded, after a bidding contest, to SOCATER (which has strategic and technical control of Sogecable, Grupo PRISA), which was given total control over management, programming and news programmes and, in addition, received production rights. This decision contradicted the Spanish legislation, as ratified by the ruling of the Supreme Court on 5 October, 1999. This did not mean the suspension of the transmissions but of the precautionary suspension of the bidding for the programming supply contract. Subsequently, the legislation was modified to respond to the ruling of the Supreme Court, and to amend the shameful results in programming and audience during that period.

In 2007 **Videoreport Canarias** was commissioned to manage the Canary Islands' television information for a period of 8 years. It provides facilities, management, equipment and personnel. The only resources that belong to the public entity are the editors, who control the editorial line, and hold the production rights and are responsible for the management of archives. Videoreport had as control shareholders Vértice 360 (34%) and Antena 3, through its subsidiary News Agency Vnews (30%), managed by the Sequoia group, and in this way since 2013 it depended on the Tres60 group, acquired by the venture capital fund HIG. It has two production centres (Las Palmas de Gran Canaria and Santa Cruz de Tenerife) and, in 2010, a workforce of about 300 people, including temporary, project-based and permanent.

Regarding **programming**, the preferred genres in 2010 were fiction (680 minutes a day, the second biggest -behind *7 Región de Murcia*- among all regional TVCs), news (297 minutes), variety (99), culture (86), sports (74) and infotainment (the highest at the time with 42 minutes) (Roel, 2012: 73).

In terms of **audience shares**, it started in a weak 5.4% share in 2000, then increased to 10% in 2010, and but decreased again to 7.1% in June 2014, according to EGM and Barlovento. This is a significant decrease, as well as in other regional TV networks. With these percentages, Canarian TV position itself in the average audience share zone among regional TVCs. It leads in the noon news slot, but not in the prime time evening slot. Its audience is mostly composed by people of certain age and low and low-middle class background (Marta Roel, 2012: 66).

When comparing the **democratic quality** of news content from various public media (from the Balearic and Canary Islands) and private media (CyLTV and Navarra TV) and based on indicators of information quality and degree of political representation, Gómez Dominguez Pablo and others (2014) pointed out five general conclusions: the inescapable presence of regional TV so that there is at least local information; the general neglect in investments to improve the quality of the understanding of news; the priority given to the agenda of the party in power, with the consequent reduction in political pluralism; the poor news coverage in the less populated areas of those communities; and the tendency, as in other territories, towards infotainment.

## 5. Comments on the new Public Radio and Television Law of the Autonomous Community of the Canary Islands (Law 13/2014, of 26 December - BOIC No. 3 of 6-1-2015)

We will not discuss the text as a whole but will focus on the most important issues and will make reference to the draft-bill and the amendments made by the different groups. The final draft of the law was supported by the nationalist, socialist and mixed groups. The latter group saw some of its amendments admitted (extension of the preamble referring to the insularity and the opportunity of new technologies for the development, expansion of article 2 with reference to the Fiscal and Economic regime; some new principles in article 3; the establishment of the duration of term of office to six years instead of nine).

### 5.1. A partially exploited opportunity

1) The redefinition of PSB in a dual context **must be praised**: the context of deterioration of the regional PSB entities at the national level; and the context of social promise of a new era of democratic regeneration.

Even if it was by the variation of the models (by the application of the GLAC and the wake of the reforms produced in RTVE, Catalonia and Andalusia), the law is very different from the 1984 model and is inclined to the leadership of a parliamentary majority instead of that of the Government. It also includes the important right of access in article 27 and the News Councils in article 23.

In the strict terms of the transposition dimension of the GLAC it should be noted that, in general terms, the new law is positive, especially with regards to the organic and functional articulation in which it focuses (this is, for example, something that EITB has not done and continuous structured by a 1982 law and its partial amendments), although it has lost the opportunity to make a **deeper change** both in general terms in the real nature of the entity, the linking of the governing bodies with society, the reaches of PSB, and the opportunity for an adaptation to the digital age.

2) The Law should have been preceded by a **Canary Law on Audiovisual Media and Audiovisual Council [25]** with the subsequent debate on the general (both public and private) audiovisual system of the Canary Islands. An important aspect in the second part of this hypothetical law (on the Council) is that it did not previously delve into the interesting and improved 2010 draft bill which considered the creation of an Audiovisual Council in the Canary Islands and was kept in a drawer waiting for better times like these. If such a body had existed with the mission to ensure pluralism, quality, and access, this would have helped to the development of the law and to deepen the implementation of principles and the technical development, and would have given credibility to the missions that the law provides in its article 3.

The private field itself, so important and not included in the PSB Law, could have only been approached from a more general law that also regulated obligations on local and insular RTVNs (cultural, musical and news quotas; detachment hours in FMs radio stations, etc.) and included surveillance through a Council that is non-existent today.

However, article 40 provides for future “audiovisual authority” but unfortunately limits its initial function to “the monitoring of PSB compliance”. It is to be expected that if the law on the

Audiovisual Council is ever approved, this article 40 will be reformed when they realise that an audiovisual authority has more functions apart from monitor.

3) The reasonable things to do in such an important PSB law would had been to **carry out a prior review of the Canary Islands' communicative system and a development plan** for it. And that has not occurred.

In the absence of a prior law on the audiovisual media and the audiovisual council, it was necessary to at least carry out a previous diagnosis and an audiovisual and communicative strategic plan to get social and political reflection necessary to avoid an exclusive SB Law with risks of being obsolete and outdated from the outset or as *ad hoc* and isolated proposal.

This general discussion would have facilitated the definition of the characteristics and demands of the context of the digital age in which we now live; the definition of the current communicative system and its problems; the clarification of the public, private and community goals; and the definition of the strategic horizon of the PSB institutions.

This would have given continuity to the Strategic Plan for the Cultural Sector that the Government of the Canary Islands approved in 2009 as a general opportune guide on culture, of which the communication and audiovisual industries are part. However, if that guide had been hardly followed, sadly the path to knowledge and planning would had been abandoned. If the Autonomous Community of the Canary Islands had continued applying that Strategic Plan for the Cultural Sector, monitoring and planning its communicative system taking into account the digital era and an audiovisual council law, it would have been at the top of the Autonomous Communities in preparing its cultural and communicative future in the digital age. This was a missed opportunity.

All these problems have not been debated on the PSB law of the Canary Islands, which is focused on the question of legal adaptation to the 2010 GLAC, which is already obsolete and outdated by the communicative practices of users in the digital age.

## 5.2. On the nature of PSB and the law's principles

4) A very basic issue is that the law bets on the **total outsourcing** of both general programming and news contents, although its formulation is specific to the Governing Council (what once was the Board of Directors of the entities)

Article 7.5 states: “The public body RTVC [*RadioTelevisión Canaria*] and its public service providers may assign to third-parties the production and editing of programmes in accordance with the mandate (framework) and whenever the Governing Council decides so. The public body RTVC will boost the production of its programming through direct production or through cooperation agreements with the audiovisual and cultural sector of the Canary Islands...”

It is true that this is optional, but having seen the history of the outsourcing model that RTVC inaugurated at the national level, it reflects a clear commitment to continue with this model, which is reversible given the double condition established by the framework mandate (that is, by the Parliament which is competent to approve it every 6 years) if it decided so, and the Governing Council accepted the decision.

Article 31 authorizes biddings for the “private exploitation of certain time periods or specific programmes in television channels and radio stations”.

No amendments were made to these articles, so we have to understand that they are common culture of the Canary Islands’ political class.

In principle it should be noted that PSB is best done by direct management than through outsourced management, although the outsourcing of part of the production is inevitable and necessary to innovate and avoid engaging in excessive structural loads. Regional RTVNs of the 1980s and 1990s did not outsource management to meet their PSB missions, which resulted in the strengthening of their responsibility in the provision of PSB, their continuous improvement and greater experience in the management PSB itself. Allegedly it is cheaper to outsource but this is not always the case because private enterprise must obtain an industrial benefit that will be added on top of the costs. What is certain is that outsourcing companies will sacrifice quality in order to make a profit when their expectations are not met. The energies of intermediation deployed by authorities to verify the fulfilment of obligations of an external company and the permanent negotiations with the bidding company to make it fit the terms of the agreement could apply to the management of the public body itself and its programming.

In any case, it would have been desirable to **point out explicitly the rejection to outsource the management of news programmes** since they are the hard core of the creation function of the plural public opinion entrusted to the PSB (in almost all countries with strong PSB the production of this type of content is prohibited) despite the amendment introduced by Rajoy’s Government in the GLAC, which authorised the outsourcing of the general programming and news as well as the privatisation of regional RTVNs. In any case the GLAC authorises it, but does not make it mandatory.

This is a regional political issue of betting either on pure PSB or an improper PSB divided into private and public TV.

5) Article 3 on the **principles of PSB** was quite comprehensive **but also had room for improvement**.

Article 3 on “the attributions of the public service radio and television and principles” is interesting and we will point out some ideas that could have improved it [26] and demanded a greater synthesis in an already lengthy and repetitive:

-There is a striking absence of the Canary Islands’ popular culture and its current social and cultural expressions (the text encourages the promotion of knowledge with a paternalistic tone but not the exhibition of popular knowledge) given that the Canary Islands’ TV has been good in the production of folkloric and ethnical content.

-There was a reference to generate a cultural and communicative space in the Canary Islands (in line with the Strategic Plan for the Cultural Sector) which, moreover, is necessary to create its own space of public opinion;

-Article 3 is focused on the “wider audience” (paragraph 2 f), which is a debatable term because it is a quantitative statistical abstract and it would have been better to refer to society, which is another thing.

-There is a lack of reference to mandatory need to pay attention to all kinds of social and even political minorities, which make up the social diversity (and are today neglected by the private media) and which is one of the strong missions of PSB. This is weird given that article 24.3 makes references to “social groups requiring specific attention”, although it focuses on children and youth, and to (unspecified) “certain groups” that should be attended in “relevant issues”.

-The bet on the credibility, personality and identity of the entity (which is recognised as a principle and in article 24);

-The promotion of the Canary Islands’ cultural memory (not just audiovisual archives);

-Link the integration of minorities to the respect for their diversity;

-Promote close and social communication;

-There is no inclusion of the idea of efficiency in the social, political, resource-based, and economical management of the entity.

These issues are not rhetoric but obligations and legitimations, and criteria for the regular evaluation by an external evaluator.

6) Article 2.1 contains the restrictive concept of **pluralism and participation** when it only aims to ensure “access of the most representative and significant social and political groups”, i.e. of those groups that already have access to the media. This observation did not need the saddlebags of this redundant formulation when the focus should be, in any case, to ensure the access of the least represented [27] and usually most neglected groups in the media [28].

It is not a casual formulation because, again, it is addressed with similar wording in the important article 27 concerning the “pluralism and right to access” in paragraph 2 a) argues that the right of access will be applied “through the participation of the significant social and political groups as sources and carriers of information and opinion for RTVC programming”. This can only be interpreted as a possibility of veto to less significant sources with the risk of generating an informative plutocracy, based on the parliamentary majority, which controls the targets of programming.

### 5.3. A law for the analogue era?

7) The draft bill was already very characteristic of the **analogue era**, and this became clearer when the self-amendments to the original draft by the Canarian Nationalist Parliamentary Group and the Canarian Socialist Parliamentary Group (which also presented the draft) were accepted.

Although there are digital issues that may not be made very explicit, given the fast technological evolution and the organic and functional nature of the law, the preamble should have pointed more in the direction of the transition from analogue TV to the digitisation of communications, and article 1 could have stated, for example, that it applied to “any transmission platform and content format” in order to open the door to new multimedia services beyond TV and to forms or windows in which to present it.

Thus, the self-amendment No. 3 made by the nationalist and socialist groups results inappropriate, suppressive of the expression contained in the draft about the “dissemination and transposition of its contents on the internet and on social networking sites”. However, to suppress this door to a wide entrance to the world of the Internet the parliamentary groups alleged that this was made to conform to the GLAC, the truth is that this general law, being basic, does not prevent anything in this direction. Including the phrase “the transposition of its contents through new technologies” does not seem sufficient to compensate that suppression because the reference to the new technologies had been made before and it does not mean much (they are always included).

A better direction was that of the self-amendment to article 3.3 which states that “new interactive and related services capable of enriching the programming offer will be developed”. However, this is insufficient because it subordinates the development of new services to TV programming, and does not make clear whether the development of new public services not strictly related to TV will be authorised and whether it will take advantage of the opportunities offered by the Internet to provide services beyond TV (written content, specific multi-media, regional websites, clips for social networks, etc.).

What matters is not just how the conventional production of RTVC is transmitted digitally (in delayed form, through a database, in *catch up* and on-demand, or with new windows of access for users), but to have an open door to produce directly to the Internet without restrictions and with PSB missions.

It is reasonable for the law to exclude itself from a pure PSB web communication and to go beyond radio and television? Of course European business groups demand this self-restraint. But the European advocates of PSB respond by explaining the need for PSB also in all digital media (without this preventing gigantic private developments) and even more when large digital intermediaries dominate the online world.

This self-limitation is not fixed by the extension introduced by the mixed working group in the final part of the statement of motives of the preamble (last four paragraphs) since it confines the advantages of the new technologies to the overcoming of the difficulties posed by the insularity of the islands and to the economic motivations without arguing about the expansion of public service through digital resources of any kind.

8) article 2.2 confines PS service to radio and TV signals and has removed, in response to the amendment of the socialist and nationalist groups, the reference to “**coded contents**”, which appeared in the draft bill.

Does deleting the word “coded contents” refers to the actual fact that the Canarian TV can be watched in the encoded Digital+ format? Is RTVC obliged to use all means possible to present public service programming in a range of private programming offer, particularly when it does not renounce properly (art. 2.2) to the national and international fields? [29]

#### 5.4. The entity and the Governing Council

9) There was a wasted opportunity to transform RTVC from an Entity -subjected to public law- into a **Corporation** –subjected only to commercial law- and to allow the relaxation and streamlining of management, as RTVE, the Catalan Corporation or Aragon did. Would this involve also amending

the Canary Islands' general legislation regarding “entities governed by public law”? This is not for sure, if the interpretation of other communities is based on the national law.

In fact, a Public Entity is a public body whose main governing bodies depend on the Administration: a) the Board of Directors and b) the Chairman of the Board of Directors (formerly General Director) as a unipersonal body that has tended to be more of a Commissioner or Government delegate in the previous legislation.

A corporation, on the other hand, is a public limited liability company, of a commercial nature, but with entirely public capital and with the missions of a PSB provider, with management autonomy and functional independence of the Government, although attached to a certain Department of the Administration. This figure fits more with the assignment to the Board of Directors of a function of direction and management and not of mere surveillance or verification of the activity of the General Directorate as it has been traditionally done in the regional debtor laws of the 1980 Statute of radio and television.

10) Article 5 leaves for later the **assignment** –only of budgets and responsibilities- **to a Department** (or presidency) of Government.

Why not to explain its attachment to the Department of Culture which is the competent department in Audiovisual matters? Culture and communication are now always together; and it can be the most neutral and suitable department for traditional PSB missions. The Presidency of a Government –to which this function is often assigned as an alternative in some communities- is more tempted to interference.

11) It is a good idea that the Framework Mandate –by amendment accepted by the Mixed Group– is current for **6 years** (instead of 9 as it is the case of RTVE and as noted in the preliminary draft) because it allows the Canarian Parliament to discuss the general theme of communication each two three-year plans –it is euphemistically called the “legal instrument” in the text– that is, each two contracts-programmes, and more with the rapid technological changes and of uses that make the 9-year validity a very long time. It should be remembered that the Parliament discusses the Framework Mandate but it is not competent in the three-year and four-year contracts (agreement between the Government and the Entity to execute the mandate and the law by which it is compensated with public funding).

It is also consistent with the 6-years duration of the mandate of the Governing Council, that is more than one legislature, and this another reason to achieve maximum representativeness of all sensitivities.

12) There are good and bad things about the **Governing Council**.

The reduction of the number of yesteryear members (8+ General Directorate) to 5 is appropriate, and, above all, the primacy to managers with experience in public and private entities or in the field of communication, in replacement of the 1984 Law's political representation character.

However, it would have been interesting to note in article 11 that, at least, two members had to belong to one of these two categories - experience in management or in communication- to avoid that the 5 members are from the same field.



The detailed consecutive stepping of article 11 from the 2/3, 3/5 and the absolute majority for the **election of the members of the Governing Council** (prior to the Administration) is striking, although it seems correct. The objective is to avoid the blockade.

Also appropriate seems to be the fact that the Presidency of the Governing Council is chosen by the Canarian Parliament from the members of the Council already chosen and that this is verified with the successive 3/5 formulas and absolute majority.

Anyway is more plural and forced consensus which contains the 2007 Andalusia RTV reform (art. 18.1), in which is staggering just between the proportions of 2/3 and 3/5, and without recourse to the absolute majority, to force minimum consensus guidelines.

However, as this is a **blocked list**, it allows an agreement between two parliamentary groups (traditional in the Canary Islands) to leave the third or fourth parliamentary groups without the possibility of influencing the composition of the Governing Council, which does not seem correct in a body that should be **representative** of all sensitivities and should transcend a parliamentary term.

The combination of stability with proportionality would had fitted **open lists**, like the ones used in Catalonia, taking advantage of the distribution of power in the minimum of majorities required to make room for minorities.

13) Article 16.1, which establishes the **duration of the Presidency to only 3 years**, is not understandable and does not seem compatible with paragraph 2 of the First transitory article which excludes it from the first renewal process. It would seem reasonable to establish the duration of the presidency in 6 years –in order to settle down and give continuity to the functioning of the entity– implying only the second partial renewal [30]. It would be a functional loss in the event of a good presidency.

14) In article 13.3, the proposal to **dismiss** the whole Governing Council if there is a 20% decrease in the income foreseen in budgets (from advertising revenues), which largely depends on the market, seems exaggerated [31]. More reasonable is the other reason: a 15% increase in budgeted expenditure.

15) Likewise, article 14 does not demands **full-time dedication** from counsellors, with the exception of the President. Since the number of counsellors is so small (5) unlike other RTVNs and in order to avoid total control from the Presidency of the Governing Council, this article could have been proposed a regular/constant dedication accompanied by a proportional compensation, to be specified in the future regulation.

16) Since the Governing Council is an administration and Government body (art. 9) it is strange that it is deprived of an essential, relational and financial function, on behalf of the Presidency of that same body, given that article 15 4. K) limits its competence of approval to **contracts, covenants, agreements and legal business deals** of a multiannual nature amounting to a million or more euros. In other words, all business deals or annual agreements of any amount are out of the competence of the Governing Council and it only votes on multiannual decisions exceeding one million. It is inappropriate because the Presidency could systematically sign only annual agreements or consider a 999,000 euro multi-year agreement and leave the rest to the Governing Council. It

suggests, however, that the Council should be informed and it would be subjected to discussion under the authority of the Presidency.

17). Also insufficient seems to be the fact that according to article 15.4 g) the Governing Council can only approve “basic guidelines on staff-related matters” which gives the Presidency an excessive decision-making ability. It would have been convenient to make explicit **the competence of the Governing Council in all staff-related matters** –as noted recommended by the People’s Party Parliamentary Group– although it would have been excessive to extend this competence to the “dialogue with union delegates”, which seems to be a matter more related to the competences of the President of the Governing Council.

18). To avoid the *revolving doors*, it would have been convenient for article 11.6 to **extend the veto to become member of the Governing Council to audiovisual media businessmen** who supply materials or programmes not only to RTVC or RTVE, but to any other media, since they could become part of Council to influence future contracts.

This article was improved with the acceptance of the People’s Party Parliamentary Group’s amendment, which proposed expanding incompatibilities for membership to the Governing Council to people in public office and elected positions, although it is accepted that these people can resign to their positions to become part of the Governing Council. Anyway the use of that possibility is a bad signal because it has traditionally been used to put in the Governing Councils of public RTVNs people that are part of the party *apparatus* or the parties’ communication cabinets, which ruins the credibility of PSB providers.

19). There is a reasonable bet on the existence of **different administrators** for the societies of the entity (art. 19.2. j) –Public Television of the Canary Islands, Public Radio of the Canary Islands and any eventual investee company– as it is normal since they are different societies, thus rejecting the figure of the sole administrator proposed for the President of the Governing Council by the People’s Party Parliamentary Group. If amendments 37 and 38 of the People’s Party Parliamentary Group had been accepted this would have generated an excess of power and opacity as it would give all the competence in economic matter to the same person who is also responsible for policy. A system of balances and mutual surveillance between Presidency and directors of the RTVNs seems to be less risky.

20). The staff regulations of article 37 are flawless as it institutionalises the “entrance tests” and rejects amendment No. 58 of the People’s Party Parliamentary Group to article 37. 4, which proposed limiting the offers of public employment in the Entity to new jobs or new workers.

According to the article, it is not possible to consolidate a workforce that has not passed **selective tests** simultaneously. In order to consolidate the organic workforce, public offers and tests are required, regardless of whether complementary points are given to the staff. I.e. this would combine internal and external workers.

### **5.5. An ornamental or effective Advisory Council?**

21). **The Advisory Council** established by article 22 is **not** the best possible option.

It is said that this is the council of social participation but that, however, Government and City Councils will appoint 14 of its 26 members, without even specifying the social skills required to be able to be appointed. Members of this council would meet every 6 months (which are not enough meetings to have impact) and when their presences is mandatory.

Their advising work to establish the general guidelines for programming, the right of access and the degree of fulfilment of the framework mandate are important, although their effectiveness will depend on the specifications included in the organic regulations prepared by the Governing Council, of the resulting team and the leadership of the Presidency. Thus, the advisory council can turn out to be a Sanhedrin of validation or a proactive body of effective control.

The fact that the vast majority of its members come from political representation or a representation of approved social and private institutions, and that others are chosen by the Governing Council (which will not be inclined to designate uncomfortable people) gives little opportunity for the creation of an innovative, stimulating, critical and surveillance body.

The normal decision would have been to have 26 members representative of the plurality of society. Their selection could have been made from two parts: one part from among people of recognised social, sectorial and organic representation (proposed by the organisation from which they belong, for example unions and workers' associations with links to the audiovisual communication, information and advertising sectors and always among persons with competence in the field of communications or any of the three educational levels, being the university level linked to communication); and another part from among people who, without having organic representation, are chosen in a justified manner by Parliament (a list completed by a 2/3 majority) and not the Governing Council, *ad hominem*, among active and competent people who, moreover, reflect different social realities.

That second part could have been composed, for example, of: communication professionals; members of civic and cultural associations both prestigious and representative of minorities or large groups - such as women- that ensure the right of access; members of media users' associations (including the internet); workers representative of the Entity or the Corporation and their societies; associations of disabled people, etc.

It would have been interesting to have incorporated the amendment of the Mixed Group, who pointed out that the Advisory Council, in addition to 'participation', had a 'surveillance' function, which could have been formulated in the preamble and in article 22.1.

## 5.6. News councils

22) As a participation body for information professionals, article 23 establishes **the News councils** to ensure the independence, objectivity and veracity of the news services. It is a progressive article which follows the footsteps of the RTVE law.

Here it is important to highlight their role of ensuring the independence of news professionals (e.g., avoiding the release of news dictated by management or altering news stories signed by journalists), promoting the editorial independence of the entity, by “disclosing the editorial line before the dissemination of news”, by informing “on a regular basis, the broadcast news programming”, and by

informing “with non-binding character on the proposals for the appointment of directors” of news programmes.

There are certainly some sensitive issues left to be addressed by the future regulation: the conscience clause, professional secrecy, disclosure of sources, efficiency of the defence of media professionals, mobbing, among others. We can expect this future regulation to consider the possibility of official news issued by the news council of each society of the entity on the occasion of internal conflicts with the direction so that the public opinion takes into account the different versions.

It would have been interesting that the recognition of the non-binding mandatory information of news councils by article 23.2 e) in the appointment of the news service directors [32] had been used beyond that point in both directions: by surpassing the function of informing about the appointments (*nihil obstat*), which is neither a right of veto; and by extending it to article 15 4. b) in the appointment of the management teams of the different societies.

### 5.7. Economic management

23) Having commented on the contentious issue of “the private exploitation of certain time slots” (art. 31.1), it seems reasonable to ignore the issue of borrowing for ordinary exploitation and to only except **indebtedness** for investments in fixed assets (art. 34) since these yield results and are redeemable in various exercises.

Equally (art. 35) establishes the figure of the “**multiannual action programmes**” with economic data of the financial year as well as forecasts for the next two financial years, which is similar, but not the same as, the figure of the triennial Contract Programme (the framework mandate with a duration of 6 years would be materialised in two Contract Programmes) that certainly, in several communities, and due to the decline in audience levels and revenue during the crisis, have failed to execute the planned Contract Programmes and have renounced to do so except on an annual basis (the Basque case in the stage of Patxi López). It is to be expected that after this general stage of turbulence the regular model of Contracts programmes will be adopted.

Article 36 concerning **accounting and external audit** (art. 36) establishes, as expected, the application of the Canary Islands’ Public Finances laws and the remission to the General Community Intervention. However, this article is missing to address to things: the analytical accounting to determine the actual costs per hour, programme or time slot and the need for a regular and independent external audit before the closing accounts and their referral to Intervention and the public hearing of the Public Accounts Committee.

In summary, the Law is a step forward for PS broadcasting in comparison to previous models but does not go far enough to strengthen the PS mission of its regional radio and television network in this stage of the digital revolution.

### 6. Notes

1. This report was developed after the adoption of the Law based on the lecture delivered in Casa de Colón, Las Palmas of Gran Canaria, on 22 November, 2014, (in response to the invitation of the Association of Cultural Management Professionals of the Canary Islands, and on the occasion of its Assembly-Conference, which examined the draft bill proposed by the Nationalist and Socialist

parliamentary groups of the Canary Islands and the amendments proposed by these groups as well as the People's Party Group and the Mixed Group.

2. Available online at: [http://noticias.juridicas.com/base\\_datos/CCAA/543155-1-13-2014-de-26-dic-ca-canarias-de-radio-y-television-publicas.html](http://noticias.juridicas.com/base_datos/CCAA/543155-1-13-2014-de-26-dic-ca-canarias-de-radio-y-television-publicas.html)

3. Amendments to the draft bill came from the Mixed Parliamentary Group (entry 3-9-2014, in the Canarian Parliament), the People's Party Parliamentary Group (entry 4-9-2014) and joint amendments (self-amendments in the terminology of this report) by the Canarian Nationalist Parliamentary Group and Socialist Parliamentary Group (entry 2-9-2014).

4. AIMC EGM October 2013 - March 2014.

5. 2010 GLAC, available at: <https://www.boe.es/buscar/Law.php?id=BOE-A-2010-5292>; Law 6/2012, of 1 August, amending law 7/2010, on Management relaxation for regional public service TV channels; Law 8/2009, of 28 August, on the financing of the RTVE Corporation available at: <http://www.boe.es/boe/dias/2009/08/31/pdfs/BOE-A-2009-13988.pdf>; Royal Decree 2169/1998, of 9 October, which approves the National Technical Plan of DTT available at: <http://www.boe.es/boe/dias/1998/10/16/pdfs/A34244-34248.pdf>; Royal Decree 944/2005, of 29 July, which approves the National Technical Plan of DTT available at: <https://www.boe.es/boe/dias/2005/07/30/pdfs/A27006-27014.pdf>; Royal Decree 439/2004, of 12 March, which approves the National Technical Plan of local DTT available at: [http://www.coitt.es/res/openlegislacion/RD\\_439-2004%20DTT\\_local.pdf](http://www.coitt.es/res/openlegislacion/RD_439-2004%20DTT_local.pdf); Royal Decree 805/2014, on September 19, which approves National Technical Plan of DTT and regulates certain aspects of the digital dividend available at: <http://www.boe.es/boe/dias/2014/09/24/pdfs/BOE-A-2014-9667.pdf>.

6. Law 17/2006, of 5 June, on State RTV available at: <https://www.boe.es/boe/dias/2006/06/06/pdfs/A21207-21218.pdf>

7. Royal Decree-Law 15/2012, of 20 April, amending of the RTVE Corporation's administration regime included in Law 17/2006, of 5 June, available at: <http://cdn.20minutos.es/adj/2012/04/21/1724.pdf>

8. For a more comprehensive account see E. Bustamante 2013 and Guimerà and Blasco 2012 (pp. 33-57), which have provided some references to this article.

9. Law 4/1980, of 10 January, on the Statute of Radio and Television (in force until 7 June 2006), available at: [http://noticias.juridicas.com/base\\_datos/Derogadas/r1-14-1980.html](http://noticias.juridicas.com/base_datos/Derogadas/r1-14-1980.html)

10. Law 5/1982, of 20 May, on the Creation of the Public Entity "Radio Television Vasca", available at: [http://noticias.juridicas.com/base\\_datos/CCAA/pv-15-1982.html](http://noticias.juridicas.com/base_datos/CCAA/pv-15-1982.html)

11. Law 10/1983, of 30 May, on the Creation of the Public Entity "Corporació Catalana de Radio i Televisió i regulació dels serveis de radiodifusió i Televisió from the Generalitat de Catalunya", available at: [http://www3.gencat.net:81/dgrtv/ftp/cllei\\_ccrtv.pdf](http://www3.gencat.net:81/dgrtv/ftp/cllei_ccrtv.pdf)

12. Law 46/1983, of 26 December, on the Third Television Channel (in force until 1 May 2010), available at: [http://noticias.juridicas.com/base\\_datos/Admin/l46-1983.html](http://noticias.juridicas.com/base_datos/Admin/l46-1983.html)

13. In 1999 the Third Television Channel Law was amended to allow agreements among neighbouring communities. It was applied only in Catalonia with Illes and part of Aragon, with reciprocity. On the other hand, it failed in the case of Catalonia with Valencia, and between the Basque Country and Navarre.

14. Law 9/1984, of 11 July, on the Creation of the Compañía de Radio-Televisión de Galicia, (available at: [http://www.xornalistas.com/documentacion/interior.php?txt=lei\\_crtvg&lg=gal](http://www.xornalistas.com/documentacion/interior.php?txt=lei_crtvg&lg=gal)) and amended by Law 3/2002, of 29 April, on Administrative and Financial Measures.

15. Law 8/1984, of 11 December, on Broadcasting and Television in the Autonomous Community of the Canary Islands (B.O.C. 132 of 17.12.84), with amendments introduced by Law 4/1990, of 22 February (B.O.C, 27, of 2.3.90) available at: <http://www2.rtv.es/corporativa/leyCreacion.aspx>

16. Law 7/1985, of 22 May, on the Creation of the Radio and Television Corporation of the Balearic Islands (in force until 1 July, 2011), available at: [http://noticias.juridicas.com/base\\_datos/CCAA/ib-1220585.html](http://noticias.juridicas.com/base_datos/CCAA/ib-1220585.html); Law 8/1987, of 15 April, on the Creation, organization and parliamentary control of the Radio and Television Corporation of Aragon, available at: [http://noticias.juridicas.com/base\\_datos/CCAA/ar-l8-1987.html](http://noticias.juridicas.com/base_datos/CCAA/ar-l8-1987.html)

17. Law 13/1984, of 30 June, on the Creation, organization and parliamentary control of the Public Entity of Radio and Television of Madrid, available at:

<http://www.madrid.org/wleg/servlet/Servidor?opcion=VerHtml & nmnorma = 229 & cdestado = P>;

Law 18/2007 of Regional Public Radio and Television managed by the Public Agency of Radio and Television of Andalusia (RTVA), available at

<http://www.parlamentodeandalucia.es/webdinamica/portal-web-parlamento/pdf.do?tipodoc=coleccion&id=24714&cley=18>;

Law of the Generalitat Valenciana 7/1984, of 4 July, on the Creation of the Public Entity Radiotelevisión Valenciana (RTVV), and regulation of broadcasting and television services of the Generalitat Valenciana, available at:

<http://www.ugtrtvv.net/cms/PDFS/MATERIALES/LleiCreacioRTVV.pdf>

18. Available at: <https://www.boe.es/buscar/doc.php?id=BOE-A-1988-11073>

19. See [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-1997-28053](https://www.boe.es/diario_boe/txt.php?id=BOE-A-1997-28053)

20. Royal Decree 2169/1998, of 9 October 1998, on the National Technical Plan for DTT (in force until 1 August, 2005) and amended by the Royal Decree 944/2005, of 29 July, available at: [http://noticias.juridicas.com/base\\_datos/Admin/rd2169-1998.html](http://noticias.juridicas.com/base_datos/Admin/rd2169-1998.html)

21. Royal Decree 944/2005, of 29 July, which approves the National Technical Plan for DTT, available at: <https://www.boe.es/boe/dias/2005/07/30/pdfs/A27006-27014.pdf>

22. Law 10/2005, of 14 June, on Urgent measures for the impulse of DTT, the liberalisation of Cable TV and the promotion of pluralism, available at: <http://www.boe.es/buscar/doc.php?id=BOE-A-2005-10069>

23. Royal Decree 946/2005, of 29 July, which approves the incorporation of a new analogue TV channel in the national technical plan for private TV, available at: <https://www.boe.es/boe/dias/2005/07/30/pdfs/A27016-27020.pdf>

24. Respectively, the Balearic català, the Asturian llingua, today in recovery, and the català from Aragon. Dialects of the Catalan language are spoken in Eastern Aragon, bordering Catalonia. They are recognised by Aragon's 2009 Law of languages, but the 2013 law renamed it as Aragonese language characteristic of the Eastern Area (LAPAO), to avoid calling it the Catalan language spoken in Aragon.

25. The first Council was that of Catalonia. Law 2/2000, of 4 May, on the Consell de l'Audiovisual de Catalunya, available at <http://www.ccma.cat/corporatiu/ca/com-funciona/regulacio/>. For an in-depth analysis of the regulatory bodies see the PhD thesis of López Cepeda (2011).

26. Amendment 5 proposed by the Mixed group was particularly interesting, when it promoted different television genres and the geographical coverage that has been incorporated into the text in article 3.2 e) and f). On the other hand, some sections of their amendments were more directed to the subsequent mandate Framework Mandate and Contract Programme. Particularly, the sections r), s) and u) were more suitable for article 24 concerning programming (for example, schedule European productions during the prime time) but they were not incorporated into this article.

27. This formulation of “less representative” was contained in the 1983 Law of creation of EITB.

28. The precision of a rejected amendment proposed by the People's Party Parliamentary Group for article 2.1 was interesting as it proposed to replace the formulation of the resulting text by the following statement: “ensuring access and representation of the plurality of social and political groups”. Had this amendment been approved, it could have protected the social and political minorities that are normally excluded from RTVNs and see their right of access limited. However, this group, incoherently, forgot to include this amendment in article 27 which concerns the right of access.

29. It is important to remember that, fortunately, the demand of the People's Party Parliamentary Group that in its amendment 9 to article 2.2 was not accepted, since it proposed to exclude the “national and international” fields from the operational margin of RTVC. Dismissing these fields would have been very negative since these areas are necessary to communicate with the Canarian community abroad, to promote the Canarian culture and opinion and to promote the touristic destinations of a country whose visitors are mostly peninsular and foreign.

30. Article 12 fails to specify the duration of the mandate. Although it is unlikely that someone will abuse this lack of clarification, it was convenient to specify that the re-election of directors or outgoing Presidents are not allowed until they have been inactive for a whole term.

31. This could have been formulated in another way. For example: in case these problems occur there could be a parliamentary inquiry with the possibility of rejection or cessation of contract.

32. The surprising (rejected) amendment 32 of the People's Party Group requested that article 15 should require for the appointment of the management team “majority support in public vote from the

Entity's workers" (that is, the right of veto). Amendment 46 had the same objective with respect to the directors of news services, by giving power to the News Council to "ratify their appointment". Both proposals were unprecedented in the Spanish legislation, but did not fit with the current times that favour social co-management.

## 7. List of References

Barlovento comunicación (2014): "El comportamiento de la audiencia televisiva: Octubre 2014 análisis televisivo". Retrieved from:

<http://www.barloventocomunicacion.es/images/publicaciones/barlovento-audiencias-octubre-2014.pdf>

F Campos (2012): "Modelo de financiación de las televisiones autonómicas" in J.C. Miguel y M.A - Casado (coords) *Televisiones autonómicas. Evolución y crisis del modelo público de proximidad*". Gedisa, Barcelona.

DC Hallin & P Manzini (2008): "*Sistemas mediáticos comparados. Tres modelos de relación entre los medios de comunicación y la política*". Barcelona: Hacer.

E Bustamante (2013); "Historia de la radio y la televisión en España. Una asignatura pendiente de la democracia". Gedisa, Barcelona.

JA Guimerá & JJ Blasco (2012): "La formación histórica del sistema autonómico público en España (1982-2011)" in Miguel de Bustos J. C. y Casado del Río Miguel Ángel "Televisiones autonómicas. Evolución y crisis del modelo público de proximidad", Gedisa, Barcelona.

I Fernández Alonso (2013): "Crisis financiera y medios públicos en España. Impacto de los recortes presupuestarios en las RTVNs públicas autonómicas históricas (2008-2012)". *Derecom* No. 12. Nueva época. December-February, 2013

I Fernández Alonso & A Fernández Viso (2012): "¿Cómo se gobiernan las RTVNs públicas autonómicas?: órganos de gestión, injerencia política y fragilidad de los mecanismos de control", in Miguel J.C. (de) & Casado del Río M.A. (Coords.) (2012): *Televisiones autonómicas. Evolución y crisis del modelo público de proximidad*". Gedisa, Barcelona.

A García Castillejo (2009): "Una visión dinámica de la regulación de la DTT en España". *Sphera Pública* No. 9, Murcia

P Gómez, C Aguilar, S Villanueva & L Sánchez (2014): "Pluralismo político y contenidos informativos: estudio comparativo de la calidad democrática de las televisiones autonómicas en España" Comunicación en el IV Congreso Internacional del Departamento de Comunicación Audiovisual y Publicidad de la Universidad del País Vasco (UPV/EHU) y Congreso nacional de ULEPICC. Bilbao 28-11-2014

Infoadex (2014): "Estudio Infoadex de la inversión publicitaria en España", Madrid



AM López Cepeda (2011): “Órganos de control y gestión de la radiotelevisión pública en España” Tesis doctoral Santiago de Compostela: Universidad de Santiago de Compostela.

JC de Miguel & MA Casado del Río (Coords.) (2012): *Televisiones autonómicas. Evolución y crisis del modelo público de proximidad*. Gedisa, Barcelona.

M Roel (2012): “Televisiones autonómicas: aproximación al comportamiento de las audiencias y al modelo de programación” in J.C. Miguel y M.A Casado (cords) *Televisiones autonómicas. Evolución y crisis del modelo público de proximidad*, Gedisa, Barcelona.

R Zallo (2010): “La política de Comunicación Audiovisual del gobierno socialista (2004-2009): un giro neoliberal”, en *Revista Latina de Comunicación Social*, 65, La Laguna (Tenerife): Universidad de La Laguna, [http://www.revistalatinacs.org/10/art/880\\_UPV/02\\_Zallo.html](http://www.revistalatinacs.org/10/art/880_UPV/02_Zallo.html)

R Zallo (2011) “Estructuras de la comunicación y de la cultura. Políticas en la era digital”, Gedisa, Barcelona.

R Zallo (2013) “Razones e implicaciones de la crisis de RTVV: pensar el futuro”. Communication paper delivered at COMLOC. Retrieved from: <http://blogs.uji.es/rtvv/2013/12/17/ponencia-de-ramon-zallo-en-el-comloc-2013/>

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<http://www.revistalatinacs.org/070/paper/1049/19en.html>

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