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## 9. Spain

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### 9.1. General introduction

Spanish regional television first started in San Sebastián, when the Basque Government decided to broadcast in Basque language in 1982. The following year, Catalan TV3 was set up, with the establishment of the Catalan Corporation of Audiovisual Media (*La Corporació Catalana de Mitjans Audiovisuals*), which was a public body that managed the broadcasting service of the Catalan government (*Generalitat de Catalunya*). A second Basque channel, broadcasting in Spanish, opened in 1986. Then, in 1985 Televisión de Galicia established its own full service transmission in Galician from their station in Santiago de Compostela, covering the Galician region.<sup>237</sup> In the late 1980s further channels were launched in Catalonia and the Basque Country, and new projects launched in Andalusia, Madrid and Valencia. In the 1990s, with the introduction of satellite television, channels were launched in the Canary Islands,<sup>238</sup> and Castilla-La Mancha.<sup>239</sup> From these beginnings, the regional audiovisual media landscape has changed dramatically, with the current number of regional channels at around 100 (public and private), in addition to almost 500 local channels.

Spain is divided into 17 autonomous communities, and the regional public channels in Spain are known as autonomous channels, since they are owned by their corresponding autonomous communities. The governments of the autonomous communities subsidise these channels, which also raise money via advertising. There are currently a total of twelve regional autonomous broadcasters providing 28 television channels since the closure of Canal Nou in 2013.<sup>240</sup> Notably, in 1988, the autonomous channels together formed a federation, the *Federación de Organismos o Entidades de Radio y Televisión Autonómicas* (Federation of Autonomous Broadcasting Companies - FORTA), and currently has eleven members. The federation works together in negotiating film rights,

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<sup>237</sup> For more details, see Kevin D., “Snapshot: Regional and local television in Spain”, European Audiovisual Observatory, Strasbourg, 2015, [http://www.obs.coe.int/documents/205595/264615/ES\\_Regional\\_TV\\_in\\_Spain\\_April2015.pdf/fb0a3c8b-640c-4d40-aaa4-7feac370dff9](http://www.obs.coe.int/documents/205595/264615/ES_Regional_TV_in_Spain_April2015.pdf/fb0a3c8b-640c-4d40-aaa4-7feac370dff9).

<sup>238</sup> See Pérez Gómez A., “Dispute over the Participation of Private Broadcasters in Regional Public Television”, IRIS 1999-3/23, European Audiovisual Observatory, Strasbourg, 1999, <http://merlin.obs.coe.int/iris/1999/3/article23.en.html>.

<sup>239</sup> See Pérez Gómez A., “Decree on Creation of Regional Public Television Channel in Castilla-La Mancha”, IRIS 2002-2/10, European Audiovisual Observatory, Strasbourg, 2002, <http://www.merlin.obs.coe.int/iris/2002/2/article10.en.html>.

<sup>240</sup> See paragraph 9.4 below and Kevin D., op.cit.



and dealing with news services, advertisers and sports rights. They also cooperate and co-produce some projects.<sup>241</sup>

In addition, local broadcasting has also played a very important role in the Spanish television system. Local television represents the third and most basic level of public service broadcasting. Many local corporations (*ayuntamientos*) established their own television channels in a situation of complete a-legality.<sup>242</sup> However, in 1995 the legal framework was clarified for the first time, putting in the hands of regional governments the bulk of competences in this area.<sup>243</sup>

## 9.2. Regulatory framework

The *Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual* (Audiovisual Act 7/2010 of 31 March 2010)<sup>244</sup> provides the general legal framework for both private and public service audiovisual media in Spain, and transposes the Audiovisual Media Services Directive into Spanish law.<sup>245</sup> According to the Audiovisual Act the public audiovisual media service is an essential service of general economic interest. The state, autonomous communities and local entities are allowed to provide public audiovisual media services with an aim to broadcast free-to-air general or thematic channels, excluding channels dedicated to the exclusive broadcast of commercial communications.

Of significance is the 1 August 2012 amendment to the Audiovisual Act adopted by the Spanish parliament,<sup>246</sup> introducing a new legal framework for regional public service broadcasters, which allows regional public service broadcasters greater flexibility in the provision of their audiovisual media services.<sup>247</sup> According to this amendment, the autonomous communities may opt for direct or indirect management of their public service broadcasters through various models, including public-private partnership.

If an autonomous community chooses not to provide public service broadcasting, it may then call for tenders to award the available licences to private service providers. Moreover, an autonomous community may transfer its public service broadcaster to a third party, in accordance with its specific legislation. If an autonomous community opts for a model of indirect management or any other instrument of public-private partnership for the provision of a public service audiovisual media service, then it may participate in the capital of the broadcaster providing this service. The amendment allows arrangements between regional public service broadcasters for joint production

<sup>241</sup> *Federación de Organismos o Entidades de Radio y Televisión Autonómicas* (Federation of Autonomous Broadcasting Companies - FORTA), <http://www.forta.es/>.

<sup>242</sup> Badillo, Á., "Competition, crisis, digitalisation and the reorganisation of local television in Spain", *Quaderns del CAC* 35, vol. XIII (2), December 2010, pp. 23-32, [http://www.cac.cat/pfw\\_files/cma/recerca/quaderns\\_cac/Q35\\_Badillo\\_EN.pdf](http://www.cac.cat/pfw_files/cma/recerca/quaderns_cac/Q35_Badillo_EN.pdf).

<sup>243</sup> *Ley 41/1995, de 22 de diciembre, de Televisión local por ondas terrestres*. BOE de 27 de diciembre de 1995 (Act No 41/1995 of 22 December 1995, relating to Local Terrestrial Broadcasting, BOE 27 December 1995), <https://www.boe.es/buscar/doc.php?id=BOE-A-1995-27707>.

<sup>244</sup> *Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual* (Act 7/2010 of 31 March 2010 on Audiovisual Communication), [http://noticias.juridicas.com/base\\_datos/Admin/l7-2010.html](http://noticias.juridicas.com/base_datos/Admin/l7-2010.html) (consolidated version).

<sup>245</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0013>.

<sup>246</sup> *Ley 6/2012, de 1 de agosto, de modificación de la Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual, para flexibilizar los modos de gestión de los servicios públicos de comunicación audiovisual autonómicos* (Act 6/2012 of 1 August 2012, amending Act 7/2010 of 31 March 2010), [http://noticias.juridicas.com/base\\_datos/Admin/l6-2012.html](http://noticias.juridicas.com/base_datos/Admin/l6-2012.html).

<sup>247</sup> See Cabrera Blázquez F.J., "Audiovisual Act Amended", IRIS 2012-8/20, European Audiovisual Observatory, Strasbourg, 2012, <http://merlin.obs.coe.int/iris/2012/8/article20.en.html>.



or editing of content for improving the efficiency of their business. It also introduces obligations for regional public service broadcasters, such as imposing a maximum limit of expenditure for the financial year in question and the obligation to submit an annual report.<sup>248</sup>

The national public service broadcaster, RTVE Corporation, is regulated by Act 17/2006 on state-owned radio and television,<sup>249</sup> and Act 8/2009 on the funding of the Spanish Radio and Television Corporation.<sup>250</sup> Act 17/2006 abrogated the Statute of Radio and Television (Act 4/1980) and defined the role of the national public service broadcaster.<sup>251</sup> Under the General Principles outlined in Act 17/2006, Article 3 includes (amongst others) the following public service obligations: to “promote [the] territorial cohesion, pluralism and linguistic and cultural diversity” of Spain; to offer programmes intended to be broadcast abroad, with the aim of “promoting Spanish culture” and catering to Spaniards travelling abroad or living in foreign countries; to promote the dissemination and knowledge of Spanish cultural productions, particularly audiovisual; to “support the social integration of minorities” and social groups with specific needs; to “encourage the production of European audiovisual content in Spanish languages” and promote digital and multimedia creation, as a contribution to the development of Spanish and European cultural industries.

Within the current contract of service (adopted in December 2007 by the Spanish parliament),<sup>252</sup> the aim of promoting the territorial cohesion, pluralism, and linguistic and cultural diversity of Spain is addressed under Article 9 of the contract: RTVE assumes the objective and obligations as a public service, to contribute to the construction of identity and the structuring of Spain as a country, “taking into account the existence of various nationalities and regions”. RTVE should serve as a driver and guarantor of “flows of information between the different Autonomous Communities” in its content offering. It will also “offer territorialized content in the official languages according to [the] linguistic reality of each region”.

The national public broadcaster RTVE provides two national generalist channels (and a HD version), and international, news, children’s, and sport channels. The broadcaster also has a catch-up TV service and an audiovisual on-demand service with archive films. In addition there are 17 regional and local windows in Spain, but just two of these are close to being regional channels in terms of autonomy and production: TVE Catalunya and TVE Canarias, each of which has at least six regular programmes. The 15 others appear to supply a window of national news only.<sup>253</sup> In addition, there are also two news window broadcasts from the Ciudad Autónoma de Ceuta and the Ciudad Autónoma de Melilla (in North Africa).

<sup>248</sup> Cabrera Blázquez F.J. “Audiovisual Act Amended”, IRIS 2012-8/20, European Audiovisual Observatory, Strasbourg, 2012, <http://merlin.obs.coe.int/iris/2012/8/article20.en.html>.

<sup>249</sup> Ley 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal (Act 17/2006 of 5 June 2006 on National Public Radio and TV), <http://www.boe.es/boe/dias/2006/06/06/pdfs/A21207-21218.pdf>.

<sup>250</sup> Ley 8/2009, de 28 de agosto, de financiación de la Corporación de Radio y Televisión Española (Act 8/2009 of 28 August 2009 on the funding of RTVE Corporation), [http://www.congreso.es/constitucion/ficheros/leyes\\_espa/l\\_008\\_2009.pdf](http://www.congreso.es/constitucion/ficheros/leyes_espa/l_008_2009.pdf). See García Leiva T., “Law on the Funding of RTVE Corporation Adopted”, IRIS 2010-1/18, European Audiovisual Observatory, Strasbourg, 2010, <http://merlin.obs.coe.int/iris/2010/1/article18.en.html>. See also, Barata Mir J., “Funding scheme of the national public service broadcaster in Spain confirmed”, IRIS 2014-8/6, European Audiovisual Observatory, Strasbourg, 2014, <http://merlin.obs.coe.int/iris/2014/8/article6.en.html>.

<sup>251</sup> See Pérez Gómez A., “New Act on National Public Radio and Television”, IRIS 2006-6/19, <http://merlin.obs.coe.int/iris/2006/6/article19.en.html>.

<sup>252</sup> Mandato-marco a la Corporación RTVE previsto en el artículo 4 de la Ley 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal, [http://www.rtve.es/contenidos/documentos/MANDATO\\_MARCO\\_18\\_12\\_07.pdf](http://www.rtve.es/contenidos/documentos/MANDATO_MARCO_18_12_07.pdf).

<sup>253</sup> RTVE regional news: <http://www.rtve.es/noticias/informativos-territoriales/>



### 9.3. Market overview

The television market in Spain is characterised by the immense number of television channels available. At the end of 2014 the Spanish market had an estimated 500 local channels (about half on DTT networks), approximately 100 regional channels, and more than 230 national channels. Precise data on the local and regional television landscape is very difficult to access, although there is a great deal of data on the public regional autonomous channels.<sup>254</sup>

The main players in the national market are the national public broadcaster RTVE, and the companies Mediaset (with the most popular channel Telecinco, and fourth most popular Cuatro), and Atresmedia (with the second most popular channel Antenna 3 and the channel La Sexta, which is the joint-fourth most popular).

In addition to the national broadcasters, the regional public channels are known as autonomous channels, as they are owned by their corresponding autonomous communities. The governments of the autonomous communities subsidise these channels, which also raise money via advertising. There are currently a total of 12 regional autonomous broadcasters providing 28 TV channels (since the closure of Canal Nou in 2013); the autonomous communities of Castile and León, Navarra, Rioja and Cantabria (and now Valencia), do not have public autonomous channels.

It is important to note the significant role that many of the autonomous regional public channels play in their markets. On the basis of data available on the FORTA website,<sup>255</sup> the most significant (in terms of audience share) of the regional autonomous channels are those from Catalonia, the Basque Country, Galicia, Aragon and Andalusia (with between 14% and 9% of daily audience share). TV3 in Catalonia, for example, is the most popular channel in that region, with higher audience shares than the national private channels Telecinco and Antenna 3.

Regarding regional private television channels,<sup>256</sup> most of those communities that do not have autonomous public channels have private regional channels (in Castile and León, Navarra and Rioja). Private regional channels are also available in Asturias, Castilla-La Mancha, Catalonia, Extremadura, Galicia and Murcia. At the end of 2014, there were no private regional channels in Aragón, Canarias, Cantabria, Balearic Islands, Madrid, Basque Country or Valencia. The introduction of DTT was also significant for the development of private regional channels. More than 32 regional channels were launched (mainly via DTT tenders over the years of the introduction of DTT), and 21 of these regional channels subsequently closed between 2008 and 2014.<sup>257</sup>

### 9.4. Specific issues

A major issue in Spanish regional audiovisual media sector has been widespread closures. The MAVISE database<sup>258</sup> currently contains more than 476 local Spanish channels.<sup>259</sup> In 2014, the

<sup>254</sup> Local TV licences are granted by the autonomous governments or by the regional regulators (where they exist). There is no comprehensive combined list of the licences granted at local level.

<sup>255</sup> *Op. cit* FORTA website.

<sup>256</sup> This information is developed on the basis of information from a report prepared for the Catalan media regulator (CAC) by Badillo A. (2012), and then updated according to the MAVISE database and research for this brief. The following outlines the situation of private regional broadcasting in the regions.

<sup>257</sup> According to research conducted by the European Audiovisual Observatory in 2014 (Kevin D., *op.cit.*).

<sup>258</sup> As noted earlier MAVISE was developed by the European Audiovisual Observatory as a database on audiovisual services and companies in Europe. European Audiovisual Observatory, Strasbourg, <http://mavise.obs.coe.int/welcome>.



Spanish DTT Multiplexes were reorganised to release frequencies for telecommunications services.<sup>260</sup> In October 2014, 246 local channels were available over the DTT networks. There is also a large number of local channels on cable, but it is not possible to track these.

The research indicated that a large number of local TV channels had closed between 2008 and 2014 (approximately 300), including the Localia TV network owned by the PRISA Group. At the time, the Grupo Prisa stated that the reasons for the closure of their channels included “the Spanish economic situation and the advertising downturn in the sector, and difficulties and inconsistencies in the Spanish audiovisual policy framework”. In particular, with the transition to DTT in 2010, local television broadcasters were put at the very forefront of the process, being the first required to switch off from analogue to digital. The approval of a State frequency plan for local DTT channels in 2004<sup>261</sup> radically transformed the environment by creating new local geographic areas, larger than traditional ones that basically covered towns and major cities (the plan was amended in 2005<sup>262</sup>).

Moreover, some TV channels that were awarded DTT licences were closed for legal reasons. For example, several regional private channels (in the Canary Islands) along with 9 national DTT channels were closed following the 2012 Supreme Court rulings that the licensing process for these channels was invalid.<sup>263</sup> These included a ruling declaring null and void all local allocations of DTT granted at the beginning of 2006 by the Generalitat Valenciana (Valencian regional government). The Court found that the Generalitat had lacked objectivity and impartiality in the allocation process.<sup>264</sup>

Eleven public regional channels closed during the same period, including the Valencian channels Canal Nou and Nou 24 in 2013.

## 9.5. Recent developments

As mentioned above, an amendment to the Audiovisual Act was adopted by the Spanish parliament in 2012, introducing a new legal framework for regional public service broadcasters, which allows regional public service broadcasters greater flexibility in the provision of their audiovisual media services.

While the closures of many regional broadcasters have been a feature of the Spanish regional audiovisual media sector, there have been some positive developments in this regard. First, the regulation passed in 2013 dissolving Canal Nou (Valencia's public service broadcaster) was

<sup>259</sup> For the purposes of a report in 2014, a brief review of the DTT local channels in Spain was carried out in October 2014, [http://www.obs.coe.int/documents/205595/264615/ES\\_Regional\\_TV\\_in\\_Spain\\_April2015.pdf/fb0a3c8b-640c-4d40-aaa4-7feac370dff9](http://www.obs.coe.int/documents/205595/264615/ES_Regional_TV_in_Spain_April2015.pdf/fb0a3c8b-640c-4d40-aaa4-7feac370dff9).

<sup>260</sup> Spain approves DTT reorganisation to make way for LTE. Digital TV Europe, September 2014.

<http://www.digitaltveurope.net/245412/spain-approves-dtt-reorganisation-to-make-way-for-lte/>. A useful overview of the events leading to this re-organisation is provided in the Mapping Digital Media Spain report of the Open Society Foundation (pages 67-71), published in 2012 and written by Llorens C., Luzón V. and Grau H., <http://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-spain-20131023.pdf>.

<sup>261</sup> Pérez Gómez A., “New Decree on the National Technical Plan for Local Terrestrial TV”, IRIS 2004-7/14, European Audiovisual Observatory, Strasbourg, <http://merlin.obs.coe.int/iris/2004/7/article14.en.html>.

<sup>262</sup> See also Pérez Gómez A., “Decree Amending the National Technical Plan for Local Terrestrial TV”, IRIS 2005-2/19, European Audiovisual Observatory, Strasbourg, 2005, <http://merlin.obs.coe.int/iris/2005/2/article19.en.html>.

<sup>263</sup> See García Leiva T., “Supreme Court Declares Invalid the 2010 Licensing of National Digital Terrestrial Television”, IRIS 2013-2/19, European Audiovisual Observatory, Strasbourg, 2013, <http://merlin.obs.coe.int/iris/2013/2/article19.en.html>.

<sup>264</sup> Letai P., “Supreme Court Cancels all DTT Licences Awarded for Valencia in 2006” IRIS 2012-10/11, European Audiovisual Observatory, Strasbourg, 2012, <http://merlin.obs.coe.int/iris/2012/10/article11.en.html>.



repealed by the Valencian parliament in December 2015.<sup>265</sup> Importantly, a new legal framework is currently being discussed,<sup>266</sup> and EUR 20 million has been allocated to launch a new *Ràdio Televisió Valenciana*.<sup>267</sup> Similarly, a new legal framework has been passed concerning Madrid's *Telemadrid*,<sup>268</sup> while a new board of directors was also approved in May 2016.<sup>269</sup>

## 9.6. Current and future challenges

As stated above, the extent of closures in the regional audiovisual media sector in Spain is a dominant theme. Indeed, there is a strong indication of the impact of the financial crisis on the sector. This may also raise questions as to the feasibility of having a large number of television channels at the regional and local level. Despite this, it is important to bear in mind that several of the regional broadcasters are much stronger in their markets in terms of audience share than others (in particular in Catalonia, the Basque Country, Galicia, Aragon and Andalusia). For the system as a whole, the recent legislative proposals in Valencia and Madrid may indicate an improving landscape for regional audiovisual media, and the reforms seeking increasing flexibility for the sector may yet bear fruit.

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<sup>265</sup> Ferrandis J., "El Parlamento valenciano deroga la ley que permitió cerrar Canal 9", *El País*, 22 December 2015, [http://ccaa.elpais.com/ccaa/2015/12/22/valencia/1450811344\\_959743.html?rel=mas](http://ccaa.elpais.com/ccaa/2015/12/22/valencia/1450811344_959743.html?rel=mas).

<sup>266</sup> "Un consejo ciudadano velará por la independencia de la nueva RTVV", *El País*, 11 April 2016, [http://ccaa.elpais.com/ccaa/2016/04/11/valencia/1460392352\\_487272.html](http://ccaa.elpais.com/ccaa/2016/04/11/valencia/1460392352_487272.html).

<sup>267</sup> Serra J.M., "El Consell reserva 20 millones de euros para poner en marcha RTVV", *El País*, 9 February 2016, [http://ccaa.elpais.com/ccaa/2016/02/08/valencia/1454963771\\_377559.html](http://ccaa.elpais.com/ccaa/2016/02/08/valencia/1454963771_377559.html).

<sup>268</sup> Ley 8/2015, de 28 de diciembre, de Radio Televisión Madrid (Law 8/2015 of 28 December 2015, on Radio Television Madrid), [http://www.bocm.es/boletin/CM\\_Orden\\_BOCM/2015/12/29/BOCM-20151229-2.PDF](http://www.bocm.es/boletin/CM_Orden_BOCM/2015/12/29/BOCM-20151229-2.PDF). See Treceño J.G., "Aprobada la nueva normativa de Telemadrid con la oposición de PSOE y Podemos", *El Mundo*, 23 December 2015, <http://www.elmundo.es/madrid/2015/12/23/567a9d9246163f105f8b4590.html>.

<sup>269</sup> Telemadrid, "Aprobado por unanimidad el nuevo Consejo de Administración de Telemadrid", 5 May 2016, <http://www.telemadrid.es/noticias/madrid/noticia/aprobado-por-unanimidad-el-nuevo-consejo-de-administracion-de-telemadrid>.