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Internal pluralism in the governance of public service broadcasters in Spain and the role of social groups and professionals. The case of RTVE[1]

Pluralismo interno de gestión. Rol de los colectivos sociales y de los profesionales en el gobierno de las radiotelevisiones públicas en España. El caso de RTVE
Music in the advertising communication

ABSTRACT: This paper examines internal pluralism in the governance of public service broadcasters in Spain, a dimension of pluralism on which very little research has been done in this country. In particular, it analyses the role played by social groups and professionals in the management structures of Spanish public service broadcasters through their participation in the advisory councils and professional councils of such media. Because of

RESUMEN: Este artículo aborda el estudio del pluralismo interno de la estructura de gobierno de las radiotelevisiones públicas en España, una dimensión del pluralismo mediático apenas estudiada en este país. Se analiza, en concreto, el rol que desempeñan los colectivos sociales y los profesionales en la gestión de las corporaciones audiovisuales públicas españolas a través de su participación en los consejos asesores y los conse-

its importance, the case of RTVE is discussed at length.

Keywords: Media pluralism, public service media, advisory councils, professional councils, broadcasting policy.

jos profesionales de estos medios. Por su especial relevancia, se estudia en profundidad el caso de RTVE.

Palabras clave: Pluralismo mediático, medios públicos, consejos asesores, consejos profesionales, política audiovisual.

1. Introduction: object of study, importance of the topic and methodology

In a European context marked by the implementation of increasingly economistic public communication/media policies (public value tests are a case in point) that limit the strategies of public service media (especially on the Internet), and by the emergence of a number of worrying signs of government interference in this sector (for example, the return to governmental appointment of the Chief Executive Officers of *France Télévisions* and *Radio France* in 2009), it is crucial to defend the role that academia and several international organisations have assigned to public service media as guarantors of pluralism and, ultimately, of democratic vigour.

Given the importance of defending that role, which has recently been embraced by the Council of Europe Commissioner for Human Rights[2], this article takes an in-depth look at one of the ways in which public service media can help to channel, reflect and foster societal diversity: ensuring pluralism at the very heart of their governing bodies. Internal pluralism in the governance structure also significantly contributes to independence, accountability and transparency, all of which are increasingly being demanded of public service media in Europe.

This article first of all reviews the governance models of public service broadcasters in Europe, with a particular focus on those that have a greater degree of internal pluralism in their management structures. It then offers an in-depth analysis of the case of public service media in Spain, which are of particular interest because the sheer number of such media is unparalleled anywhere else in Europe. They are repeatedly called into question, however,

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[2] COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS, *Public Service Media and Human Rights. Issue Discussion Paper*, CommDH (2011) 41, Strasbourg, 6 December 2011. Similarly, COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS, *Human Rights and a changing media landscape*, Council of Europe Publishing, Strasbourg, 2011.

because of their high degree of politicisation on the one hand, and their high cost to the various public administrations on the other[3].

Particularly, the article focuses on the presence and impact of social groups and professionals in the governing bodies of Spain's national and regional public service broadcasters. It does not contemplate local broadcasters, which are now more marginal than ever in the new digital context[4]. The case of *Radiotelevisión Española* (RTVE, Spanish Broadcasting Corporation) is discussed at length, putting special emphasis on TVE (Spanish Television), given that it is the medium with the highest social impact. Reference is made to impact and not just presence because, in RTVE and in several regional public service broadcasters, important examples have been found of how professional organisations other than trade unions can exert a degree of influence over decisions taken by their respective governing bodies, thus favouring independent journalism and news pluralism as a result. In fact, as will be demonstrated throughout the article, it is precisely in the professional sphere where the most encouraging signs can be found, if the real goal is to continue to move towards the depoliticisation of Spanish public service media.

The approach to this study involved a review of the extensive literature, numerous legislative documents and various websites, as well as consultations and interviews conducted by e-mail and phone with the management bodies of every existing public service broadcaster and with members of the various advisory councils and professional councils in operation. Each of these sources will be duly cited throughout the article. The data contained in the article were up to date as at 1 December 2011, coinciding with the return of the conservative *Partido Popular* to power in Spain. As this article was being finalised, the new Prime Minister, Mariano Rajoy, announced that one of his priorities was to promote new forms of management of public service media.

2. Pluralism and public service media

The value that contemporary Western societies place on diversity and pluralism springs from the tenets of enlightened philosophy and from the

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[3] FERNÁNDEZ ALONSO, Isabel; BONET, Montserrat et al., "Spanish Public Broadcasting. Defining traits and future challenges following analogue television switch-off", *Observatorio (OBS*)*, vol. 4, nº 3, 2010, pp. 301-318.
[4] FERNÁNDEZ ALONSO, Isabel & DÍAZ-GONZÁLEZ, Mª Jesús, "Digital Terrestrial Television Rollout Policies in Spain and the Changing Scene of Television in the Context of Analogue Switch-off", *International Journal of Digital Television*, vol. 3, nº 3, 2010, pp. 289-307.

processes of shaping the modern state, economy and society. The recognition of the dignity of human beings and of their ability to make independent and critical use of the faculty of reason that they possess laid the foundations for the attribution and enactment of their civil and political rights from the 18th century. Freedoms of thought, expression and public debate were upheld as the legal assurance and ethical foundations of, a priori, the moral rationalisation of politics and of the development of the rule of law, while liberal democracy emerged as a system for managing pluralism and diversity.

Nowadays, media pluralism is one of the manifestations and specific indicators of a society's democratic nature, insofar as "Pluralistic arrangements for mass media can be seen as essential weapons in resisting trends to centralized control and uniformity"[5]. Firstly, a plural media system and free, independent media together allow citizens to access the information they need to be able to participate actively in democratic processes. And secondly, they facilitate encounters and open debate between and among the diversity of voices within a society on the concerns and opinions that it may have, which is crucial to the proper functioning of democracy. This conclusion has ample support in both the literature[6] and in statements made by international organisations on the pluralism of media systems[7].

In this respect, a commitment to media pluralism is a core element of communication policies, both national and supranational. In the context of

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[5] MCQUAIL, Denis, *La acción de los medios. Los medios de comunicación y el interés público* [*Media Performance. Mass Communication and the Public Interest*], Amorrortu, Buenos Aires, 1992, p. 214.

[6] See for example: MCQUAIL, Denis, *La acción de los medios. Los medios de comunicación y el interés público* [*Media Performance. Mass Communication and the Public Interest*], Amorrortu, Buenos Aires, 1992; BLUMLER, Jay, *Televisión e interés público* [*Television and The Public Interest*], Bosch, Barcelona, 1993; CURRAN, James & SEATON, Jean, *Power without responsibility. The press, broadcasting, and new media in Britain*, Routledge, London, 2003; HITCHENS, Lesley, *Broadcasting Pluralism and Diversity. A Comparative Study of Policy and Regulation*, Hart Publishing, Portland, 2006; and K.U. LEUVEN-ICRI et al., *Independent Study on Indicators for Media Pluralism in the Member States–Towards a Risk-Based Approach*, prepared for the European Commission, Directorate-General Information Society and Media, Leuven, 2009.

[7] See for example: COUNCIL OF EUROPE, *Media diversity in Europe*, report prepared by the Advisory Panel to the CDMM on media concentrations, pluralism and diversity questions, Strasbourg, December 2002, H/APMD (2003) 1; EUROPEAN COMMISSION, *Media Pluralism in the Member States of the European Union*, Commission Staff Working Document, Brussels, 16 January 2007, SEC (2007) 32; EUROPEAN PARLIAMENT, *Resolution of 25 September on concentration and pluralism in the media in the European Union* (2007/2253 (INI)), Brussels, 2008; UNESCO, *Media Development Indicators: A Framework for Assessing Media Development*, UNESCO, Paris, 2008.

Member States of the Council of Europe, Article 10 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* obliges those States to protect the diversity of opinions in the media. The jurisprudence of the European Court of Human Rights has clarified that without a plurality of voices and opinions in the media, such media cannot fulfil their role of contributing to democracy. The rights assured by the *European Convention on Human Rights* were explicitly recognised as general principles of European Union (EU) law in Article 6.2 of the *Treaty on European Union (Maastricht/Amsterdam)*. The *Treaty of Lisbon* made them binding, thus putting their legal value on the same level as that of treaties. Beyond the European context, Article 55 of the *Declaration of Principles* of the World Summit on the Information Society (WSIS) included a specific commitment by the signatories to the values of independence, pluralism and diversity of the media.

At the time of writing this article, no agreement had been reached to produce a European directive on this issue. Consequently, the incorporation and specification of the mandate to protect and promote pluralism in the legislation of every EU country falls to the national governments, which, while agreeing on the objective, disagree on the means of attaining it. Such differences stem from their definitions of the concept of pluralism and from the normative frameworks within which they have to deal with its regulation. Regarding the latter, a study on media pluralism in the EU prepared for the European Commission by the University of Leuven in 2009 found that there were two very different logics of reasoning: the neoliberal, free market of ideas model on the one hand, and the Habermasian public sphere approach on the other. While the former is based on competition and freedom of choice, the latter stresses a broader defence of "principled pluralism" in an attempt to serve society as a whole, with its various political views and cultural values[8].

As highlighted by Czepek, Hellwig & Nowak[9], one of the first issues around which different stances revolve is whether it is enough to assure media pluralism by law, or whether decisive policies for its active promotion are also required (through subsidies for example). The minimalist stance can be likened to a neoliberal approach that safeguards free competition in the ideas and media content markets, whereas the maximalist stance favours the design and implementation of a regulatory model that creates the necessary conditions to ensure the presence of critical and minority opinions and interests on the

[8] Cfr. K.U. LEUVEN-ICRI et al., *op. cit.*, p. 5.
[9] CZEPEK, Andrea, HELLWIG, Melanie & NOWAK, Eva, *Press Freedom and Pluralism in Europe. Concepts and Conditions*, Intellect Books, Bristol, 2009, p.11.

changing media landscape, as well as free, open debate between the plurality of views, interests and values held by society. Between the two, there is clearly a continuum of possibilities that endeavour to respond to the tension generated by a clash of both rationalities.

2.1. Dimensions of pluralism

When it comes to specifying the definition and scope of pluralism in the context of broadcasting policy and regulation, Hitchens[10] identifies four dimensions that need to be taken into account: the existence of different types of media structures and services (for example, public, private, community, regional, local, etc.); the plurality of ownership; the diversity of opinions reflected by the media; and the variety of programme types and genres, including both news and entertainment content. The first two dimensions refer to the way in which the media environment is structured, that is to say, to 'external' pluralism. Hitchens uses the term 'internal' pluralism to refer to the third and fourth dimensions, in other words, to the material object of broadcasting activity: content. However, the author points out that American and Australian regulation tends to use the term 'diversity' instead of 'pluralism', and that in the United Kingdom the term 'pluralism' is used to refer to external pluralism and 'diversity' to internal pluralism.

Adhering to the distinction between external and internal pluralism, measures to regulate broadcasting pluralism could be classified into two broad categories: structural regulation and content regulation. The first would encompass a set of laws and legal provisions determining the types of broadcasting service that can be set up, who can control them and how they are controlled. The regulation of content would include every measure aimed at assuring a proper and fair representation of social, political and cultural groups in the programming. The European Commission concludes that assuring pluralism in the media[11] involves adopting measures that ensure access by citizens to a variety of sources of news, opinions, voices, etc. to allow them to form their own opinions "without the undue influence of one dominant public opinion forming power".

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[10] Cfr. HITCHENS, Lesley, *op. cit.*, pp. 8-9.
[11] EUROPEAN COMMISSION, *op. cit.*, p. 5.

Hoffmann-Riem[12] suggests using the concept of internal pluralism not only to refer to the degree to which the content of broadcasts reflects the diversity of views and concerns within a given society, but also to analyse the extent to which such diversity is represented in the management structures of broadcasting corporations. The latter aspect acquires particular importance in the case of public service media, for the purposes of including, in their operational dynamics, the principle of accountability to citizens and the potential for citizens to contribute to decision-making processes on this issue, as suggested by Peter Humphreys[13].

In fact, European countries like Germany and Sweden incorporate representatives of various political, social and cultural forces –including trade unions and industrial and professional associations– into the governing bodies of their public television broadcasters. In the case of Germany, even private television broadcasters have created –voluntarily or by force– programming councils with similar representations, albeit of a consultative nature only[14]. In Sweden, the pluralism of the management structure of the State broadcasting corporation even extends to its system of ownership: 60% is distributed among civil society groups, such as trade unions, Churches and consumer organisations, and the remaining 40% is in the hands of the press and the business sector[15].

2.2. Pluralism and governance models of public service broadcasters in Europe

From the perspective of promoting media pluralism, public service broadcasters play an essential role in building the diversity of the system on the one hand, and ultimately in safeguarding its proper articulation in the politico-democratic game. So, to ensure that they are satisfactorily able to carry out both this political function and their broader mandate of offering a news, educational, cultural and entertainment service to society as a whole, their editorial independence is crucial. However, their very nature –that of public bodies– and their interaction with political activity entails obvious risks with regard to safeguarding their independence and impartiality. Control and

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[12] HOFFMANN-RIEM, Wolfgang, *Regulating Media*. **The Licensing and Supervision of Broadcasting in Six Countries**, The Guilford Press, New York, 1996, p. 284.
[13] HUMPHREYS, Peter, *Mass Media and Media Policy in Western Europe*. Manchester University Press, Manchester, 1996, p. 121.
[14] HOFFMANN-RIEM, Wolfgang, *op. cit.*, p. 131.
[15] HALLIN, Daniel & MANCINI, Paolo, *Sistemas mediáticos comparados* [*Comparing Media Systems*]*,* Hacer, Barcelona, 2008, p. 156.

accountability mechanisms are therefore necessary to foresee and forestall the politicisation of –and even government interference in– such broadcasters.

In this respect, Kelly[16] makes a three-way distinction of relationships between public broadcasting corporations and politics: formally autonomous systems, politics-in-broadcasting systems and politics-over-broadcasting systems. The first is characterised by having mechanisms that distance government and political parties from the decision-making processes of public service media, as is the case for the BBC. In the second system, which is in place in Germany, Denmark and Belgium, the boards of such media include representatives of political parties and various social groups. Finally, the third system corresponds to countries where, like in Greece and Italy, political parties have greater power to intervene in the decisions of public service media, either through their governments or parliaments.

Following Humphreys[17], Hallin and Mancini[18] distinguish four models of public service media governance: the government model, the professional model, the parliamentary model and the civic/corporatist model.

In the first model, a government or, indirectly, a political party with a parliamentary majority has effective control of the public service broadcaster. This would be the case of Greece, Portugal or Spain before the 2006 legislative reform. In some respects, the other three models can be seen as "solutions to the problem of how to keep public broadcasting […] from falling under the control of the most powerful political force and failing to serve a politically diverse society"[19].

The professional model, as embodied by the BBC, solves the problem by giving media professionals internal control over the public service broadcaster, on the assumption that, in the programmes, they will represent the diversity of society from a neutral position. The BBC Trust, an operationally independent body of the BBC consisting of 12 trustees appointed by Queen Elizabeth II on advice from Ministers, has been responsible for appointing the BBC's Director-General since 2007. In turn, the Director-General leads the Executive Board, which is responsible for operational management and the

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[16] KELLY, Mary, "Influences on Broadcasting Policies for Election Coverage", in BLUMLER, Jay (ed.), *Communicating to Voters. Television in the First European Parliamentary Elections*, Sage, London, 1983, pp. 65-82, cited by BLUMLER, Jay, *op. cit.*, p. 29; HALLIN, Daniel & MANCINI, Paolo, *op. cit.*, p. 29; HARDY, Jonathan, *Western Media Systems*, Routledge, London, 2008, p. 52.

[17] Cfr. HUMPHREYS, Peter, *op. cit.*, pp. 155-158.

[18] Cfr. HALLIN, Daniel & MANCINI, Paolo, *op. cit.*, pp. 27-30.

[19] HALLIN, Daniel & MANCINI, Paolo, *op. cit.*, p. 29.

delivery of BBC services. Besides the Director-General, the Executive Board is made up of Executive Directors who are responsible for each of the six main areas of the BBC. The Executive Board also has five Non-Executive Directors from outside (private sector and various business areas). The more or less veiled attempts to break the renowned editorial neutrality of the BBC led by British politicians at different times throughout the history of the corporation[20] have met with limited success. According to Tunstall, the BBC has managed to remain notably depoliticised in comparison to its European counterparts throughout its 90-year existence[21].

The parliamentary and corporatist governance models of public service media choose to share the capacity to exert influence over the governance of such media among all political groups with parliamentary representation in the case of the former, and among such political groups and other socially important groups in the case of the latter. The aim of doing so is to ensure that no political majority is able to control public service broadcasting. The Italian public service broadcaster in the 1990s and the Austrian public service broadcaster as it is today exemplify the parliamentary or proportional representation model, while the German and Dutch ones correspond to the civic or corporatist model, insofar as they incorporate representatives of various social, political and cultural groups into their governing bodies.

The German Federal Constitution assures the pluralism of the German public broadcasting system –the world's largest in terms of the number of television programme hours produced annually– and the non-interference by the State in that system. The Federal Constitutional Court has been instrumental in strengthening and developing the system, and has even protected it from political interference in the process of defining its needs and levels of funding[22]. After World War II, the German public service broadcaster was restructured in accordance with a federal institutional design that granted media-related powers to the *Länder*. As a result, the *Länder* have created their own public broadcasting corporations, which, by means of various treaties

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[20] Cfr. CURRAN, James & SEATON, Jean, *op. cit.*, pp. 107-235.
[21] TUNSTALL, Jeremy, "The BBC and UK Public Service Broadcasting", in IOSIFIDIS, Petros (ed.), *Reinventing Public Service Communication. European Broadcasters and Beyond*, Palgrave Macmillan, Basingstoke, 2010, p. 149.
[22] See: HOFFMANN-RIEM, Wolfgang, *op. cit.*; WOLDT, Runar, "Public Service Broadcasting in Germany: Stumbling Blocks on the Digital Highway", in IOSIFIDIS, Petros (ed.), *Reinventing Public Service Communication. European Broadcasters and Beyond*, Palgrave Macmillan, Basingstoke, 2010, pp. 171-182.

among them, have given rise to the establishment of two national public television broadcasters: ARD and ZDF.

Besides management pluralism stemming from the fact that they are formed by a network of regional television broadcasters, the boards of ARD and ZDF are made up, in accordance with a proportional representation rule, of representatives of political parties, trade unions, business organisations, Churches, universities, cultural institutions and NGOs, as a mechanism that assures the political independence of such media and their accountability to society. However, the fact that Members of Parliament sit on the boards and that socially important groups usually have certain political leanings has not freed the system from debate on its possible politicisation[23]. Nevertheless, German public television broadcasters as a whole have an audience share of 44% in a broadcasting market that is considered to be the most competitive one in Europe[24].

According to Hallin and Mancini[25], the Dutch system represents the purest example of the civic or corporatist governance and control model of public service media. The establishment of public service broadcasting was based on a form of external pluralism that consisted in distributing the time and resources available among five State-wide radio organisations (broadcasting associations) made up of the country's main religious and socio-political groups or 'pillars'. The formula remains in force and, with the advent of television, was extended to that medium too. Two State-wide public service channels were initially created, with a third channel added in 1988, whose production resources (material and financial) and broadcast time are shared among the various broadcasting associations on the basis of the number of members each one has. This distribution was combined with the assurance of other organised groups' right of access to the production and distribution of content on public service media[26]. So, public funding is distributed among a number of content producers on the basis of the broadcast hours allocated to each of them, always in accordance with their social basis[27].

The Netherlands Broadcasting Foundation (NOS) was created in 1969 with the mandate of administering, regulating and coordinating public service

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[23] HUMPHREYS, Peter, *op. cit.*, p. 152.
[24] WOLDT, Runar, *op. cit.*, p. 172.
[25] HALLIN, Daniel & MANCINI, Paolo, *op. cit.*, p. 29.
[26] DAALMEIJER, Joop "Public Service Broadcasting in the Netherlands", *Trends in Communication*, 12 (1), 2004, pp. 33-45.
[27] They must have a minimum of 50,000 members to be able to apply for public funding and broadcast time on one of the three public service channels.

media[28] (at that time, five radio and two television channels) and providing them with some content of national importance, such as news programmes and coverage of sporting events. The overarching value of consensus in Dutch political life was once again applied to the composition of the supervisory council of the NOS, made up of representatives of broadcasting associations that are concession holders of the public service system, who also sit on the governing bodies of the 14 regional public television broadcasters in the Netherlands. The structure of the NOS has undergone major changes over the last four decades[29], but the influence of broadcasting associations over its governance system is still significant.

The Dutch public broadcasting system is undoubtedly one of the most complex in Europe, and one that has deployed the highest number of mechanisms aimed at assuring pluralism and accountability to society. Nevertheless, the degree of social representation of concession-holding broadcasting organisations –the number of which is due to fall by 2015– is currently being questioned[30].

In practice, however, the four governance models of public service media usually appear in combination. Thus, for example, Nordic countries have tended to adopt elements of the professional, parliamentary and corporatist models[31]. Below, we shall see what is happening in the case of Spain, which, in recent years, has shown some signs of progressing from the government model to the parliamentary model.

3. Governing bodies of public service broadcasters in Spain: between government interference and party quotas

It was after dictator Francisco Franco's death in 1975 that Spain's transition towards democracy began, and public service media were clearly a part of that

[28] NOS combined the Netherlands Radio Union (NRU, founded in 1947) and the Netherlands Television Foundation (NTS, founded in 1951).

[29] For example, it was divided into two entities in 1995 with the creation of the Netherlands Programming Foundation (NPS), which took on the duties of providing cultural, educational, children's and youths' programmes. The NPS was renamed the NTR in 2010, after merging with two minority broadcasting organisations. The NOS's task of coordinating the public broadcasting system was formally separated from its function of providing news and sports programmes in 2002 with the formation of Netherlands Public Broadcasting (NPO).

[30] DONDER, Karen, "The Netherlands", in DONDERS, Karen, *Public Service Media and Policy in Europe*, Palgrave Macmillan, Basingstoke, 2012, p. 177.

[31] Cfr. HUMPHREYS, Peter, *op. cit.*, pp. 156-157; HALLIN, Daniel & MANCINI, Paolo, *op. cit.*, pp. 155-156.

process. So, after lengthy negotiations between centre-ground party *Unión de Centro Democrático* (UCD) –the governing political party at that time– and the social-democratic *Partido Socialista Obrero Español* (PSOE) –the main opposition party at that time– Act 4/1980 was passed, thus giving rise to the *Estatuto de Radiotelevisión Española* (Spanish Broadcasting Corporation Statute). From that time and for nearly a quarter of a century, that Act –adapted to the new political context– regulated the organisation and operation of national public service broadcasting. From 1980, RTVE had two governing bodies: a Director-General with wide-ranging powers appointed directly by the government, and a Board made up of 12 members appointed by a two-thirds parliamentary majority (half by the Congress of Deputies and half by the Senate). Both the Director-General and Board members were appointed for a period equal to a term of office (four-year legislature).

Consequently, the political majorities that underpinned the governments were systematically transferred to the governing bodies of RTVE, especially at times of absolute majorities. There is a broad scholarly and professional consensus on the high degree of government interference in RTVE in the period from 1980 to 2006[32].

The situation changed with the reforms promulgated by the social-democratic government of Prime Minister Rodríguez Zapatero. Specifically, State-owned Radio and Television Act 17/2006, inspired, to a large extent, by the report produced by the 'Panel of Wise Men and Women'[33] commissioned by the government to a group of experts outside the political sphere, made clear progress on abolishing government interference in the public corporation, particularly because it set out that the Chairman of the new Spanish Broadcasting Corporation had to be appointed by a two-thirds parliamentary majority for a six-year period, which was not equal to a term of office. In addition, two trade union representatives were allowed to sit on the Board, who, like the Director-General, had a six-year mandate.

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[32] See for example: FERNÁNDEZ ALONSO, Isabel & SANTANA CRUZ, Fernanda, *Estado y medios de comunicación en la España democrática*, Alianza, Madrid, 2000; BUSTAMANTE, Enrique, *Radio y televisión en España: historia de una asignatura pendiente de la democracia*. Gedisa, Barcelona, 2006; PALACIO, Manuel, *Historia de la televisión en España*, Gedisa, Barcelona, 2001.
[33] CONSEJO PARA LA REFORMA DE LOS MEDIOS DE COMUNICACIÓN DE TITULARIDAD DEL ESTADO, *Informe para la reforma de los medios de comunicación de titularidad del Estado*, Consejo para la Reforma de los Medios de Comunicación de Titularidad del Estado, Madrid, 2005.

Act 17/2006 and the political measures adopted in the 2004/2008 legislature with regard to RTVE were considered to be positive, even in documents that are highly critical of subsequent actions, such as the abolishment of advertising on TVE[34]. Blasco Gil[35] concludes that while the 2006 reforms effectively enshrined the abandonment of government interference that had been rife in earlier years (as demonstrated by the appointment of two successive Chairmen by consensus between the two major parliamentary parties), an analysis of the profiles of the various Board members clearly shows that 'partisanisation' had been retained. However, the same author points out that in summer 2011, the impasse in which RTVE found itself after the resignation of its second Chairman, Alberto Oliart, and the impossibility of reaching an agreement to replace him before the elections –and to replace Board members whose mandates had expired– together showed that the political parties were rolling back any progress made, thereby returning to a system that was more akin to the government one[36].

The initial governance model of RTVE has been reproduced by Spain's regional public service broadcasters. The number of such broadcasters has grown to 13 since Third Television Channel Act 46/1983 was passed. The Act put an end to the national public service broadcaster's monopoly and allowed regional public service broadcasters to be set up.

On the basis of the study by Fernández Alonso, Sarabia Andúgar et al.[37] and a review of subsequent legislative reforms promulgated in the Balearic Islands and Galicia[38], it is possible to conclude that six of the 13 regions that have a public service broadcaster have progressed towards a model in which the Director-General is appointed by the parliament instead of the government, with varying majorities –absolute, two-thirds, three-fifths– and periods –four, five and six years. This is the case for the Basque Country, Galicia, Andalusia, the Balearic Islands, Asturias and Extremadura. In Catalonia, the Director-

[34] ZALLO, Ramón, "La política de Comunicación Audiovisual del gobierno socialista (2004-2009): un giro neoliberal", Revista Latina de Comunicación Social, nº 65, 2010, pp. 14-29.

[35] BLASCO GIL, José Joaquín, Políticas del Gobierno español con respecto a RTVE (2004-2011), Doctoral Research, Departament de Mitjans, Comunicació i Cultura, Universitat Autònoma de Barcelona, Barcelona, 2011.

[36] BLASCO GIL, José Joaquín, op. cit., p. 105.

[37] FERNÁNDEZ ALONSO, Isabel, SARABIA ANDÚGAR, Isabel et al., "Modelos de gobierno de las radiotelevisiones públicas autonómicas en España: el caso de la Corporación Catalana de Medios Audiovisuales", Ámbitos. Revista Andaluza de Comunicación, nº 20, 2011, pp. 255-270.

[38] Ley 15/2010, de 22 de diciembre, del Ente Público de Radiotelevisión de las Islas Baleares and Ley 9/2011, de 9 de noviembre, de los medios públicos de comunicación audiovisual de Galicia.

General is appointed by the Governing Council of the Catalan Broadcasting Corporation (CCMA) –formerly the Board– through a public selection process. In the remaining cases, the Director-General is appointed by the regional government for a period equal to a term of office (legislature).

Regarding the Boards, the number of members varies between seven and 19, and the parliamentary groups are responsible for negotiating, by applying party quotas, the final composition of such Boards, whose members are usually appointed by a two-thirds majority. The mandates of the Board members are not equal to the term of office (legislature) in four regions only. This is the case of Catalonia, Andalusia, the Balearic Islands and Galicia, which have recently implemented legal reforms.

It should be noted that, in the study referred to earlier, it was concluded that the governance models of regional public service broadcasters in Spain are heavily influenced by the legacy of the Spanish Broadcasting Corporation Statute, and in the only case (Catalonia) where deep-rooted reforms have really been made to that model, the results have so far been very disappointing[39].

In this context, it is not hard to make out that the participation of social groups and professionals in governing bodies has been symbolic. In this respect, it is worth noting that two RTVE Board members are appointed by trade unions, and that four of the 19 Board members of Basque Radio Television are appointed from candidates put forward to the parliament by the following entities: Royal Academy of the Basque Language, Basque Studies Society, Royal Basque Society of Friends of the Country, University of the Basque Country, trade unions and consumer association representatives and federations. However, it should be pointed out that none of the four Board members replied to the authors' insistent questions on the degree of impact of their actions on the governance of Basque Radio Television.

4. Advisory councils: little activity and even less impact

In Spain, advisory councils have traditionally taken the form of social-group participatory bodies in public service broadcasters, both national and regional, and this is expressed in the various Acts creating such entities[40].

[39] FERNÁNDEZ ALONSO, Isabel, SARABIA ANDÚGAR, Isabel et al., *op. cit.*, p. 268.
[40] Regional Acts, in chronological order (the public service broadcasters did not necessarily commence operations in the same order as the Acts creating them were passed; in addition, the Acts have had amendments made to them, which, in some cases, have led to new Acts being passed and, in others, to lesser reforms of the Articles contained in the original Acts):

However, the functions of such bodies are practically limited to advising the Boards on programming-related issues, without there being any mechanism in place to ensure that their proposals have a real impact on the decision-making processes of such Boards, which are the bodies that wield effective power.

When reviewing the Acts of RTVE and of the 13 regional public broadcasting corporations, it was found that having an advisory council had been anticipated in all but the Basque case, where the advisory council had been abolished in 1998 so that four representatives of cultural entities, trade unions and associations could become members of the Board. However, after contacting the governing bodies of RTVE and the remaining 12 regional public broadcasting corporations, in six cases –Valencia, Madrid, the Canary Islands, the Balearic Islands, Murcia and Aragon– it was found that advisory councils had not been set up, and in two cases –Galicia and Castilla-La Mancha– that advisory councils of RTVE in each of the regions operated as the advisory councils of each of the two regional public service broadcasters. In some cases, various membership positions on the advisory councils were vacant. For example, as at November 2011, representatives of Andalusia's Vice-Ministry of Culture, the Andalusian University Council and the Andalusian Council for the Care of People with Disabilities had not been appointed to such councils for Andalusia's public service broadcaster.

It was also found that the four regions where advisory councils had not been set up (the Canary Islands, the Balearic Islands, Murcia and Aragon) had actually chosen a management outsourcing model in which private companies played an important role in the elaboration of programme offerings.

Ley 5/1982, de 20 de mayo, de creación del Ente Público Radio Televisión Vasca; Ley 13/1984, de 30 de junio, de creación, organización y control parlamentario del Ente Público de Radio Televisión Madrid; Ley 7/1984, de 4 de julio, de creación de la entidad pública Radiotelevisión Valencia y regulación de los servicios de radiodifusión y televisión de la Generalitat Valenciana; Ley 8/1984, de 11 de diciembre, de Radioteledifusión y Televisión en la Comunidad Autónoma de Canarias; Ley 8/1987, de 15 de abril, de creación, organización y control parlamentario de la Corporación Aragonesa de Radio y Televisión; Ley 3/2000, de 26 de mayo, de creación del Ente Público de Radio-Televisión de Castilla-La Mancha; Ley del Principado de Asturias 2/2003, de 17 de marzo, de Medios de Comunicación Social; Ley 9/2004, de 29 de diciembre, sobre Creación de la Empresa Pública Regional Radio Televisión Murciana; Ley 11/2007 de 11 de octubre de la Corporación Catalana de Medios Audiovisuales; Ley 18/2007, de 17 de diciembre, de la radio y televisión de titularidad autonómica gestionada por la Agencia Pública Empresarial de la Radio y Televisión de Andalucía; Ley 3/2008, de 16 de junio, reguladora de la Empresa Pública Corporación Extremeña de Medios Audiovisuales; Ley 15/2010, de 22 de diciembre del Ente Público de Radiotelevisión de las Islas Baleares y Ley 9/2011, de 9 de noviembre, de los medios públicos de comunicación audiovisual de Galicia.

It should be noted that RTVE's Advisory Council was not created until 2007, by that time within the framework of the new Act passed a year earlier, while other advisory councils, anticipated for regions, to assist the territorial delegate, were created much later and had very limited participatory effectiveness, thereby leading to a high level of political confrontation in relation to the territorial structure of RTVE[41].

The set of laws and regulations anticipates advisory councils with a considerable number of members (between 15 and 30 or thereabouts), usually appointed by various social, cultural, professional and business entitites (and in the case of the latter two, often from the media sector), though occasionally by regional governments or provincial/local political entities. The terms of office vary, and are sometimes linked to revocation by the entities proposing them. None of the advisory council members are paid for their duties, although they do receive travel and maintenance expenses as established in each case.

Besides the fact that half of the public service broadcasters studied do not have advisory councils even though they are nearly always foreseen in their respective Acts, evidence of the virtually non-existent impact of such councils on the governing bodies of such broadcasters is their operating dynamics. Active councils meet very rarely (the Acts compel them to meet two, three or four times a year) and their members are usually hard to contact, possibly because they consider their duties on such councils to be very secondary. In this respect, the authors would like to underscore the fact that they did not receive hardly any replies –just two, and very superficial ones at that– to their insistent e-mails and phone calls, through which the authors' hoped to get an insight into the members' assessment of the impact of advisory council work. So, it is easy to conclude that they cannot, in any way whatsoever, be considered a vehicle for channelling or representing the concerns and demands of citizens, to whom they are supposed to be particularly permeable.

5. Emerging role of professional councils: striving for the independence of news reporting

As mentioned earlier, the presence of professionals in the governing bodies of Spain's public service broadcasters is symbolic. However, in recent years, a growing and significant trend in the activities of professional councils or

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[41] CONSEJO PARA LA REFORMA DE LOS MEDIOS DE COMUNICACIÓN DE TITULARIDAD DEL ESTADO, *op. cit.*, p. 32.

news councils has been identified (one for radio and one for television). But, having checked case by case, the authors only found them to be operating in Andalusia's and Catalonia's public service broadcasters, as well as in the national RTVE. In the professional or news statutes regulating their operation, the main mission of such bodies is to oversee the independence of news services, acting as interlocutors between the employees and the governing bodies of the public broadcasting corporations.

However, the councils have become involved in different matters, thus contributing to a systematisation of the many problems that afflict public service broadcasting. Indeed, in a statement dated 18 May 2010[42], the Professional Council of *Canal Sur* (Andalusia's public service broadcaster) expressed its interest in the implications of digitalisation on the quality of news, in the repercussions of using external producers and in the situation of the broadcaster's delegations (differences in criteria with regard to news programme format; coincidences in the abuse of agency, institutional and political news; minimal contrasting of sources; content repeats; a lack of editors; and a lack of dialogue between those in charge of news programmes and editors). In the same statement and with regard to dialogue with their interlocutors, the professionals also pointed out that it was smoother with the Director of News Services' Office, less so with the Director-General's Office and non-existent with the Deputy Director's Office, the Board and the Audiovisual Council. In the latter three cases, they added that they, as members of the Professional Council, felt that there were points that converged to improve the state of the territorial delegations, the reform of the Professional Statute and the regulation developing it, as well as the assurances of transparency, pluralism and citizens' rights.

Besides that lack of dialogue with the governing bodies, it should be noted that at the time of writing this article, the Council –elected in July 2011– did not have any editors in Seville, thus distancing them from the decision-making centre. The latter is particularly worrying when considering that they claimed to be going through one of their worst ever times, with a clearly demotivated workforce that was tired of so much interference by its superiors and of not being listened to when it came to producing news programmes.

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[42] Unless otherwise indicated, everything mentioned in this and subsequent paragraphs was taken from website of *Canal Sur*'s Professional Council: http://consejoprofesionalrtva.blogspot. com/

In this context, in November 2011, the new council focused its efforts on denouncing election slots, which is probably the most visible activity of the three councils in existence, and with good reason in an electoral period.

For election news, slots are allocated in accordance with Organic Law 5/1985 on the general election regime (the number of minutes is proportional to parliamentary representation). This is unprecedented in Europe, as demonstrated by a study commissioned by the CCMA to the Communication Institute at the Autonomous University of Barcelona (InCom-UAB) in 2009[43].

The application of such criteria stems from the doctrine of a body that is highly political: the Spanish Central Elections Board. Article 66.1 of the aforementioned Organic Law makes that Board the guarantor of news neutrality in public service media programming during an electoral period, and it is the body with which appeals can be lodged in relation to decisions taken by the governing bodies of public service media[44].

In view of the above, the professionals of Andalusia' public service broadcaster, who called on politicians to be respectful of journalistic work, managed to achieve several small advances when it came to dealing with the coverage of the campaign for the national elections held on 20 November 2011. This meant, for example, that election campaign news was not offered as a discrete section for the first time ever, but rather as a usual format switching from presenter to video and vice versa, and that logos of political parties were dropped. In addition, there was a commitment to showing a video (lasting for one minute) on every news programme containing news about parties without any parliamentary representation in accordance with criteria of actuality and relevance. Likewise, the on-screen captions stating that the order and duration of campaign news had been stipulated by the Spansih Central Elections Board and did not correspond to journalistic criteria were retained. Although it was the Professional Council's intention for the presenter to insist on that point, he did not do so.

Canal Sur's Professional Council also expressed its concern about the fact that it was the first election campaign in which *Canal Sur*'s journalists were not going to be present at the events of those heading the lists of prime minis-

[43] ALMIRON, Núria, CAPURRO, María & SANTCOVSKY, Pablo, "The Regulation of Public Broadcasters' News Coverage of Political Actors in Ten European Union Countries", *Comunicación y Sociedad*, Vol. XXIII, nº 1, 2010, pp. 205-236.
[44] ALMIRON, Núria, CAPURRO, María & SANTCOVSKY, Pablo, "Los bloques electorales en los medios públicos del Estado español: una excepción en Europa", *Quaderns del CAC*, nº 34, Vol. XIII (1), June, 2010, pp. 95-102.

terial candidates, and went on to point out that, while they fully understood the tough economic situation that the channel was experiencing and that austerity criteria should be put before those of quality, they wanted to make it known that such decisions seriously affected their news reporting. Similarly, they have condemned the fact that several political parties had unsuccessfully tried to get the rules applied to pre-campaign slots.

Almiron, Capurro and Santcovsky point out that the constant condemnations of election campaign slots by professionals of *Televisió de Catalunya* (TVC) have forced the managers of the Catalan Broadcasting Corporation to make such slots more flexible. According to those authors, such condemnations have essentially been supported by three arguments: first, that election slots violate the professionals' right to report on issues with complete freedom; second, that they correspond to a pact among political parties with parliamentary representation; and third, that they put a greater distance between citizens and the political class and politics in general by generating news coverage that is distorted by political interests[45].

As a result of such condemnations, and based on the recommendations published by the Catalan Audiovisual Council (CAC) in 2007, the Governing Council of the CCMA approved various news coverage criteria that were put into practice as from the 2008 general elections. The criteria have led to the application of a range of time slots devoted to reporting on different political parties in election periods –from 1 minute to 2 minutes 30 seconds– even though, in accordance with strict proportionality, the range would be from 1 to 7 minutes[46]. However, the professionals do not consider this measure to be at all satisfactory, and they have been very active on a number of fronts. Thus, TVC's Professional Council, which has been in operation for 12 years, pointed out what their main challenges were (in late 2011) to the authors:

1. To demand a professionalised and depoliticised model of election of directors in view of the reform of the CCMA Act.

2. To defend the citizens' right to information on cutbacks in the CCMA's budgets announced by the Government of Catalonia.

3. To fight against the electoral slots that have been imposed with (even) greater force as a consequence of the reform of the Organic Law on the general election regime and to defend political plurality by, for example, reflecting the activities of parties without parliamentary representation on TVC's channels.

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[45] ALMIRON, Núria, CAPURRO, María & SANTCOVSKY, Pablo, "Los bloques electorales…, *op. cit.*, p. 98.
[46] *Ibíd.*

4. To be more self-critical in order to achieve a kind of journalism that is more analytical and contextualised within TVC, as opposed to the 'statement/ counter-statement' model and to the superficiality that a blend of news and entertainment genres entails.

5. To defend the independence of TVC journalists in the light of financial pressures, with the inclusion in the CCMA Style Book –demanded and achieved– of its professionals' obligation to refuse any gift obtained from their activities.

Telemadrid is an example of the many public service broadcasters where there are obvious signs of professional councils being regarded with distrust by the governing bodies, which are either politicised or in which there is government interference. Among the agreements reached in 2004 to put an end to a strike by its employees, a decision was taken to approve the Editorial Statute of the Madrid Radio-Television Public Entity (RTVM), which would include the creation of a professional council. However, the meetings to appoint the members of the steering group for the joint elaboration of the Editorial Statute faltered in 2008 because the corporation had not replied to the proposals put forward by the workplace trade unions *Comisiones Obreras* (CCOO), *Unión General de Trabajadores* (UGT) and *Confederación General del Trabajo* (CGT). In view of this situation, CCOO took legal action against the entity. On 18 June 2009, Labour Court 29 of Madrid upheld CCOO's claim. On 18 December 2009, following RTVM's appeal, the High Court of Justice of Madrid handed down decision 941/09 that supported the claim of the public entity's employees and forced RTVM to proceed with the negotiation process halted in 2008. As at November 2011, and in spite of that decision, the negotiation process had not resumed[47].

6. *The case of RTVE*

In the context described above, it is of particular interest to describe and analyse in greater depth the presence and impact of social groups and professionals in the governing bodies of RTVE. The authors have already mentioned that is it worth noting, from the 2006 reform, that the Board had to include two members put forward by the most representative national trade unions in the Corporation (Article 11.2). These Board members, nominated by UGT

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[47] The information about RTVM in this section was taken from the mentioned ruling and from conversations between the authors and members of the *Salvemos Telemadrid* platform.

and CCOO, found themselves embroiled in a contentious matter in September 2011, when the Board tried to access the *Inews* work system used by the editorial staff of TVE's News Services. As discussed later, this matter was strongly denounced by TVE's News Council and led to the resignation of the Board member who had been appointed by nomination of CCOO, Héctor Maravall. Surprisingly, this Board member abstained from the voting that led to the approval of such a controversial measure –overturned a few days later– that will also be discussed later. In contrast, the Board member appointed by nomination of UGT, Santos Miguel Ruesga Benito, was, together with the Board member nominated by the left-wing Spanish parliamentary group *Izquierda Unida-Iniciativa por Cataluña*, the only person who voted against this measure and, consequently, the only trade union representative left on the RTVE Board at the time of political change in November 2011. Despite that, Ruesga Benito was unable to find time to answer the authors' request to provide an assessment of the impact of his work on the Board's decision-making processes.

Regarding RTVE's Advisory Council, Alejandro Perales's opinion is very significant. He is the Chairman of the Communication Users' Association (AUC) and a member of that Council, which, as already noted, came into existence as a result of the 2006 reform[48]. At the First Conference on Television and Citizenship held at Rey Juan Carlos University, Madrid, on 7 November 2011, Perales stated that although he was absolutely in favour of the existence of advisory councils in public service media, 30 years on from the approval of Act 4/1980 he had to admit that the outlook was bleak. He went on to say that only a few regional broadcasters had such advisory councils and that, in his opinion, their work did not even have a token value. Perales further stated that the fault did not lie, however, with the members of such councils, but rather with legislation that, in general terms, was designed to ensure that they had no impact or effectiveness: limitation of powers, few meetings (two a year), a high number and a frequent turnover of members, a lack of knowledge about the medium in some cases, a lack of ongoing activity, etc.

On the specific case of RTVE, several days later, Perales nuanced his earlier comments in a personal communication with the authors stating that within

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[48] The 15 members of RTVE's Advisory Council were nominated by the Spanish Economic and Social Council (3), Council of Consumers and Users (2), Ministry of Foreign Affairs (1), Youth Council (1), Women's Institute (1), entities representing people with disabilities (1), General Council for Emigration (1), Academy of Television Arts and Sciences (1), Academy of Cinematographic Arts (1), Council of University Coordination among Scholars in Communication and Social Sciences (1), entities representing advertisers (1) and entities representing journalists on a state-wide scale (1).

that bleak outlook, he had to say that RTVE's Advisory Council had: taken part in the elaboration of guidelines and regulation of the right to access; made its voice heard in the elaboration of the RTVE's Self-Regulation Code; and refused to approve the programme contract that had been submitted for it to issue a mandatory report because the financial conditions had not been clarified. He concluded that something was better than nothing.

Regarding the professional councils, which in the case of RTVE are called News Councils, TVE's has had the greatest public impact since its creation as a result of the previously mentioned Act passed in 2006. The RNE (Spanish National Radio) News Council has also operated normally.

While it is true to say that, at various moments in time, there had been much debate about the need to have a news statute and professional councils (for example, in the latter years of Prime Minister Felipe González's governments, coinciding with the proliferation of cases of corruption), the triggers for driving them forward once and for all were –as the authors were told by Rafael Díaz Arias, an RTVE professional historically involved in all such processes– the three events occurring in the latter stage of Prime Minister José María Aznar's government, the news treatment of which was highly controversial: the 2002 general strike, the Prestige case and the Iraq war. According to Díaz Arias[49], the lack of a statute and professional councils at the time was compensated for firstly by the reporters' formation of an Anti-Manipulation Committee (created in 2003, of an assembly-like nature) and secondly by a Provisional News Council, elected in 2004 by the staff of the News Services in an extralegal vote with the aim of promoting, drafting and negotiating a news statute. Díaz Arias clarified that the change in direction of RTVE after the 2004 elections was favourable to the tabling of negotiations, though nothing could be attained because of the narrow-mindedness of some trade unions that wanted to tie the securing of a statute to certain pay demands[50].

The path towards the creation of the statute and councils was definitively opened with the previously mentioned *Informe del Consejo para la Reforma de los Medios de Comunicación de Titularidad del Estado*, delivered to the government in 2005, whose recommendations in favour of the existence of a statute and news councils were finally enshrined in Act 17/2006. From that point

[49] DÍAZ ARIAS, Rafael, "El nuevo Estatuto de Información de la Corporación RTVE: independencia editorial e independencia profesional en un marco deontológico", in *Actas del VI Congreso Internacional de Ética y Derecho de la Información*, Valencia, Spain, 7-8 November 2008, p. 7.
[50] *Ibíd.*, p.7.

on, the negotiations were tough yet reasonable, while Díaz Arias pointed out the lack of interest shown by the members nominated by the conservative *Partido Popular*, who hardly ever attended the meetings. This journalist, now a tenured lecturer at the Complutense University of Madrid, now acknowledges a number of concessions in the guarantees finally set out in the RTVE News Statute, such as the development of copyright. However, he also highlights some significant achievements, such as the right to a professional career.

Since its creation, TVE's News Council –with 13 members elected for a period of two years by professionals– has openly adopted a public stance on several issues. Particularly worthy of note were its reactions to the persistent statements by the conservative *Partido Popular* about a supposed lack of objectivity in its news reporting. An example of this was the confrontation in April 2011 between the Secretary-General of the *Partido Popular*, María Dolores de Cospedal, and the journalist Ana Pastor, during an interview on *Los desayunos de TVE*, a breakfast-time current-affairs debate programme, which had considerable public repercussions.

Among the responses to such accusations of a lack of objectivity, it is worth highlighting a communiqué published on 4 April 2011 under the title *Independencia profesional frente a presiones políticas* (Professional independence in the face of political pressure)[51], in which TVE's News Council stated that it considered the way in which TVE professionals were being attacked to be unacceptable, as was the degree of rage behind the *Partido Popular*'s accusations that called the credibility of TVE's news programmes into question in the face of public opinion, especially when the citizens' acceptance of the state-owned public service broadcaster and its capacity to provide objective news coverage was beginning to become consolidated, with leading audience share results. The communiqué concluded by indicating that, while being open to criticism by the citizens and to contrasting views, and strictly within its professional sphere, TVE's News Council called upon anyone with a complaint to make it through the channels set out in the News Statute and by the Board, as well as to consider the work done daily in its context and to treat news professionals and RTVE with the respect they deserve.

Another significant statement made by the News Council was connected with the Board of RTVE's attempt to access the *Inews* work system (an internal

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[51] Communiqué available on TVE's News Council's website: http://www.consejoinformativostve.es/index.php?option=com_content&view=article&id=6:comunicado-cditve-4-de-abril-de-2011independencia-profesional-frente-a-presiones-politicas&catid=8&Itemid=200 [Last accessed: 1 December 2011].

network used by the editorial staff to choose the topics for each news programme and by presenters to put the news together), as mentioned earlier. The immediate action taken by the News Council led to the withdrawal of the measure in the light of the avalanche of support that TVE employees received from a variety of academic, profesional and even political groups. Hence, the *Comunicado sobre el Inews* (*Inews* communiqué)[52] of 21 September 2011 forcefully pointed out that a measure such as the one in question exposed employees to political control and other kinds of pressure, thus blatantly contravening the constitutional right to freedom of expression and information.

Besides statements like these (also made in relation to election slots for example, and which undeniably strengthen the image of independence for which TVE has received several national and international awards in recent years, such as the Global Media Awards), one of the members of the News Council, the journalist Pedro Soler, pointed out to the authors the important yet minimally visible efforts made by the Council to improve the way in which news is treated by the News Services or to deal with the wide range of enquiries that it receives. Some of these refer to news reporting mistakes or bad practices, which are denounced both inside and outside TVE. Indeed, the Council sometimes takes action of its own accord.

Soler pointed out that the members of the Council have to combine the duties of that body with there usual functions and that they themselves have to make up for a lack of certain essential resources to ensure that the Council's work is able to be carried out and seen. For example, the Council's institutional post holders do not have corporate telephones and RTVE has not provided them with the means to set up an institutional website in the heart of the Corporation. Consequently, the money for the design and maintenance of the Council's website (www.consejoinformativostve.es) comes from the members own pockets. Finally, Soler is self-critical when pointing out that there are important objectives that, despite the efforts made, have not yet been achieved. For example, the News Council's opinions have not been taken into account for the elaboration of the Style Book and –something much more important in his view– the right to a professional career –acknowledged in the News Statute– has not been developed:

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[52] Communiqué available on TVE's News Council's website: http://www.consejoinformativostve.es/index.php?option=com_content&view=article&id=15:comunicado-sobre-el-inews&catid=8&Itemid=200 [Last accessed: 1 December 2011].

> We have submitted a proposal to News Management with the intention of objectifying, on the basis of professional merit, the possibility of applying for certain posts of responsibility (correspondents, division chiefs, etc.), because we believe that this is crucial for the purpose of ensuring the independence of news reporting, but we have yet to make any significant strides towards a firm commitment on this top-priority issue.

7. Conclusions

It can be concluded from the above that the presence of social groups and professionals in the governing bodies of Spain's national and regional public service broadcasters is symbolic. Moreover, in the only two cases where they were found to be present, the Boards of RTVE and of Basque Radio Television, their impact is minimal.

Nor do the advisory councils, which only operate in six of the 13 cases studied, show any encouraging signs with regard to the ability of social groups to have an impact on the decision-making processes of the public broadcasting corporations. In fact, they generally convey a sense of paralysis, owing mainly to the operating model established in the legislation: the councils have very few powers and are formed by large numbers of members who do not meet very often and rarely seem to have even the slightest understanding of the workings of the public broadcasting corporations they are supposed to advise.

Professional/News councils are a different matter. While they are only active in three of the public service broadcasters studied, they have clearly helped to highlight the significant degree of politicisation of, or government interference in, public service broadcasting. Their constant denouncements of election slots are well documented, since such slots determine the news coverage given to election campaigns on the basis of the outcome of the previous elections. Also very important in the case of RTVE was the statement denouncing the Board's attempt to control the *Inews* system. This was finally halted as a result of the support that the professionals received from a variety of social and political sectors. It is essential to highlight the various communiqués issued by TVE's Professional Council in response to accusations of a lack of independence levelled against it by the conservative *Partido Popular* when it was the main opposition party.

Likewise, it is necessary to underscore the case of Madrid Radio-Television, where its professionals have two court decisions in their favour, forcing the public entity to proceed with negotiations for the creation of a news statute and professional councils, which it is constantly hindering. Such hindrance has been denounced by the *Salvemos Telemadrid* (Let's Save *Telemadrid*) platform.

Besides these noteworthy activities of public denunciation, the professional councils are working to ensure the quality and rigour of news reporting at the heart of the broadcasting corporations for which they work, in spite of the minimal resources they have available and of the distrust with which they are regarded by the governing bodies. In this respect, they have expressed deep concern over issues such as the establishment of a professional career that guarantees merit-based promotion rather than direct appointment, over the implications of production outsourcing and over the need to progress towards a kind of journalism that is more analytical and contextualised.

Some encouraging signs were therefore found in such professional councils on two particular fronts: first, the internal duties they carry out, and second, their contribution to the crucial public debate on how to govern public service broadcasting bodies that are systematically called into question and at serious risk of becoming weakened in the context of budget cutbacks that all the administrations have begun to make.

Under such circumstances, it would desirable for Spain's political class finally to become cognisant of the important role that public service media play in terms of fostering pluralism and democratic interaction, while proceeding to promote an in-depth debate on their governance models. In that debate, it is vital to consider other European models of prestigious television broadcasters, where the presence and impact of social groups and professionals is much greater. If this is not done, then it may be due to the fact that Spain's political class is not prepared to co-exist alongside truly independent public service media that represent a point of reference for its citizens.

8. Acknowledgements

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