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Political interference in the Spanish and Catalan PSMs: Attempts to reform and resistance to change (2006-2017)¹

Ana Fernández Viso, Autonomous University of Barcelona

Isabel Fernández Alonso, Autonomous University of Barcelona

1. Introduction

In their influential study of 18 Western media systems, Hallin and Mancini (2004) classified the media systems of southern Europe's young democracies under the Polarized Pluralist model because they considered political parallelism the most prominent trait. According to those authors, the aforementioned model in turn corresponds to the high level of diversity and ideological conflict that characterises such societies, and to the late development of their liberal institutions. In this model, of which Spain is a paradigmatic example, the profitability of the press is low and the societal penetration of television is three times higher than it is for newspapers. The State intervenes heavily in the media system, and its logic is one of clientelism and political instrumentalisation instead of one of rational-legal authority (D'Arma, 2015; Fernández Alonso, 2017; Iosifidis & Boucas, 2015). Finally, journalism's degree of independence from the political sphere is very limited, as is its orientation towards public service ethics.

The low rates of press readership in Spain (24.3% in November 2017²), the generalised preference for television as a source of political news (CIS, 2016, p.10) and the late liberalisation of the television market (early 1990s) have historically granted public service media operators (PSMs) a prominent role in forming public opinion in Spain. However, as we shall see, PSMs have not always helped to facilitate vigorous, inclusive public debate, which is essential not only for the promotion of tolerance, consensus and social cohesion in a society that is politically very divided, but also for the enjoyment of a healthy, sustainable democracy. The predominance of a majoritarian democracy system, the lack of a political and cultural tradition of consensus, the inheritance of political control exerted over the media in four decades of dictatorship (1939-1975) and the historical development of a journalism model that is very much orientated towards political news and opinion all go to explain the persistence and apparent societal acceptance of practices of political interference in PSMs in Spain.

¹ Translated by Steve Norris

² <http://www.aimc.es/a1mc-c0nt3nt/uploads/2017/05/resumegm317.pdf>

Spain's political transition from dictatorship to democracy began with the death of the dictator Francisco Franco in November 1975. After the first elections of the restored democracy had been held in 1977, the agreement between the liberalising forces of the Francoist regime and the democratic opposition was laid down in the 1978 Spanish Constitution. Among other institutional agreements, the Constitution recognised the right to autonomy of the nationalities and regions of Spain, which enabled the creation of the 17 Autonomous Communities it has today. On matters of communication in particular, the aforementioned Constitution establishes that the State has exclusive powers to set the basic rules for the press, radio and television regime, and, in general, for all social communication media, without prejudice to the powers that, in their development and execution, the Autonomous Communities may have (Article 149.1.27).

Regarding PSMs, such a generic provision has translated, in practice, into the existence of a State operator – Radiotelevisión Española (RTVE) – and up to 13 regional operators³. This has been possible because the Autonomous Communities have the option, if they wish, to create and develop their own PSMs. To do so, the regional parliaments must pass a law to regulate the PSMs' organisation and operation. They have considerable room for manoeuvre because there is currently very little State-level framework legislation on this matter. Of the 17 Autonomous Communities, only four – Cantabria, La Rioja, Navarra and Castilla y León – do not currently have their own PSMs.

If we analyse the governance models of the 13 existing PSMs, we find that there have been a series of reforms over the past decade that, generally speaking, have led to a shift from the governmentalised model (where the Executive has greater influence on the appointment of people to high-level positions) to the parliamentary model (where the Legislative power's initiative takes precedence, usually with qualified majorities and for terms of office that do not coincide with the Legislature). In a few cases, we also find that social and professional groups or independent regulators have intervened in such appointments. However, such intervention has not brought them any closer to the Professional or Democratic Corporatist governance systems that are characteristic of Atlantic or central and northern European countries (Casado, Miguel, & Sarabia, 2017).

This chapter therefore focuses on the analysis of the recent evolution of the governance models of Spain's State PSM (RTVE) and one regional PSM: the Catalan Audiovisual Media Corporation (CCMA). We have selected these two cases because, in 2006 and

³ In this chapter, the terms "region" and "Autonomous Community" are used synonymously.

2007, respectively, they launched a process that sought to degovernmentalise PSMs at national and regional levels, in which the reforms and counter-reforms were mirrored.” Of all the regional PSMs, the Catalan one has the highest budget, audience and number of programme offerings. Ultimately, the independence of these two operators is more than necessary and desirable at a time when Spain is experiencing an unprecedented political crisis brought about mainly by the challenge of Catalan separatism.

The regulatory design and, above all, the implementation practices of governance models are, in our opinion, the most significant indicators of political interference in PSMs. As we shall see, such interference is unfinished business for Spanish democracy.

2. Dispute over RTVE’s governance model: Three laws in 11 years

The reform of RTVE’s governance model in 2006 put an end to three decades of the Government’s direct election of its top executive. However, the new system’s implementation met with obvious resistance, so much so that, in 2012, the conservative party *Partido Popular*’s (PP’s) Executive changed the law to once again facilitate governmental election (indirect, this time) of the RTVE Chair. At the opposition’s initiative, RTVE’s governance model was modified again in 2017.

2.1. Background: PSMs’ democratic fit between 1977 and 2006

During Spain’s transition to restored democracy, the importance placed on the regulation of the Spanish PSM, which the Francoist Government had created in 1956, is reflected by the fact that it was one of the issues included in the “Pactos de la Moncloa” [Moncloa Pacts]. These agreements were signed by the various Spanish political and economic agents in 1977 in order to consolidate the process of change. In these documents, the creation of a Provisional Governing Council for RTVE was agreed. Formed by representatives of the Government and the various parliamentary groups, this Council was tasked to draft a bill to regulate the Spanish PSM under democracy, and to oversee the objectivity of news reporting until the bill had been enacted into law.

Two years later, in January 1980, the Radio and Television Statute (Act 4/1980) was approved. It was the outcome of an agreement between the political party that brought together members of the reformist sector of Francoism (the centre-right party *Unión de Centro Democrático* [UCD] that governed after the 1977 elections) and the social-democrat party *Partido Socialista Obrero Español* (PSOE). This Statute defined the PSM as an essential vehicle for news and for the citizens’ political participation, and it

established objectivity, truthfulness, impartiality and pluralism as the inspiring principals of its news reporting. At the same time, however, it set out that the top executive would be a Director-General, with wide-ranging powers and functions, appointed directly by the Government for a term of office coinciding with the Legislature. RTVE's governance structure was completed by a Board – with far fewer powers than the Director-General – made up of 12 members, appointed by a two-thirds parliamentary majority, whose term of office also coincided with the Legislature. The Act therefore facilitated a situation that the original goals had sought to prevent: governmental and political interference in the PSM. This was the Spanish PSM's governance model until 2006. It was also the one that regional PSMs had adopted (until 2006, at least) under the provision in the December 1983 Act⁴ that authorised their creation (Fernández Alonso & Fernández Viso, 2012a).

Political alternation in the restored Spanish democracy occurred after the general elections held in October 1982, which PSOE won with an absolute majority. Led by Felipe González, the social democrats governed Spain until 1996. Despite levelling harsh criticism against the UCD Government's interference in RTVE, PSOE – over the 14 years it was in power – could not resist the temptation of instrumentalising public television, in a country with alarmingly low readership rates, to an extent that is inconceivable for any democratic mentality (Fernández & Santana, 2000, p. 285), as evidenced by the repeated complaints by opposition groups.

After PP came to power in 1996, not only did RTVE's situation not improve, but it actually reached a turning point in PP's second term of office (2000-2004). This term of office was marked by the decision handed down by Spain's National Court, condemning TVE for news manipulation in its coverage of the general strike on 20 June 2002, and its highly questionable coverage of events of major importance to Spain, such as the *Prestige* oil tanker accident and the environmental disaster caused by the oil spill off the coast of Galicia in November 2002, Spain's participation in the Iraq War of 2003 or the al-Qaeda terrorist attack in Madrid on 11 March 2004. In fact, the way that the PP Executive led by José M^a Aznar managed news of the latter event was one of the elements that contributed to PSOE's victory in the general elections held three days later, on 14 March 2004. Within this context, one of the first decisions that the new social-democrat Government took was to create a committee of independent experts to analyse the problems of the Spanish PSM.

⁴ Act 46/1983, of 26 December, regulating the Third Television Channel.

2.2. Commitment to a parliamentary governance model (2006-2012)

Partially inspired by the reform measures proposed by the committee of independent experts, State-owned Radio and Television Act 7/2006 amended and updated RTVE's regulation to ensure its independence, neutrality and objectivity, among other goals. Thus, its governing bodies became a Board of 12 members appointed by a two-thirds parliamentary majority (eight in the Congress of Deputies and four in the Senate), and a Chair (of both the Board and the new RTVE Corporation), elected from among the 12 Board members by a two-thirds majority of the Congress of Deputies (Articles 11 and 12). The term of office of the Chair and of the 11 Board members was extended to six years, meaning that it would no longer coincide with the Legislature. Finally, the functions of the Board were reinforced (Article 16), and two of the members sitting on it had to be put forward by RTVE's most representative trade unions.

Act 7/2016 additionally provided for the creation of News Councils. These were bodies in which RTVE's news professionals could participate in order to oversee their independence and to ensure the objectivity and truthfulness of news content (Article 24.1). Created in July 2008, these television (TVE), radio (RNE) and digital media (*Medios Interactivos*) Councils took on the function of informing the Board of any potential news manipulations or bad practices (Lakidain Zabalza & Patterson, 2012), among others. Since then, it has been performing the important task of scrutinising RTVE's news-related work (Fernández Alonso & Fernández Viso, 2012b).

As a result of these changes in legislation, Spain's two largest political parties, PSOE and PP, agreed, for the first time in December 2006, on the appointment to the RTVE Chair of the journalist Luis Fernández, whose career had been forged in media with an ideologically different profile. His appointment received unprecedented backing of the Parliament, as did the appointment of his successor, Alberto Oliart, three years later. Despite being a lawyer with no experience in the audiovisual sphere, Oliart's appointment came after Fernández's resignation, while the reform of RTVE's funding system was being negotiated. However, the composition of the Board reflected a party-quota distribution rather than a choice based on professional criteria.

In the 2007-2012 period, TVE newscasts regained their audience-share leadership and the citizens' trust (CIS, 2012, p.17). They won numerous awards, including the prestigious 2009 TV News Award for the world's best prime time newscast. Academics and professionals agree that this was one of the periods of greatest independence for

RTVE professionals' work (Consejo de Informativos de TVE, 2011; Fernández Alonso, Fernández Viso, & Blasco Gil, 2017; Lamuedra Graván, 2012). However, eighteen months before the November 2011 general elections, PP started accusing RTVE of ideological bias in its newscasts, as the session records of the RTVE Joint Parliamentary Control Committee show, and its criticism became harsher as the general election drew closer. Within this context, it was impossible to reach consensus on the appointment of a new RTVE Chair following Oliart's resignation in July 2011.

2.3. Return to governmentalisation in 2012

In April 2012, a few months after PP's return to power after winning the general elections with an absolute majority, the PP Government approved Decree-Law 15/2012 on the amendment of RTVE's administrative regime. In the name of budgetary austerity, this Decree-Law reduced the number of Board members to nine (two of the three that had been cut were the members put forward by the trade unions), withdrew pay from all members except the Chair, and made the appointment system more flexible so that members could be elected by absolute majority in a second round of voting if a two-thirds parliamentary majority had not been achieved. This Decree-Law was ratified a month later with the sole backing of the conservative Catalan nationalist party *Convergència i Unió* (CiU). As we shall see, CiU had pushed forward a similar counter-reform in Catalonia three months earlier.

Under this new legal framework, the Congress of Deputies elected Leopoldo González-Echenique as the new RTVE Chair in the second round of voting on 28 June 2012, with votes from PP and CiU only. González-Echenique was a lawyer with no experience in the media sector who had held several positions of trust in previous PP Governments. On the very day he took up his position, he convened a Board meeting to appoint, among others, a new Director of TVE's News Services. This position was given to Julio Somoano, who, until his appointment, had been the person in charge of newscasts for Telemadrid, Madrid's regional PSM. Under his watch, Telemadrid's workers had made repeated complaints about news manipulation via the *Salvemos Telemadrid* (Let's save Telemadrid) campaign. Many comments were made about the fact that the Somoano was the author of a master's dissertation entitled *Estrategia de comunicación para el triunfo del Partido Popular en las próximas elecciones generales* [Communication strategy for the *Partido Popular*'s victory in the next general elections], which he had defended at the Autonomous University of Barcelona (UAB) a few years earlier.

Amid harsh criticism from the opposition, some of the people in charge of the PSM's news channels and newscasts were fired and, in many cases, replaced by those who had held high-level positions in the 2000-2004 period⁵. In fact, even the person who had been Director-General of RTVE at that time, José Antonio Sánchez, returned to replace González-Echenique when the latter resigned in 2014. Sánchez was appointed Chair of RTVE with PP Deputies' votes alone. This occurred amid considerable controversy because, before the vote, representatives of the TVE News Council had submitted a document signed by 1500 RTVE professionals denouncing "blatant manipulation and censorship" in the PSM⁶. Spain was about to embark on an important electoral year in 2015 (municipal and regional elections in May and general elections in December), and PP, which had been highly criticised for its Government's social cutbacks, had been accused of corruption in more than 100 legal proceedings⁷.

After taking up the position, Sánchez pushed forward the appointment of a new Director of News Services, José Antonio Álvarez Gundín, at that time the Deputy Director of Opinion for the pro-government newspaper *La Razón*. Gundín renewed the newscast workforce by directly taking on journalists from other private media that were ideologically aligned with PP, creating what some TVE workers called a "parallel newsroom"⁸ charged with writing political and economic news content. The changes pushed forward by the new management led to an avalanche of criticism by the opposition, trade unions and the TVE News Council. Indeed, the TVE News Council has done a lot of work in recent years to denounce the situation. It has produced detailed quarterly reports on cases of news manipulation, censorship or bad practice in TVE, as happened with the controversial coverage of the Catalan conflict in October 2017⁹. These were leaked to the press and have again generated social and political debate on the pressing need to prevent means of political interference in RTVE.

The data showing a low audience share for TVE's first channel have undoubtedly contributed to the debate. In 2011, it was in the top spot for audience share (14.5%)¹⁰ but,

⁵ https://elpais.com/sociedad/2012/08/04/actualidad/1344105813_424577.html

⁶ http://www.eldiario.es/politica/Jose_Antonio_Sanchez-RTVE-Congreso-trabajadores_de_TVE_0_316368597.html

⁷ http://www.eldiario.es/politica/corrupcion-Irene-Montero-afeado-PP_0_654084870.html

⁸ <http://www.publico.es/economia/comunicacion/tve-crea-redaccion-paralela-telediario.html>

⁹ http://vertele.eldiario.es/noticias/Ejemplos-manipulacion-informativa-TVE-Catalunya_0_1951604845.html

¹⁰ https://www.barloventocomunicacion.es/images/publicaciones/ANALISIS_TELEVISIVO_2011%5b2%5d.pdf

since 2013, it has dropped to third place. At the close of 2017, it had mean audience share of 10.4%¹¹. In terms of Spaniard's preferences in relation to their sources of electoral news, TVE's newscasts have also fallen 20 percentage points since November 2011 (CIS, 2016, p. 13).

Thus, after PP had lost its absolute majority in the June 2016 general elections, an agreement between the three main opposition parties (PSOE, the centre-right *Ciudadanos* and left-to-far-left *Podemos*) enabled them to successfully push forward a new legislative amendment in September 2017. This amendment reinstated the obligatory two-thirds parliamentary majority to elect the Chair and the remaining members (now 10) of the RTVE Board. However, for the initial formation of these bodies after the implementation of Act 5/2017¹², said Act allows for the possibility of appointment by absolute majority in a second round of voting, as long as the candidates have the backing of at least half the parliamentary groups. This Act also considers that the selection of eligible candidates should be done by public competition, but PP's and PSOE's lack of commitment to that initiative has prevented the Parliament from approving the regulations and the procedure in the three-month period foreseen by law to do so¹³. It remains to be seen, therefore, whether the Spanish political parties are prepared to give up the party-quota distribution of members in the RTVE's governing bodies.

3. Reform and counter-reform of the Catalan PSM

The Catalan PSM has followed a similar path to RTVE in terms of the governance model: reform of a parliamentary nature in 2007 and a return to governmentalisation in 2012. However, as we shall see, there are some important nuances, particularly in relation to the implementation of the two legal amendments.

3.1. Reform of a parliamentary nature in 2007

From 1980 – the year when the first regional elections were held – to 2003, the conservative Catalan nationalist coalition *Convergència i Unió* (CiU) governed in Catalonia, albeit not always with an absolute majority. During that period, the regional

¹¹<https://www.barloventocomunicacion.es/images/publicaciones/ANUALES/analisis-televisivo-2017-Barlovento.pdf>

¹² Act 5/2017, of 29 September, amending Act 17/2006, of 5 June, on State-owned Radio and Television, to reinstate the independence of the RTVE Corporation and pluralism in the parliamentary election of its members.

¹³ https://politica.elpais.com/politica/2017/12/14/actualidad/1513245759_507967.html

PSM's governance model was very similar to RTVE's, with wide-ranging powers bestowed upon a Director-General appointed directly by the regional Executive (Act 10/1983). It should be noted that CiU, like other Catalan nationalist parties, had always had the firm conviction that the PSM would play a highly significant role in the so-called "nation-building process", a process that began in Catalonia with the restoration of democracy following the Francoist dictatorship (Guimerà i Orts & Fernández Viso, 2014).

In 2003, the so-called "Tripartite Government", a coalition of social democrats, pro-independence republicans and greens came to power. To be precise, the parties were *Partit dels Socialistes de Catalunya-Ciutadans pel Canvi* (PSC-CpC), *Esquerra Republicana de Catalunya* (ERC) and *Iniciativa per Catalunya Verds-Esquerra Unida i Alternativa* (ICV-EUiA), respectively. In the government agreement signed by these political forces, called the "Tinell Pact", one of the priority objectives was the reform of the Act that had created the Catalan Broadcasting Corporation, a reform that intended to render the Corporation more independent and professional¹⁴. Such reform, which various political, societal and professional sectors had been seeking for many years, was effected by Act 11/2007, of 11 October, on the Catalan Audiovisual Media Corporation (CCMA).

This Act established that the CCMA's highest management body – the Governing Council – would have 12 members, all of whom would be elected by a two-thirds qualified parliamentary majority for a six-year term. Prior to their election, the Catalan Legislative Chamber would have to submit a list of candidates for Governing Council member positions (more than the number of vacancies) to the Catalan Audiovisual Council (CAC). In turn, the CAC would have to issue a report about the capacity and suitability of each candidate and submit it to the Parliament to ensure that the information was available to it prior to the election. After appointing the 12 Governing Council members, the Chair of the Governing Council (a position of a representative nature) would be appointed from among those members via the same procedure. Finally, the Governing Council would appoint, also by a two-thirds majority and prior public competition, a Director-General with functions of an executive nature. The enhanced majority requirement was also applicable to the highest management body's most significant agreements, such as the approval of budgets.

¹⁴ *Avui*, December 15, 2003, pp. 25-35.

Unlike the previous Act, Act 11/2007 deprived the Government of Catalonia of means to intervene in the election of people to high-level positions within the CCMA; it prevented the Governing Council members' terms of office from coinciding with the political Legislature by extending them from four to six years; it created a kind of two-headed scheme of management, with a Chair and a Director-General; it incorporated novel mechanisms into the appointment system, such as the CAC's intervention in the assessment of Governing Council candidates and the public competition for the appointment of the Director-General; and it opted for clearly enhanced majorities for the election to all positions and for strategic decision-making.

3.2. Failed implementation

Despite the broad consensus generated by the reform, the Act's application was an obvious failure. We shall illustrate this with three examples (Fernández Alonso et al., 2011). First, the process of appointing Governing Council members. The Catalan Parliament sent a list of 12 candidates for 12 vacancies to the CAC, which effectively left the regulator with no room for manoeuvre in the process. In addition, among these names was Albert Sáez, who, at that time, was the person in charge of media policy for the second Tripartite Executive¹⁵, something that could hardly be considered in the spirit of the professed will to degovernmentalise the PSM, which the reform had promised. The CAC had actually noted in its report (it only produced one report of an overall nature) that it regretted that the list of candidates had been "the result of party quotas, as seen in their negotiation". According to the regulator, this violated the "criteria of independence and professionalism" that the Act advocated.

Second, the appointment of the CCMA's Director-General was highly questioned. Twenty-six candidates applied for the positions but it soon transpired that the candidate put forward by the parties within the Tripartite Government was Rosa Cullell, who did not have CiU's backing. As this party had appointed five of the 12 members of the Governing Council, it was impossible to reach the two-thirds required to decide the public competition without CiU's support. Finally, an agreement was reached and Cullell was appointed, but not before the Chair of the Governing Council had sent a letter to the President of the Catalan Parliament asking for help. The reasons for doing so were, firstly, because the Chair was unable to break the deadlock and, secondly, because the Catalan

¹⁵ This coalition governed in the following Legislatures: 2003-2006 and 2006-2010.

Executive's Minister for Culture and the Media had hinted at a potential reform of the Act to get around the requirement for a qualified majority in order to proceed to the appointment of the Director-General.

Third, the resignation in 2010 of the Chair of the Governing Council, Albert Sáez, triggered a new crisis concerning his replacement. The candidate put forward by the parties within the Tripartite Executive was the former Secretary of Communication, Enric Marín, who did not have the backing of the CiU Deputies. It was therefore impossible to reach a two-thirds majority, this time in the Parliament, for his appointment. Since no agreement had been reached, the Catalan Government decided to amend Act 11/2007 so that an absolute majority would suffice in a second round of voting in cases of Governing Council member replacement. By so doing, the spirit of consensus that seemed to have initially inspired the 2007 reform was blown out of the water.

3.3. Return to the governmentalised model within the context of the Catalan independence process (2012-2017)

After the elections held in Catalonia in autumn 2010, CiU regained power, though not with an absolute majority. It managed to form a minority Government with parliamentary support from the *Partido Popular de Cataluña* (PPC, the Catalan arm of the PP) and, within that context, it pushed forward a reform of several pieces of audiovisual legislation, which ultimately led to Act 2/2012, known as an “omnibus Act”. Regarding the CCMA Act, and basing its arguments on “the economic situation and the need for more efficient management” (Blasco Gil, 2013, p. 223), that minority Government reduced the number of Governing Council members from 12 to six; it did away with the Director-General figure, whose functions were taken on by the Chair; and it lowered the majority required in a second round of voting (an absolute majority would suffice from that time on) for the appointment of Governing Council members and the Chair, and also for the adoption of strategic agreements by the Governing Council. In other words, the return to governmentalisation, which the Tripartite Government had initiated in 2010, had become more deeply embedded. This reform was only approved with votes in favour from the CiU and the abstention of PPC. The other parliamentary groups voted against.

Despite this return to governmentalisation, a broad agreement was reached in 2012 between CiU, PPC and PSC (together accounting for more than two thirds of the seats in the Catalan Parliament) to elect the CCMA's Governing Council members in the first round of voting, even though that agreement translated into positions being distributed in

line with party quotas: three Governing Council members put forward by CiU (Brauli Duart, Núria Llorach and Antoni Pemán), two by PSC (Xavier Guitart and Josep Vilar) and one by PPC (Armand Querol).

The situation in the Governing Council of the Catalan PSM became tense towards the end of the Legislature (2012-2015). After a massive pro-independence demonstration in September 2012, the then President of the Government of Catalonia, Artur Mas, dissolved the Parliament and called new elections, directing his political programme towards separatism in the hope of strengthening his party's majority in order to lead the *procés*, a Catalan term that is widely used to refer to Catalonia's independence process. However, CiU lost 12 seats and carried on governing in minority, on this occasion with the backing of the secessionist party ERC. This period ended with new elections being called (for 27 September 2015), which the pro-independence advocates presented as plebiscitary. For the purposes of standing in the elections, they produced the so-called "country list" in a new political formation called *Junts pel Sí* [Together for Yes], whose main members were the centre-right Catalan nationalist party *Convergència Democràtica de Catalunya* (CDC)¹⁶ and the ERC. They also had the backing of the major civil-society separatist organisations *Òmnium Cultural* and *Assemblea Nacional Catalana*.

Thus, in July 2015, at the last Plenary of the Legislature, CiU and ERC chose to fill a position that had been vacant for almost two years on the CCMA Governing Council following Xavier Guitart's resignation. The reason for this was the separatist parties' potential loss of control over this body, since one of the Governing Council members appointed at CiU's initiative, Antoni Pemán, had actually been put forward by the Christian democrat wing of that party, which was not pro-independence. The new appointment (the journalist Rita Marzoa, who had come from being a member of the *Òmnium Cultural* national board) was made only by absolute majority (CiU and ERC) in a second round of voting and amid harsh criticism from the opposition parties. Thanks to this appointment and the Chair's casting vote (which is decisive in the event of a tie between the six Governing Council members), the Catalan PSM's Governing Council had come under the control of the three members put forward by the political forces within *Junts pel Sí*. These members were Duart, Llorach and Marzoa. In fact, no sooner had Marzoa taken up her position on the Governing Council, this body proceeded to dismiss – thanks to her vote and the Chair's casting vote – the Director of *Catalunya Ràdio*, Félix

¹⁶ UDC, the Christian democrat wing of CiU, left the coalition in June 2015 due to its secessionist turn.

Riera, who was an activist of UDC, the wing of CiU that was not pro-independence. Corporate reorganisation was cited as the reason for his dismissal. The decision was harshly criticised by numerous sectors because of its obvious political undercurrent.

After the September 2015 elections, the majority of the seats (but not the votes) in the Parliament of Catalonia were held by secessionists, thanks to the addition of the Deputies of *Junts pel Sí* and of *Candidatura d'Unitat Popular-Crida Constituent* (CUP-CC), a radical-left pan-pro-Catalan party. *Junts pel Sí*, led by Carles Puigdemont, governed in minority with the backing of CUP until he and his entire Government were dismissed on 27 October 2017 by the Spanish Executive under Article 155 of the Spanish Constitution, which had been invoked because those pro-independence parties had promoted a unilateral declaration of independence of Catalonia.

Regarding the CCMA, this latter period was characterised by the existence of an agreement between CDC (which became the regionalist pro-European Christian democrat *Partit Demòcrata Europeo Català*, PDeCAT, in 2016) and ERC to distribute between them the key positions of the Catalan PSM. Among other groups, the PSM's workers and the Association of Catalan Journalists denounced such actions because the Director of *Televisió de Catalunya* (TVC) and the person in charge of *Catalunya Ràdio*'s newscasts clearly supported PDeCAT, and the Director of *Catalunya Ràdio* and the person in charge of TVC's newscasts supported ERC. Of all the appointments, the most highly questioned was Vicent Sanchis's as Director of TVC, given that he was a journalist, an ardent advocate of the pro-independence cause¹⁷ and very closely linked to the former CDC. Indeed, his appointment was met with disapproval from the entire parliamentary opposition, even from CUP (Fernández Alonso & Espín, 2017, p. 42-43).

Within this context, where the struggle for political dominance in Catalonia had also intensified, there was much criticism of government interference in the Catalan PSM. This is demonstrated by the debates in the CCMA Control Committee in the Catalan Parliament; statements made by professional bodies like the Journalists' Trade Union of Catalonia (SPC), which denounced the described appointment system before the Council of Europe; the warnings issued by the electoral commissions about the lack of neutrality in the news treatment of the political situation; or a report produced by *Societat Civil Catalana* (SCC), the main civil-society entity opposed to the independence of Catalonia (2017, pp. 133-163), which analyses a set of evidence considered indicative of the lack

¹⁷ He was the Vice-President of *Òmnium Cultural* from 2008 to December 2015.

of pluralism in the CCMA's media. Among such evidence is the fact that TVC did not interview the authors of the book *Las cuentas y los cuentos de la independencia* [Financial accounts and tales of independence], which is undoubtedly one of the more thorough critiques of the economic arguments for independence; the editorialising content (a type of content that PSMs are not allowed to use) of the "La portada" [Front page] section of *Catalunya Ràdio's* morning programme; and the burning of a copy of the Spanish Constitution live on the morning programme of TV3 (TVC's generalist channel). Likewise, there is repeated criticism of a lack of pluralism in debates broadcast by the Catalan PSM, to the extent that two well-known chat-show hosts, Joan López Alegre and Nacho Martín Blanco, decided to stop taking part in them, publicly saying farewell in an article ("Adiós al circo del odio" [Goodbye to the circus of hate]) published in the newspaper *El País*, in which they complained about the hostile treatment given to the minority presence of voices against independence in these broadcasts¹⁸.

Conclusions

Political control (essentially governmental) of RTVE and the CCMA (like all the other regional PSMs) has been a topic of concern, debate and regulation since the restoration of democracy in Spain. However, this issue has by no means been resolved. Hence, within a context of strong political and media polarisation around the Catalan issue, it is more crucial than ever to have PSMs that help to foster calm, constructive dialogue based on a balanced consideration of the different positions in dispute.

While a governmentalised PSM governance model is a cause of general rejection among the academic and professional spheres, and among some sectors of the political sphere too, that was the type of system governing the Spanish and Catalan PSMs in late 2017. Nevertheless, it should be said that RTVE has approved a reform that appears to be clearly aimed at reinstating the parliamentary model that, between 2006 and 2012, produced what is generally considered to be the operator's best period in terms of independence.

In contrast, the governmentalised model persists in Catalonia, despite the fact that, in the last Legislature (which ended in autumn 2017 after Article 155 of the Spanish Constitution had been invoked in order to restore constitutional order and to call elections in Catalonia), the political opposition pushed forward several legislative initiatives aimed at strengthening the parliamentary majority for the appointment of people to high-level

¹⁸ https://elpais.com/elpais/2017/10/09/opinion/1507565383_489219.html

positions and permitting the CCMA's workers to appoint some of the Governing Council members by universal suffrage (something they had been demanding since 2013) (Fernández Alonso & Espín, 2017).

Besides the fact that, in the case of RTVE, the Spanish Parliament has already decided – also at the opposition's initiative – to repeal the 2012 return to governmentalisation (although it remains to be seen how this change will occur in practice), it should be noted that the implementation of the first reform also led to a more successful period in Spain (2006) than it did in Catalonia (2007), where confrontation between the Tripartite Government and the then CiU thwarted the legislator's apparent wish to do away with government interference.

Another relevant difference between the two cases analysed is the much more critical role played by RTVE's workers in relation to the PSM's news content (through News Councils), mainly from 2012. In contrast to this were the timid statements made by the CCMA's workers, who, in recent years, have nonetheless been demanding a change in the Catalan PSM's governance model. It is a factor that has undeniably helped to speed up a return to the parliamentary governance model of the Spanish PSM, whose relevance nowadays seems unquestionable.

What is now not quite so obvious is whether a greater parliamentary consensus needed for the appointment of people to high-level positions will be enough to guarantee their professionalism and independence, or prevent the blocking of their appointments or renewals, as has happened in the past. To that end, additional measures to avert such situations should be assessed. At the same time, it is essential to articulate PSM control mechanisms that are truly effective. This leads us on to the sphere of independent regulators, whose work has been an obvious failure in recent years in Spain (with a multisectoral regulator created in 2013) and in Catalonia (with an audiovisual regulator in operation since 2000) (Fernández Viso, 2017; Labio, 2017).

Finally, the Spanish case illustrates the impact of political and cultural factors not only on the configuration and operation of media systems in southern European democracies (Hallin & Mancini, 2004; Voltmer, 2013), but also on the persistence of its particularities, such as the logic of clientelism and political instrumentalisation that underlies State intervention in the media system (D'Arma, 2015; Denicoli & Sousa, 2012; Iosifidis y Boucas, 2015). This is in sharp contrast to certain forces of change, such as the tendency within the European Union context towards deregulation, depoliticisation of audiovisual

regulation by creating independent authorities, and the strengthening of PSM independence and control guarantees.

It is an undeniable fact, however, that the regression observed in 2012 in RTVE's and the CCMA's governance models has been widely contested, and that everything is pointing to its reversal sooner or later, as is happening with other, previously much-questioned regional PSMs in Spain (e.g., the Madrid and Valencian PSMs). In any event, the legislative changes of the mid 2000s seem to have raised the threshold of Spanish democracy's intolerance of political interference in PSMs.

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