

A Catalan Code of Best Practices for the Audiovisual Sector

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Abstract. In spite of a new general law regarding Audiovisual Communication, the regulatory framework of the audiovisual sector in Spain can still be defined as huge, disperse and obsolete. The first part of this paper provides an overview of the major challenges of the Spanish audiovisual sector as a result of the convergence of platforms, services and operators, paying especial attention to the Audiovisual Sector in Catalonia. In the second part, we will present an example of self-regulation through the previous research work done for the future Code of Best Professional Practices of the Catalan Audiovisual Union. Some issues regarding protection of minors and youth, privacy, general public right of access to digital content on line, intellectual property, pluralism, harm and offence content are examined in the light of self-regulation instruments.

Keywords: Self-regulation, audiovisual media, digital content online, intellectual property, code of best practices, ethical media.

1. Introduction

The emergence of new technological changes resulting from the digitization process and the convergence of information technologies and telecommunications in connection with the storage, processing and distribution of information are creating new challenges within the audiovisual sector.

In this context of digital convergence, there is an international uncertainty with regard to new digital business models in the future as it is unpredictable to determine how patterns of use and consume will be, specially when linked to the use of the Internet. Self-regulation codes applied with the right instruments could be useful for professionals to respond rapidly than state regulations to the functional and technological transformations occurred as a result of the convergence of the activity of different industries (content production, telecommunications, media, Internet and services of the Information Society).

Consequently, it is difficult to clearly identify which ethical values and good professional practices should be preserved and defended as a professional group.

The Catalan Union of Audiovisual Professionals has started a research project on the drafting and adopting a code of best practices. This project

implies as we will see later on, the examination of emerging issues as such as enforcement, procedures, content issues, government legislation, and child/consumer protection regarding the audiovisual sector.

2. The regulatory framework of the Spanish Audiovisual Sector

The value chain of the Audiovisual Services has been affected by the so-called technological convergence phenomenon. The convergence of platforms, services and operators increase the complexity of the regulatory framework of the audiovisual services' provision. The EU Audiovisual Media Services Directive (AVMSD)¹, as the main instrument of the European audiovisual regulatory policy, calls on Member States to reform their legislation on this field with the aim of harmonizing and reforming the different regulations covering the audiovisual sector. The Audiovisual Media Services Directive provides a more general but flexible regulation in comparison with the Television without Frontiers Directive (TWF)². The new rules respond to technological developments and represent the opportunity to improve common minimum standards in Europe for traditional broadcasting³ and emerging on-demand audiovisual media services. It is crucial, specially in order to avoid distortions of competition, to improve legal certainty, help the internal market and also safeguard certain public interest. In this respect, the Directive attempts to preserve cultural diversity, protect children and consumers, safeguard media pluralism, fight racial and religious hatred and guarantee the independence of national media regulators.

In sum, the AVMSD Directive provides the key concepts on audiovisual regulation based on the objective of convergence of technologies, businesses, contents and services.

In Spain, with the exceptions⁴ considered below, there was not a general law regulating audiovisual communication services. To avoid this situation,

¹ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

² Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (updated in 1997 and 2007).

³ Television broadcasting includes: analogue and digital television, live streaming, web casting and near-video-on-demand.

⁴ The most important Spanish Acts covering the audiovisual sector are: Act 25/94 of 7 June modifying law 22/1999 on the implementation of the TVWF Directive; Act 10/2005, on urgent measures for the promotion of digital terrestrial TV, liberalization of cable and promotion of media pluralism; Act 22/2005, on Catalan Audiovisual Communication; Act 17/2006, on national public radio and TV; Act 55/2007, on the Cinema Law; Decree 1/2009, on urgent measures for the telecommunications sector.

the Spanish government drafted a general legislative proposal regulating this field⁵ and during the month of March 2010, the Spanish Parliament passed the General Law of Audiovisual Communication.⁶ The audiovisual sectors as well as consumer's organizations have been requiring this specific regulation in different occasions and for the last six years some different legislative proposals have been discussed in the Spanish Parliament without success. The principal issues addressed by this New General Law are:

- It determines which are the rights concerning on the one hand, consumers⁷ and, on the other hand, media service providers⁸.
- It fixes several rules regarding content and mode of operation for the players in the sectors.
- It creates a new supervisory body called National Council for Audiovisual Media. There are in Spain at the Autonomous Region level some regulatory bodies with similar functions⁹, so it could be very possible that competence conflicts arise between them; that is, the National Council and the Autonomous Audiovisual Councils.
- It sets out some rules with regard to advertisement, sponsorship and product placement.
- It proposes to take into account the percentage of the population who speak secondary official languages (Basque, Catalan and Galician) in the different Autonomous Regions for financial purposes regarding film productions and other audiovisual works.

⁵ The new legislative proposal focuses on the following aspects: reformulating public service broadcasting and its adequate funding; licensing procedures for broadcasters (automatic renovation of licenses after 15 years); private broadcasters may sell or lease their licenses (only 50%); fines around 1 million € when: (1) public or private channels do not comply with the economic obligation to support cinema without justification, (2) channels exceed the period of time established for advertising (no more than twelve minutes per hour), (3) channels modify their TV program schedule without a clear justification to do it (three days before, they should communicate TV programming changes to the public); and the creation of an independent regulatory authority to govern the audiovisual area.

⁶ Act 7/2010, of 31st March 2010 on General Audiovisual Communication. Available at: http://noticias.juridicas.com/base_datos/Vacatio/17-2010.html#

⁷ These rights are: the right to receive a plural and transparent audiovisual communication, the right to get cultural and linguistic diversity and the right to participate to the control on the audiovisual content. The Act also stresses the rights protecting minors and person's disability.

⁸ The new Spanish Audiovisual Law recognizes for the media service providers the following rights: freedom regarding editorial management, the right of access and self regulation, the right to do commercial communications, and exclusivity over certain audiovisual content for broadcasters.

⁹ Autonomous Communities such as Navarra (CAN), Catalonia (CAC), and Andalucía (CAA) have their Audiovisual Councils.

- It states that private broadcasters have the right to negotiate remuneration with satellite or cable platforms in exchange for their free-to-air channels. By way of compensation, public broadcasters will do it without any type of remuneration.
- It will promote own productions by public service channels guarantying linguistic and cultural diversity in broadcasters (either national or from the Autonomous Regions). Broadcasters will be on the alert concerning this issue with regards to their broadcasts.

Moreover, the regulatory framework of the audiovisual sector in Spain has been defined as huge, disperse and obsolete. Regulations concerning broadcasting have been produced under governmental control and it is almost impossible to obtain agreements from all the stakeholders involved in order to pass a general law for the audiovisual sector.

On 29th May 2009, the Spanish government approved a bill law on the funding scheme of RTVE. Nowadays, this is raising a wide debate within the broadcasting sector because of the new rules concerning: (1) choosing a dual funding scheme: suppression of advertising spaces on public service broadcasting and establishing economic contributions for free-to view TV (3%), Pay TV and conditional access TV (1, 5%); and (2) avoiding TV operators to lose their license if they do not contribute with their taxes. They will be punished with general sanctions according to the tax system established in Spain.

Looking at this broad picture, we can conclude that successive governments have approved different regulations to face concrete situations as a consequence of new technological changes occurred during the past years. It seems to be clear the need to design Spanish audiovisual and media regulations. However, as we will state later, regulation does not involve mainly legislative drafting. We cannot forget the importance of this sector for societies, democracy, education and culture.

2.1. THE CATALAN AUDIOVISUAL LEGAL FRAMEWORK

At the autonomous regions level, Catalonia has done its homework in terms of regulating the audiovisual sector by proposing a mixed model of public service broadcasting (public and private broadcasters coexist). Firstly, broadcasters develop their activity under provisions made by art. 20 of the Spanish Constitution (audiovisual communication freedom) and not for being concessionaire of a public service mandate. Secondly, the legislation designed a public broadcasting sector based on the general interest and on common values such as freedom of expression and information, the right of reply, pluralism, protection of copyright, promotion of cultural and human diversity, minors and consumers.

The Catalan Communication legal framework is constituted by the Act 2/2000, of May 4, on the Audiovisual Council of Catalonia¹⁰, the Act 22/2005, of December 29, on the Audiovisual Communication in Catalonia¹¹, and the Act 11/2007, of October 11, on Catalan Broadcasting Corporation¹². This legislative package should be implemented with the Spanish legislation on the audiovisual matter according to the European Audiovisual policies.

As we pointed out above, the European Audiovisual Policy tries to establish and guarantee a minimum of uniformity regarding audiovisual content within the European Union. It recognizes certain discretionary activity on behalf of Member States in relation with national audiovisual regulations.

The brief description presented concerning the audiovisual legal framework at different legislative levels is necessary to understand the legal constraints that audiovisual professionals must take into account in order to develop their professional activity. Even if audiovisual professionals are working under the umbrella of public or commercial broadcasters, they are limited by these regulations. It seems clear what Catalan and Spanish regulations concerning audiovisual communication have in common: both regulations have the same receiver, traditional broadcasters. Other important agents who are part of the value chain of the audiovisual are not under the legal umbrella of these regulations (e.g. creators, producers, Internet Service Providers...). It must be understood as they are not compelled by these specific regulations as legal subjects; however, they are obliged to respect others legal regimes (Criminal Law, Intellectual Property Law, the Information Society Service and Electronic Commerce Act...etc) by law. There is a public debate concerning the possibility to share the regulatory weight between traditional broadcasters and the others subjects implied in the audiovisual value chain (Barata, 2009).

All the relevant actors are concerned: consumers, customers, citizens, broadcasters and service servers alike. But the most sensitive areas are to be found among professional associations, namely the official guilds or unions known in Spain as Colegios profesionales.

3. Self-regulation and co-regulation under a professional user perspective

Self-regulation and co-regulation could be presented as two forms to assume professional responsibilities. These mechanisms are not used to

¹⁰ Available at: http://noticias.juridicas.com/base_datos/CCAA/ca-l2-2000.html

¹¹ Available at: http://noticias.juridicas.com/base_datos/CCAA/ca-l22-2005.html

¹² Available at: http://noticias.juridicas.com/base_datos/CCAA/ca-l11-2007.html

avoid regulatory constraints by the audiovisual professionals. On the contrary, these regulatory resources have been used by professionals in order to exercise their moral autonomy within their professional arena (Camps, 2009). The difference between them consists of which sectors take part in the regulatory task: if we consider self-regulation, a professional sector is the one to establish a set of rules. On the other hand, co-regulation implies that more than one sector is concerned with the professional activity. Therefore, these sectors should reach an agreement regarding a set of rules acceptable for each of them concerned.

Within the communication arena, these self-regulation instruments may be shaped in different ways:

- Deontological Codes (normally adopted by professional associations¹³).
- Internal Codes adopted by broadcasters or media corporations, for example, with the aim to regulate a set of professional conducts with respect to editorial principles.¹⁴
- Codes of conduct adopted by some of the audiovisual companies as a consequence of audience pressures with regard to certain contents or even to avoid state regulations on those issues.¹⁵ At the same time, we can include in this paragraph those recommendations adopted by official regulatory bodies addressed not only to professionals, but also to media.¹⁶

4. Self-regulation and professional best practices

One year ago, the Union of Audiovisual Professionals of Catalonia¹⁷ decided to provide a code of best practices. Provisions from its General Rules include as an important professional obligation “to exercise the

¹³ Deontological Code. Federation of the Spanish Press Association, 1993.

Available at: http://www.fape.es/index.php?option=com_content&task=view&id=101&Itemid=120

¹⁴ See for example, the editorial principles of Sogecable (one of the most important pay television media group in Spain). Available at:

<http://www.sogecable.es/noticias.html?id=555719&item=I160&lang=ES>

¹⁵ Código de Autorregulación sobre contenidos televisivos e infancia, 2004

(TVE, Antena3, Telecinco, Sogecable). Available at:

<http://www.tvinfancia.es/Textos/CodigoAutorregulacion/Codigo.htm>

¹⁶ For example, in CAC 2007 Report, there are two specific actions regarding self-regulation: Recommendations on the coverage of Anorexia and Bulimia and Recommendations on media coverage concerning drugs information. Available at: <http://www.cac.cat/web/actuacions/index.jsp?MjI%3D&MQ%3D%3D&L3dlYi9hY3RlYW Npb25zL2xsaXN0YXRDb250ZW50#>

¹⁷ <http://cpac.cat/>

profession in accordance with the professional ethics needed and respecting the fundamental rights of the citizens”.

Some recent studies¹⁸ agree with detailing some transformations which have an impact concerning working conditions on the communicative domain. These transformations could be defined as technological and functional (Scolari et al. 2008). Firstly, technological transformation implies that professionals should incorporate new expert knowledge in order to deal with digital instruments. On the other hand, functional transformations mean that professionals should carry out new tasks normally developed by other professionals as a result of the so-called convergence phenomenon. New working places have been created under a crisis situation within the communicative domain as consequence of:

- chaotic growth of the most important agents of the sector (media groups)
- dependence of most of these agents (broadcasters, production companies...etc).
- there are no strong barriers to access within the profession. Different professionals coming from other disciplines such as photography, printing, web design, etc. without specific knowledge on audiovisual communication have been accessing the profession. Some reasons could explain this trend: the poor value assigned to the professional results with regard to audiovisual professionals and the growth of amateur contents which frequently blur the difference between both professional content and amateur content.

In general terms, codes are basically adopted to meet different objectives: (1) avoiding liability; (2) protecting users; (3) imposing professional standards; (4) preventing or commanding control regulation; (5) building trust among users, audiences, readers, etc and; (6) raising the public image of a company.

We may concede that growing proliferation of codes of best practices within professional groups is due to the important value of freedom in our liberal societies (respecting the right of people to their own privacy and public image), and to the development of the information society

¹⁸ See the detailed report with regard to the research “*El sector de la comunicació a Barcelona: 15 Perfils Professionals*”, Barcelona, 2009. It is a research carried out by the Employment Agency of the Communication Faculty (Blanquerna University). See also the study “*Nous perfils professionals de l’actual panorama informatiu audiovisual i multimèdia de Catalunya*” by the Group of Research of Digital Interactions (<http://www.uvic.cat/showrecerca/11>) at the Business and Communication Faculty (University of Vic), September 2006.

technologies (Camps, 2009). This soft-regulation form of government has been adopted by the EU policies since 2000 along with target development and benchmarking (implementation by publication /monitoring /learning), voluntary accords and procedural norms (Héritier, 2002).

Self-regulations codes applied with the right instruments could be useful to order the sector. Nevertheless, professionals concerned should have an incentive (fear towards a public mandatory regulation or to gain citizens' confidence) in order to respect self-regulation codes (Barata, 2009). In Spain, self-regulation in the audiovisual sector offers the following features:

- Journalism: Codes of Journalists¹⁹ are opened to any professional media.
- Radio: only some editorial principles can be found in the sphere of Public Regional Broadcasters (Canal Sur Radio, Radio Castilla la Mancha, Catalunya Radio and Canal Nou Radio). The common values collected by these editorial principles are: respect for constitutional principles; truthfulness of information, respect towards the principles of freedom of speech, protection and privacy; respect towards political and social pluralism; protection of minors and promoting identity and regional values.
- Television: public and commercial broadcasters have ombudsmen to protect the audience (Televisión Española, Televisió de Catalunya²⁰...). With regard to content (especially minors, education, violence and fiction, anorexia, racism and immigration, human tragedies and trash TV, to mention some of the most important ones), self-regulation initiatives are taking place involving both public and commercial broadcasters.
- Cinema and Video: none
- The Internet: three initiatives can be found corresponding to: the code of best practices of ASIMILEC²¹; the cluster of companies dedicated to electronics, communications and information technologies, and the Internet Users Association (they do not have a code of conduct although they use to promote good use of the

¹⁹ See for instance, the Declaration of Principles of the Journalistic Profession in Catalonia. The Deontological Code of the Catalan Journalists was approved by the Union of Journalists of Catalonia on 22 October 1992.

Available at: http://www.periodistes.org/documents_codi_deontologic

²⁰ As an example of ombudsman protecting the audience, see the official web of the Spanish Television : <http://www.rtve.es/television/20090326/cual-papel-defensora-delespectador/254209.shtml>

²¹ ASIMILEC Code of Good Practices is available at: <http://www.asimelec.es/>

Internet); the Spanish Internet Observatory (it was created to study and disseminate issues regarding the Internet).

- Videogames: the Pan European Game Information Code, 2003.
- Quite surprisingly, there is nothing regarding cinema and video. It seems difficult to find how to regulate the audiovisual sector without damaging the right of freedom of speech. We believe that we should review the relationship between the future content of the code of conduct and the existing regulations regarding that content.
- The schedule of the future code for the audiovisual will contain five parts such as constitution, coverage, content, compliance and communications, following the 5C+ approach (Tambini et al. 2008).
- In particular, the content of the code should cover the following domains:
 - Audiovisual content: this part will focus on establishing best practices linked with human dignity, respect towards human rights, protection of minors and youth, deontological norms, protection of pluralism and norms concerning truthfulness of information.
 - Labour relationships
 - Compliance of the code
 - Editorial relationships.

For instance, if we pay attention to the production of digital contents, we observe that, in Spain, almost two thirds of the population currently accesses it, as stated by the White Paper on Digital Content in Spain 2008. New ways of using network contents are performing new business opportunities beyond the traditional models.

In 2009, the Ministry of Industry, Tourism and Commerce published an update of the tendencies with regard to this industry. Following the official data, the growth of the digital content industries in Spain is positive. They have experienced an annual growth of 3% between 2004 and 2008, as Figure 1 shows. This result demonstrates as well as consolidates the vitality of the digital dimension. Two causes are mentioned as a key factors for the advancement of this industry in Spain: on the one hand, the continuous improvement of Internet access (fixed and mobile broadband) and, on the other hand, the increased broadband coverage.

Digital content production industries in Spain: evolution of turnover, 2003-2008 (€M)

	2003	2004	2005	2006	2007	2008	CAGR 2004-2008
Publications	6,965	7,286	7,377	7,722	7,997	7,864	2.5%
Audio-visual	4,677	4,532	5,028	5,346	5,767	5,526	3.4%
Video games	465	500	537	576	719	744	10%
Music	457	406	399	368	284	254	-11%
Cinema	1,052	1,096	927	911	916	860	-4%
Online advertising	75	94	121	160	482	610	52%
Total	13,691	13,914	14,389	15,083	16,165	15,858	3%

Source: ONTSI, 2009

Figure 1. Digital content production industries in Spain: evolution of turnover, 2003-2008 (€M). Source: White Paper on Digital Content in Spain 2009.

In general, foreign multinational companies are dominating the digital content industry in Spain. There is an international uncertainty with regard to new digital business models in the future as it is unpredictable to determine how patterns of use and consume will take place, specially linked with the use of the Internet. As a consequence, it is difficult to identify clearly which ethical values and good professional practices should be preserved and defended as a professional group.

It seems clear, following the conclusions of this report concerning the audiovisual sector that “new opportunities are opening up with the development of infrastructures, the sale of new devices and the growing number of services and subscribers”(ibid.p.25) New services of interactive content and its digital derivatives are building up new and interesting business opportunities within the sector.

Another example of the new challenges of audiovisual sector is peer-to-peer technology. For the last years, file sharing of copyright protected material, particularly peer-to-peer networks, has been an important threat to the established business models of the content industry. An increasing civil and criminal pressure against users of the Internet seems to be the strategy of the traditional content industry to face copyright issues as a consequence of new technological changes resulting from the digitization process and the convergence of information technologies and telecommunications.

Peer-to-peer networks allow millions of users to share their music and film files through the Internet. Most of these files are copyright protected material and their authors (music and film creators, software developers, publishers...) cannot protect their property from piracy.

Governments from several countries have taken different types of measures in order to fight piracy²². The US Congress Committee included Spain in its 2009 Piracy Watchlist of countries with “alarming” levels of illegal file-sharing²³. The Spanish Courts have ruled repeatedly that free music and film downloading is not illegal if it is not for commercial use. Music downloads for personal uses are permitted. Spaniards pay special taxes on CDs, DVDs and memory cards to compensate the music industry for its losses. The debate on that issue is performed by powerful collecting societies led by the *Sociedad General de Autores* (SGAE) or PROMUSICAE, and service providers (Telefónica, Vodafone...). Spanish collecting societies keep asking for a set of measures related to the effective protection of the intellectual property. They specially claim for:

- legislative changes to protect intellectual property against piracy;
- an agreement with service providers to fight piracy;
- respect for intellectual property from users using media educational campaigns;
- and governmental action leading piracy fight.

On the other side, interesting questions regarding the neutrality of the Internet and privacy are pointed out by users in order to preserve freedom. The perception that all the information available in the Internet is in the public domain and that everyone should be allowed to copy and use these materials—even when they are copyright protected—is a well known challenge. To deal with it and other similar situations, professionals would need to define the content of their best practices. However, the first obstacle comes from the heterogeneity of the target itself: cinema directors, producers, scriptwriters, camera operators, actors, makeup artists and other professional people belong to the same union.

5. The future Code of Best Practices

The UAB Institute of Law and Technology (IDT)²⁴ is the research centre that carries out the research on this project.²⁵ From an interdisciplinary

²² In Spain, the government worked out a code of good practices regarding piracy in the Internet and offenses against intellectual property.

Available at: <http://www.mcu.es/propiedadInt/MC/Mbp/index.html>

²³ Available at: http://schiff.house.gov/antipiracycaucus/pdf/IAPC_2009_Watch_List.pdf

²⁴ <http://idt.uab.es/>

perspective, the research team puts together professional researchers, legal experts, audiovisual professionals and associations of users related to audiovisual issues.²⁶

The project is divided into three phases. The first stage consists of producing three technical reports addressed to obtain:

- comparative studies regarding ethical media codes in Europe and the United States;
- identification of the key aspects of the European and Spanish intellectual property law;
- a concluding report.

The second stage focuses on collecting qualitative and quantitative data on members' profiles, experiences and needs. A *SNAP* questionnaire is being distributed among the Union's members. In parallel, a preliminary map of problems and functional domains has been already obtained from the first exchanges between professionals and researchers (vid. Fig. 2). Dissemination of the final results will come at the end.

We are confident that the future code will help to achieve ethical values within the profession. But, according to the work already done, the first effect being produced is adding some internal consistency to the profession itself. The main purpose is favouring a stakeholders' identity (members and representatives of the union) that could be able to deal with new forms of governance and law based on dialogue and a relational way to deal with problems; that is to say, putting aside traditional corporative values and favouring a more open attitude.

²⁵ <http://www.codibonespractiquescpac.com/>

²⁶ <http://www.cpaudiovisual.cat>

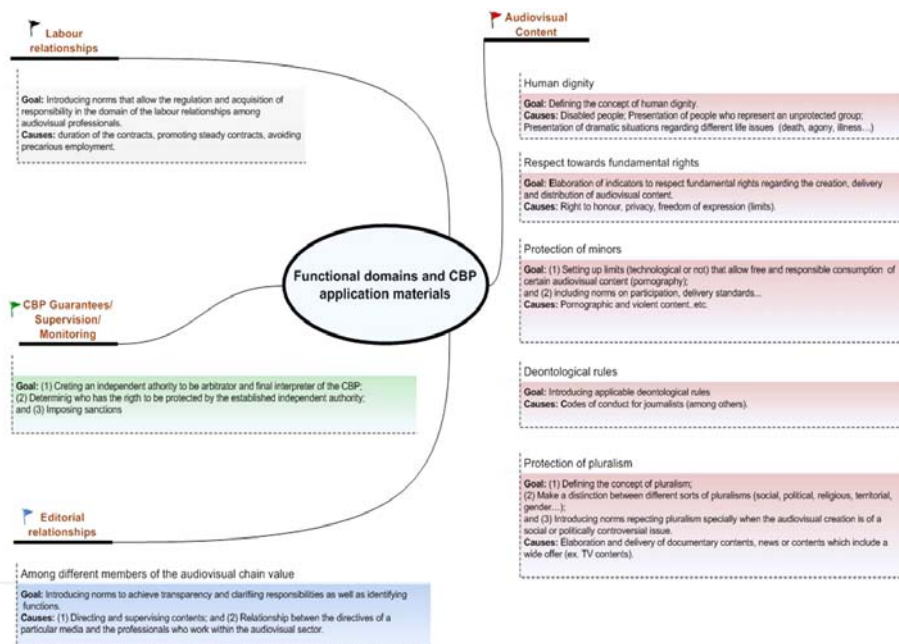


Figure 2. Mapping of functional domains of the Code of Best Practices.

Especially Internet users are not only consumers, but prosumers of audiovisual content. This means that conflict scenarios and working frameworks are not only defined by governments, institutions, companies and professionals but by a multitude of stakeholders (Casanovas, 2009)²⁷. Web 2.0 and Web 3.0 links allow new kinds of communication that the existing codes in the broadcasting field do not take into account yet²⁸. The so-called “social web” and the emerging “web of contents” (the Semantic Web) are interwoven, and allow users to move from traditional roles to more complex ones (Hendler, 2009).

Some countries such as Sweden, France and UK have reinforced their legislations to pursue the exchange of files protected by copyright. However, downloading files protected by copyright is allowed in Spain.

²⁷ *Relational Justice* may be defined as the substantive and formal structure that allows end users, in the broader sense (as citizens, consumers, customers, clients, managers, officials...), to participate in the making of their own regulation and legal outcomes through all the mixed and plural strategies that the Semantic Web framework allows (ibid.).

²⁸ British Broadcasting Corporation: Producer’s Guidelines <http://www.bbc.co.uk/info/editorial/prodgl/index.shtml> <http://www.google.es/CBC-Radio-Canada-Journalistic-Standards-and-Practices>
CBC Radio-Canada Journalistic Standards and Practices <http://www.cbc.radio-canada.ca/accountability/journalistic/conflict.shtml>

This happens under the legal umbrella of the “private copy” and, consequently, the lack of commercial profit.

Spanish entertainment and telecommunication industries are not close to reach an agreement concerning the users’ claims. On the one hand, entertainment industries warn about the growing decrease of sales. Some companies are asking for penalties for those users who download protected copyright material, suing downloaders and blocking websites.²⁹ On the other hand, telecommunication industries are against penalties and focus on the need of data protection and privacy issues³⁰.

Fostering dialogue through codes of best practices will not solve all the problems that the audiovisual sector shows. But it may help to reshaping them and enlarging the field to all the stakeholders involved, including Internet users’ associations, service providers, professional unions, institutions and companies.

6. Final Remarks

The audiovisual sector in Spain continues reshaping public broadcasting and it is also implementing the digital transition process according to the convergence of technologies, platforms and services (traditional TV, internet TV, IPTV, web TV, TV on mobile phones and other mobile devices).

A strong control exerted by the state or government alone on the audiovisual sector will not work. Moreover, we should keep in mind that the system of public broadcasting is directly related to democratic, social and cultural needs, and to the need to preserve media pluralism.

As regards digital content, the main issue is the lower cost of online distribution. Hard copy distribution, management of copyright online, piracy, protection of minors and cultural diversity are some of the main challenges of the sector, especially for the professionals.

Internet has become the meeting point where the net users are fighting for their civil rights. Protection of privacy, free software, suppression of patents, exchange of files through the net, and the opposition to the current ruling copyright laws are the most common users’ claims³¹.

²⁹ Creators and Content Industry Coalition (*Coalición de Creadores e Industrias de Contenido*) is a lobby formed by cultural industries, specially collecting societies (EGEDA, SGAE, FAP, ADIVAN, Promusicae and ADICAN) in 2008.

³⁰ Redtel (<http://www.redtel.es>) is the association of the most important mobile industries (ONO, Orange, Telefónica and Vodafone).

³¹ The Pirate Party, with representation in the European Parliament, has on its agenda these claims. See the Pirate Party Declaration of Principles 3.2, available at: <http://www.piratpartiet.se/international/english>

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