# [ES] New Legal Definition of Role of Public Service Broadcaster RTVE

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*Alberto Pérez Gómez*
*Entidad publica empresarial RED.ES*

In Spain, the national public service broadcaster is the Ente Público Radio Televisión Española (RTVE). The formal entrustment of its public service mission was made by means of Act 4/1980 on the Statute of Radio and Television. However, this Act did not provide a clear definition of the public service remit of RTVE.

Now, the Spanish Parliament has amended the Statute of Radio and Television, with the aim of defining the extent of the public service. According to the new version of article 5 of the Statute of Radio and Television:

- RTVE shall produce and broadcast several radio and television programmes for all sections of the population, including programmes catering for special interests. It shall also guarantee access by all citizens to quality information, culture, education and entertainment. RTVE, balancing social profitability and economic efficiency, shall promote constitutional values, the respect of human dignity and cultural diversity.

- RTVE shall comply with this public service remit both in its national and regional services.

- RTVE shall offer programmes intended to be broadcast abroad, with the aim of promoting Spanish culture and catering for Spaniards staying or living in foreign countries.

- RTVE shall actively promote the development of the Information Society. For this purpose, it shall use new production and broadcasting technologies, and it shall offer digital and on-line services.

Parliament has also amended other articles of the Statute of Radio and Television, namely article 26 (on the control, by a Parliamentary Commission, of the fulfilment of the public service remit of RTVE) and article 3 (on the application of the principles set out by the Statute of Radio and Television to the regional public service broadcasters).

These amendments have been adopted within the context of the investigation on the funding of Spanish public broadcasters which is being carried out by the

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European Commission, following the complaints of Spanish private broadcasters. In October 2001, the European Commission adopted a Communication explaining how State aid rules apply to funding of public service broadcasters (see IRIS 2001-10: 4). According to the European Commission, Member States have to establish a clear and precise definition of public service in broadcasting, and public funding shall be limited to what is necessary for the fulfilment of that mission (proportionality). The Spanish Parliament, by means of this amendment of the Statute of Radio and Television, has tried to define the public service remit of RTVE in a clearer way. In the meantime, the Spanish Government is trying to set out a new financial framework for RTVE.

These new provisions amending the Statute of Radio and Television were included in the Special Measures Act, which is approved each year, together with the Budget Act. The aim of the Special Measures Act is to introduce amendments in existing provisions, thus acting as a "container" of amendments. This kind of Act has been severely criticised because of its heterogeneity and because of the insufficient debate that precedes its approval.

***Disposición Adicional Decimosexta de la Ley 24/2001, de 27 de diciembre, de Medidas Fiscales, Administrativas y del Orden Social, Boletín Oficial del Estado n. 313, de 31 de Diciembre de 2001, pp. 50611-50612***

http://www.igsap.map.es/cia/dispo/l24-01.htm

*Sixteenth Additional Provision of Act 24/2001 of 27 December 2001 on Taxation, Administrative Provisions and Social Affairs, Boletín Oficial del Estado n. 313, of 31 December 2001, pp. 50611-50612*

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