[ES] New Act on National Public Radio and Television

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The Spanish Parliament has recently approved a new Act on National Public Radio and TV (see IRIS 2005-9: 10). This approval brings to finality a procedure that started in April 2004, when the recently elected Government created a Council for the Reform of State-owned Media, which delivered its final report in February 2005.

This new Act, which abrogates the Statute of Radio and Television (Act 4/1980), seeks to update the basic principles which apply to public radio and television. The Act defines the role of the national public broadcaster:

- It shall produce and broadcast several radio and TV programmes for all sections of the population, including programmes catering to special interests. It shall also guarantee access by all citizens to quality information, culture, education and entertainment;

- The national public broadcaster shall balance social profitability and economic efficiency, and it shall promote constitutional values, respect for human dignity and cultural diversity;

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

The national public broadcasting service will still be provided by the same company, although the former *Ente Público RTVE* has become the *Corporación de Radio y Televisión Española* (Spanish Radio and Television Corporation - *Corporación* RTVE), a public entity which manages two companies, *Sociedad Mercantil Estatal Televisión Española* (Spanish Television Trading State Company - TVE) and *Sociedad Mercantil Estatal Radio Nacional de España* (Spanish National Radio Trading State Company - RNE).

The main governing body of the Corporación RTVE is the Management Board, which has twelve members, eight appointed by Congress and four by the Senate, for a non-renewable mandate of six years. Two of the members appointed by the Congress will be elected among candidates proposed by the main trade unions.

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The members of the Management Board can be dismissed for several reasons, including a decision by the Congress adopted by two-thirds of its members. All of them would be dismissed if the Corporación RTVE incurs an excessive debt.

The Bill proposed that the Director of the Corporación RTVE be appointed by the Management Board, but the final version of the Act has established that he/she will be elected by Congress, which can also dismiss him/her by a two-thirds decision.

There is also an Advisory Committee, formed by fifteen members appointed by several public organizations and associations, and a News Council, formed by RTVE journalists.

As regards the programming of the Corporación RTVE, the Parliament shall approve framework programmes, valid for nine years, which shall be implemented by means of programme contracts, renewable every three years, signed by the Government and the Corporación RTVE.

These texts are expected to define the goals of the Corporación RTVE, and shall determine how its service will be financed, taking into account that the public subsidies should only cover the cost of public service radio and TV programmes, and that the Corporación RTVE will not be allowed in future to incur an excessive debt, as has been the case in the past.

The Corporación RTVE would be under the external control of Parliament, of a new independent audiovisual regulatory authority (to which the Acts refers, but which has yet to be created) and of the Court of Auditors.

The Government is now expected to present to the Parliament Bills on the regulation of the new audio-visual authority and on a new general legal framework for broadcasting.

LEY 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal, BOE núm. 134, 6 de junio de 2006

http://www.boe.es/boe/dias/2006/06/06/pdfs/A21207-21218.pdf

Act 17/2006 of 5 June 2006 on National Public Radio and TV, Official Journal no. 134, 6 June 2006

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