

AZURMENDI, A. (dir.). *La reforma de la televisión pública española*. Valencia: Tirant lo Blanch, 2007, 338 pages. ISBN: 978-84-8456-961-9.

**By MARIANO CEBRIÁN HERREROS**

*Professor of Audiovisual Information at the Complutense University of Madrid*

marceb@ccinf.ucm.es



### The State's new public television

Right now, we find ourselves in the midst of television's transformation by the digital migration of broadcasting systems - terrestrial, satellite and cable - and the entry of internet, ADSL and mobile telephony platforms. These changes are being examined in an increasingly global fashion, yet attention is still being paid to broadcasting by Hertz waves because of the reduction in the frequency spectrum and because of its traditional use as the basis for universal public television service, i.e., providing all citizens with television free of charge. Governments are attempting to respond to the need to provide public services through new generalist, thematic models in the democratic, social and cultural realms. After the abuses of state monopolies, when governments manipulated television to suit their partisan goals, the trend is to seek models in which public television continues to be directed and managed by an authentically independent public entity in a mixed system of loyal competition with the private sector.

Reform Law 17/2006 of 5 June on public radio and television approved by Parliament laid the foundations for forging ahead with reforms in Spain. The object of the book under review is to analyse this law from the legal and financial perspectives in a broad, comparative context that allows us to probe the issue thoroughly, appreciate its originality and supply arguments for discussion.

The book is divided into two clearly differentiated parts: the first, entitled "European audiovisual regulation: public television reform in a digital transition environment", is a very appropriate approach that focuses on this dynamic line of change in order to be useful in the future, rather than serve as an historical contribution. The second part offers an analysis entitled "The application of European audiovisual regulations in Spain" through two key dimensions: the concept of State aid applied to public television and the overhaul of Corporación RTVE, Spain's public television network. Each part, in turn, is made up of two chapters.

Chapter one, by Mercedes Muñoz Saldaña, lecturer in

Information Law at the University of Navarre, addresses the basic demands in EU policy as regards the configuration of public television in Europe in its definition of public service and financing. The author highlights the legal imprecision of the conception of public service and contrasts it with "services of general economic interest" as a category that also applies to broadcasting, which has arisen from regulations on competition and is based on liberalising approaches to television markets. The jurisprudence created by the European Court of Justice in the case of Denmark's TV2 is used to clarify this approach.

Chapter two, by Julián Rodríguez Pardo, lecturer in Audiovisual Communication at the University of Extremadura, delves into the study of digital terrestrial television as a major technological development that makes it necessary to revisit and overhaul all the legislation on the distributions of frequencies in force, as well as redesign public service and finance innovation in the new businesses it originates. In this case, the law enacted to promote DTT in the European Union is reviewed, as is the comparative law regarding legislation in Germany, Spain, France, Italy and the United Kingdom. The conclusion drawn is that the situation is still wide open and in transition while awaiting Europe's definitive digital switchover in 2012 to have a clearer appreciation of digital migration's repercussions.

Chapter three, written by Arancha Pérez Moriones, lecturer at the University School of Business Law at the University of the Basque Country, tackles the issue of financing the new Corporación RTVE within the principle of free competition. She examines RTVE's evolution from its inception and focuses closely on the pillars of the two major changes in the entity: the Radio-Television Statute of 1980 and the proposals in the so-called "Sages' Report" on reforming public media and its transposition into the Law of 2006, currently in force. The work again insists on the financing angle, in this case in light of the principle of free competition. Through an extremely thorough analysis of European jurisprudence, special emphasis is laid throughout an exposition of the public debate over the

accounting principles underlying State aid for public television under EU regulatory demands. The conclusion reached is that the RTVE Reform Law complies with these demands and that imprecision still lingers when specific measures are laid down. The author believes these measures should be conducted within framework mandates and programme contracts between Corporación RTVE and the government.

After these frameworks, chapter four, by Ana Azurmendi, Associate Professor of Information Law at the University of Navarre, examines RTVE's overhaul in 2006. The author looks at reforms in other countries and analyses the contribution of the "Sages' Report" as the Law's immediate context, as well as the basic documents that served as the foundation for the BBC's reform, which was launched in January 2007. The results from the two models are compared and a preference is voiced for the orientation of the BBC's reports; the Spanish report's proposal is criticised for having based its approach on the concept on public duty. The analysis of the reports is overly protracted, especially since the laws are already in place and in fact are partly sustained, albeit with major differences. What's more important is the model established by the law, something that calls for a more thorough and critical analysis, instead of the brief, although very precise, summary offered here.

In conclusion, this work is of great interest to academics and professionals as well as the public and private companies involved in the legal and economic debates over how public television should be organised. A highly valuable work in documentary terms, thanks to the wide-ranging bibliography, legislation and website addresses to which it refers, which will be helpful in tracking the changes to come in the future. However, the reason why public radio has been shunted to the sidelines is not clarified, since all the reforms tackle the two public media at the same time - albeit with their corresponding specific nuances - because of their inseparable links to each other and their, at times, different solutions for similar situations. More thorough references to content and services are also missing. The reform is global and its analysis also requires a global view. The legal and financial approach serves for very little if it is not involved with content and services, the only *raison d'être* for the communication media in their connection to citizens.