

Developments in the legal framework of Radiotelevisió Valenciana. Future prospects

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Abstract

In the article we take a look at the history of the legislation regarding RTVV. We review the laws that governed this regional audiovisual service and examine whether they were complied with or not. The legal framework forms the operational basis of a Public Broadcasting Service that now is muted. The abrupt shutdown of this regional broadcaster has left behind a muddled situation that first needs to be sorted out. Lawmakers now face the task of relaunching this public service, as well as ensuring there is enough responsibility to avoid repeating former mistakes.

Keywords

Broadcasting regulation, regional television, public service television, public service media, RTVV.

Resum

En l'article fem un recorregut per la història jurídica de RTVV. Repassarem les lleis que regiren aquest servei audiovisual autonòmic i si s'han complert o no. L'entramat legal és la base del funcionament d'un mitjà de comunicació públic ara emmudit. El tancament abrupte de la radiotelevisió autonòmica deixa com a herència un embolic que cal aclarir en primer lloc. Els legisladors tenen ara al davant la tasca de tornar a posar en marxa el servei públic, i, a més, de fer-ho amb la responsabilitat suficient perquè els vells errors no es tornen a cometre.

Paraules clau

Regulació audiovisual, televisió autonòmica, televisió pública, mitjans de comunicació públics, RTVV.

1. Introduction, aims and methodology

The singular nature of Radiotelevisió Valenciana (RTVV) as the only regional broadcaster, closed down as a result of the crisis, has become the centre of attention as an example and paradigm of the future awaiting public service media, mistrusted by citizens due to its relatively inability to provide a public service, its rather unhealthy balance sheets and inflated workforce. This media crisis, which is in addition to the general situation of the economy, is not limited to just our country but is repeated throughout Europe: "Attacks on PSM [Public Service Media] have been fuelled by legitimate concerns caused by economic turmoil within media industries following sharp declines in advertising revenue and consumer spending" (Lowe & Steemers 2012: 4). Recent political changes and the explicit desire of the new people in power to reopen this regional broadcaster but without making the same mistakes means that it has become particularly relevant to study the situation to date. A study of the different laws, and the failure to comply with them, which have governed Valencia's media (actually not very different from the situation for the state of Spain as a whole) is especially relevant now that the future of the media in Valencia requires a new route map to be drawn up and set out by legal regulations.

The government of the autonomous community of Valencia, the Generalitat, has pledged, set down in law, that new legislation by the summer of 2016 will establish the basis for the new RTVV. It is therefore time, we believe, to know where we have come from in order to determine where we want to go. The methodology we use is a historical and organisational analysis of the legal system that governs broadcasting and brings to light its non-compliance. A comparison and the evolution of this legal framework and of its underlying social and political circumstances will help us to better evaluate the predictions for the future in this area, especially given the *tabula rasa* for broadcasting that can be found in the Community of Valencia.

2. The legal framework in the Community of Valencia. The Audiovisual Act and the statutory order to create the Audiovisual Council of the Community of Valencia (Consell Audiovisual de la Comunitat Valenciana)

The state of Spain gives broad powers to the autonomous communities in the area of broadcasting and the Community of Valencia has gradually developed its own legislation, without ever being the first to do so (a right that seems reserved for historical

communities, especially Catalonia and the Basque Country) and with the tendency to imitate laws shared with the rest of the autonomous communities. In terms of the reference law currently in force, in the Community of Valencia this is Act 1/2006, of 19 April, by the Generalitat, on the Audiovisual Sector,¹ which has been classified by Professor Josep Gavalà as a humiliation “in the light of what has been carried out by the PPCV [Partido Popular party in the Community of Valencia] in RTVV over eleven years” (2014: 373). The preamble to the Audiovisual Act of the Community of Valencia states that audiovisual media, as well as their additional services, constitute fundamental pillars for the development of today’s society as they help to reinforce the economic and social cohesion of the territory and allow the emergence of new types of productive activity and the creation of jobs, as well as setting up mechanisms to provide citizens with access to an audiovisual sector that fosters an increase and improvement in their capacities and possibilities for information and communication.

This is a declaration of principles that provides comprehensive regulation of the audiovisual sector in the Community of Valencia. Title V covers the digital television sector and establishes the powers of the Audiovisual Council to hold tenders and award the corresponding licences. This law, however, is now obsolete, especially because it precedes the General Audiovisual Communication Act² of 2010 (LGCA).

The Valencian Act establishes the creation of the Audiovisual Council of the Community of Valencia although this was also included in the reform of the Statute of Autonomy. There are no references, however, to radio, film or advertising (Vidal Beltrán 2011: 203-204). The inclusion of the creation of the Audiovisual Council of the Community of Valencia in the Statute is notable. Both laws, Act 1/2006 of the Generalitat, on the Audiovisual Sector, and the Statute, passed as Organic Act 1/2006, of 10 April,³ were drawn up at the same time and this may be why both texts refer to the Audiovisual Council. Finally the Statute established (article 56.3) that:

“By Act of Parliament, approved by a majority of three fifths, the Audiovisual Council of the Community of Valencia shall be created, which shall safeguard respect for constitutional and statutory rights, freedoms and values in the area of communication and audiovisual media in the Community of Valencia. Regarding its composition, appointment, functions and statute of its members, this shall also be according to that provided for by the Act.”

And the preamble to the Audiovisual Act states that:

“[...] by the proclamation of a specific law, the Audiovisual Council of the Community of Valencia shall be created as an independent body that shall be governed by this Act, by the law that creates it and by other applicable provisions. The law creating the Audiovisual Council of the Community of Valencia shall establish its composition, functions and

powers which, together with those stated by this Act, shall be implemented for the better functioning of the audiovisual sector of the Community of Valencia. [...]”

Nine years have passed since the governing party (the Partido Popular or PP) included these guarantees even, as we have seen, in the Statute of Autonomy. However, the Generalitat never set up this regulatory body. This comes as no surprise. In fact, such apathy coincides with that shown by the Spanish government and other communities and is in line with the PP’s overall policy for audiovisuals. The framework law also provided for an audiovisual consortium for the Community of Valencia, in chapter III, and in IV a general register of audiovisual companies. Neither of these bodies was set up. There is obviously a clear difference between what is stated in laws and what is actually carried out.

“The Audiovisual Council should become a genuine independent authority for all kinds of operators and licence holders, either publicly and/or privately owned, and with regulatory and disciplinary powers over the content of the sector, including formats and forms of transmission. [...] But, from our point of view, this is not merely a question of ensuring a certain law is complied with or of controlling operators broadcasting in our territory but attending to the priorities resulting from the public interest and a responsibility towards citizens.” (Mollà i Orts 2007: 470-471)

3. A little history: the Act creating RTVV

In line with the situation in the rest of Spain, the start up of Canal 9 RTVV was carried out in the same way as the then recent Statute for Radio and Television and Act 4/1980⁴ and, of course, complying with the guidelines of the Act for the third channel 46/1983.⁵ Just one year later, Act 7/1984,⁶ of 4 July, was also passed, creating the public entity of Radiotelevisió Valenciana (RTVV). Regarding the RTVV Statute, some particular features were introduced. For example, when the founding principles are listed, priority is given to “the promotion and linguistic protection of the language of the Community of Valencia” — article 2.1.a—). It should be noted here that the Advisory Council, provided for in the RTVV Act, as it is for the rest of the autonomous television broadcasters as well, with functions similar to the Advisory Council of Radio Televisión Española (RTVE), was never actually set up in the 28 years this Act was in force. It also had a slightly new aspect insofar as the Board of Directors was responsible for proposing, to the Council of the Generalitat, the appointment and withdrawal of the Director General (article 7.1.a): “In this point it is stated that the Board of Directors is responsible for proposing to the Council of the Generalitat Valenciana the appointment and withdrawal of the Director General” (Linde Paniagua, Vidal Beltrán & Medina González 2013), which we interpret as a person being

put forward who is then corroborated by the Council of the Generalitat with their appointment.⁷ The problem lay in the fact that members of the Board of Directors were approved in the Valencian parliament by simple majority and this resulted in what Enrique Linde has called the “parliamentarisation” of the Council; i.e. they became an accurate reflection of the order of the political forces represented in the parliament.

The Act to create RTVV was in force for 28 years albeit with some important legislative modifications, such as the one carried out by the government of Eduardo Zaplana via Act 9/1999,⁸ which allowed RTVV, from that moment on, to enter into debt, a power which, from then on, was exercised indiscriminately by the successive Director Generals. This change played a crucial part in the financial downfall of Canal 9 that lasted for years, due to a continual lack of concern shown by those in charge (López-Olano 2015: 141).

4. The reform of the RTVV Act promoted by the PP. The relationship with the Spanish regulatory framework

Act 3/2012, of 20 July, of the Generalitat, on the RTVV Statute, ⁹ annulling Act 7/1984 and creating the RTVV, was approved while conversations were underway regarding the redundancy plan with RTVV’s Workers’ Committee. In line with state laws and with European obligations, this distinguishes between broadcasting activities that are public service and those that are not, and also opens the door to privatisation, whose nature is dictated by the programme contract. It establishes a mixed funding system based on advertising and public subsidies, as before, but with separate accounts for the twofold activity. The Act permits the outsourcing of production and editing of content, as well as the provision of material, technical and human resources, including for activities considered to be a public service. In this case “outsource” evidently means “privatise”. Article 24.3 authorises third parties to produce and edit news programmes. Article 5 considers Valencian to be the preferred language for providing public services, leaving the door open to broadcast in Spanish as had been customary in the 24 years of RTVV broadcasts. 20% of broadcasts were reserved for local audiovisual and cinematographic work to promote local industry and independent producers. It should be remembered that the new RTVV Statute was passed after the reform of article 40.2 of the LGCA, amended by Act 6/2012,¹⁰ to make the management of autonomous audiovisual communication public services more flexible, which explicitly allowed or “clarified” (Boix Palop 2013) the outsourcing of news services. This situation is maintained, with outsourcing also being permitted in the autonomous Act, and undoubtedly there could have been repercussions in a hypothetical future. Not in the immediate future, as we will see in the next section, as the inferior regulation does protect news programmes from privatisation. But article 3 of the new RTVV Statute, entitled “Public service management”, literally states:

“1. Public service management for radio and television by the Generalitat shall be carried out through Radiotelevisió Valenciana, SA under the terms contained in this Act.

2. That established in the previous point does not exclude the possibility of Radiotelevisió Valenciana, SA outsourcing the production and editing of content, as well as the provision of material, technical and human resources required to provide the service, in all cases respecting the limits established to this end in basic state legislation.”

A new company was also created, a single shareholder public limited company, RTVV SAU, and any debts pending payment were left to the old company. This was an identical operation to the one carried out in 2006 for RTVE with the new corporation and the old entity. Section III of the preamble clearly prevents the massive debt which the different managers had entered into as from 1999 in RTVV and which left the network technically bankrupt. The aim was for the new radio and television company to be born free from debt as the old RTVV assumed the debt that had been generated in the previous years, and the new company also had a smaller workforce since the redundancy plan would be implemented before it was created. Such an important law was processed by parliament urgently in just one day. Not a single amendment from the opposition was accepted and it was passed solely with the votes of the Partido Popular. José María Vidal Beltrán states that:

“This is the only Act throughout the history of the Valencian parliament for which all the opposition groups, given their disagreement with the new model of the RTVV proposed and the obstinate approach to negotiation of the Council, proposed a joint alternative text. [...] An alternative text which essentially proposed radio and television in the Valencian language, under similar terms to the aforementioned Galician Act and with more controls to guarantee it would function democratically.” (2014a: 397-398)

In other words, unlike the agreement for the Act to create RTVV in 1984, this new Act was created full of contradictions and lacked agreement. Nevertheless, in line with the regulatory spirit of increasing guarantees of independence incorporated in the new laws appearing during the first legislature of [the Socialist President] Rodríguez Zapatero, Act 3/2012 of the Generalitat provided some positive protection: the new Director General would have, for example, a mandate longer than the four years of legislature: the appointment would be for six years and the same person could renew their position twice. The Board of Directors was made up of nine members including the Director General, who were assumed to be qualified, as established by article 12. A three fifths majority was required in the first vote to elect members. A similar procedure was applied to elect the Director General. This was adequate protection which forced consensus and was in line with Act 17/2006, which initially proposed a method of appointment with similar guarantees. But

under the PP government of the Community of Valencia the only possibility was to continue what had been carried out by the PP in the Spanish government. Three months after Royal Decree Law 15/2012 amended Act 17/2006, permitting a second vote just 24 hours after the first in which only an absolute majority was required for appointments, the Valencian Act introduced the same alternative measure to consensus, as was also the case in a large number of regional laws in Spain (Catalonia, Andalusia, Balearic Islands and Asturias).

The articles of this Act required guarantees, such as the condition that RTVV, SA must be extremely accurate in terms of true facts, that these must be sufficiently checked using a range of sources and constantly updated, and that the programming of RTVV, SA must provide space for all options and opinions existing in Valencian society for a correct evaluation and interpretation of the facts by citizens. These are guarantees which, as experience has shown us, are very difficult to check afterwards in terms of their compliance but which, on the other hand, are customary in laws.

5. The new RTVV: the new framework mandate, the programme contract

Article 4 of Act 3/2012 establishes that the Valencian parliament will approve a framework mandate with a duration of nine years. This instrument must clarify the strategic lines to be achieved for providing the public service. To specify the framework mandate, Article 42 presents the programme contract taken out between the Council and Radiotelevisió Valenciana for the period 2013-2015¹¹ and establishes that RTVV, SAU must present a proposed programme contract before the previous one expires. "In the case of Valencian law, this first framework mandate was incorporated directly into the Act itself as an additional provision, which has prevented any specific discussion regarding the general objectives and strategic lines" (Soriano 2014: 279). Debate and the initial proposal should have taken place in the Valencian parliament according to other authors, which have classified the situation as "evident appropriation of the parliamentary body's power by the executive" (Linde Paniagua, Vidal Beltrán & Medina González 2013: 358).

In the previous section we have referred to the outsourcing of news in the new RTVV Act, which permits an extreme model of television that is still considered as public but has been privatised as far as possible. This, however, did not apply to the new RTVV because the annulment of this legal possibility was contained in the inferior regulation, the one that only affects the following three years. Not even the framework mandate referred to this fundamental issue. Ultimately it was left to the programme contract, carried out by the General Management of RTVV, SAU, to protect news services by preventing them from being outsourced.

The price for the programme contract taken out between the Council and RTVV, in other words the annual funding for the public service, was very small, just 60 million euros, less than half the budget for Telemadrid (138 million). The amount required for the television broadcaster to survive, calculated by an independent professional such as Teresa Díez, did not tally (2013: 88-92). The estimated revenue, both from advertising and from the sale of programmes, came to 10 million euros, which added to the grant would total 70 million, whereas a further 13 million would be required to meet merely the minimum overheads, just to cover the basic needs of the broadcaster.¹²

The programme contract even specified the programming and prioritised the station's news programmes, especially local news.

Table 1. Programme shares

Programme type	Televisió	Ràdio
News	30%	20%
Children and young people	5%	5%
Entertainment	10%	25%
Informative and cultural	10%	10%
Sport	3%	20%

Source: RTVV programme contract 2013-2015, annex I.

<http://www.docv.gva.es/datos/2013/07/18/pdf/2013_7572.pdf>

Based on the law and on the two documents (the one published at the same time as Act 3/2012 on the framework mandate and the subsequent programme contract), the Board of RTVV finally approved outsourcing, for which 12 million euros were allocated. The tender for the three batches was decided in October 2013, and "comments would be made on small budgets presented by Vértice 360, the company awarded the three batches and which is deemed to have probable political ties" (Gavaldà Roca 2014: 381). In article 19.1 the programme contract includes a limitation that would turn out to be insightful soon afterwards and would stop this ridiculous situation from getting much worse:

"In any case, should the redundancy plan be declared null and void, Radiotelevisió Valenciana shall notify the Generalitat of the economic non-viability of the company under the terms contained in this contract, this circumstance being a cause that shall entitle the parties to terminate this programme contract."

The series of administrative clauses governing the service contract in terms of the production and supply of audiovisual content also specified that "declaration of the redundancy plans carried out by RTVV as null and void" is also a cause for terminating the contract (Dirección General RTVV, SAU 2013: 73).

These specifications also provided more information on what the new broadcaster should be like:

Figure 1. Standard programming grid

		SETMANA XX 2013						
		DILLUNS	DIMARTS	DIMECRES	DIJOUS	DIVENDRES	DISSABTE	DIUMENGE
07		INFORMATIUS PROPIA					PGM Propia (Redi)	PGM Propia (Redi)
08		INFORMATIUS PROPIA					PGM Propia (Redi)	PGM Propia (Redi)
09		PGM INFORMATIUS PROPIA					PGM Propia / Delegada / Ajenas Infantii	PGM Propia / Delegada / Ajenas Infantii
10		PGM INFORMATIUS PROPIA (Redi)					PGM Propia (Redi)	PGM Propia (Redi)
11		PGM CONTENEDOR PROPIA/DELEGADA (Pgm Propia Redi / Aniu / Documental Ajena / Serie Ajena)					SERIE AJENAS	SERIE AJENAS
12		PGM Propia / Delegada					PGM Propia (Redi)	PGM Propia (Redi)
13		PGM Propia / Delegada					PGM Propia (Redi)	PGM Propia (Redi)
14		INFORMATIUS PROPIA (N19 1ª Ed. + Esports + Orange)					PGM Delegado/ Propia	PGM Delegado/ Propia
15		INFORMATIUS PROPIA (N19 1ª Ed. + Esports + Orange)					INFORMATIUS PROPIA (N19 1ª Ed. + Esp. + Orange)	INFORMATIUS PROPIA (N19 1ª Ed. + Esp. + Orange)
16		PGM INFORMATIUS PROPIA					PGM Delegado/ Propia	PGM Delegado/ Propia
17		AJENAS TVM / FICCIO VAL.(Redi)					CINE AJENAS	CINE AJENAS
18		PGM PROPIA / DELEGADA / AJENAS INFANTIL					CINE AJENAS	CINE AJENAS
19		AJENAS CINE					CINE AJENAS	CINE AJENAS
20		AJENAS CINE					CINE AJENAS	CINE AJENAS
21		AJENAS CINE					PGM Delegado/ Propia	PGM Delegado/ Propia
22		INFORMATIUS PROPIA (N19 2ª Ed. + Esports + Orange)					INFORMATIUS PROPIA (N19 2ª Ed. + Esp. + Orange)	INFORMATIUS PROPIA (N19 2ª Ed. + Esp. + Orange)
23		PGM DELEGADA / PROPIA					PGM Delegado/ Propia	PGM Delegado/ Propia
24		CINE AJENAS	SERIE AJENAS	PGM Propia / Delegada (Debate-entretencimiento)	CINE AJENAS	PGM PRIME TIME DELEGADA / PROPIA	SERIE FICCIO VAL	
01		Documentales o pgm propia redi / aniu	Documentales o pgm propia redi / aniu	Documentales o pgm propia redi / aniu	Documentales o pgm propia redi / aniu	Documentales o pgm propia redi / aniu	AJENAS CINE	
02		PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	Documentales o pgm propia redi / aniu	
03		PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	PGM MUSICAL	Documentales o pgm propia redi / aniu	
04		CONNEXIO 9/24					CONNEXIO 9/24	CONNEXIO 9/24
05		CONNEXIO 9/24					CONNEXIO 9/24	CONNEXIO 9/24
06		CONNEXIO 9/24					CONNEXIO 9/24	CONNEXIO 9/24
07		CONNEXIO 9/24					CONNEXIO 9/24	CONNEXIO 9/24

Source: RTVV programme contract 2013-2015, annex I.
http://www.docv.gva.es/datos/2013/07/18/pdf/2013_7572.pdf

“The outsourcing contained in the new RTVV Statute makes public tender obligatory, unlike the case in previous years where extensive sections of programming had been outsourced directly via contracts. The tender proposes 3 programming batches for a total value of 9,438,391 euros for 1,371 hours per year:

Batch 1: 487 hours of annual programming. With a container magazine programme broadcast daily, preferably in the afternoon/evening slot. A prime time access broadcast at least two days a week and children’s programming preferably broadcast at the weekend.

Batch 2: 476 hours of annual programming. With a container programme broadcast at least four days a week aimed at the morning/lunchtime slot. A weekly entertainment programme broadcast during prime time and a daily game show.

Batch 3: 408 hours of annual programming. With 4 weekly prime time programmes. These programmes should match the following genres: Docu-reality, Coach-show, Factual, Info-entertainment, Docu-show, Information-news/interviews, Reality-game, or any other proposal by the bidder. And minimum six weekly cultural programmes.” (Dirección General RTVV SAU, 2013: 7-8)

6. The law closing down RTVV and the uncertain future

All this planning, the new laws, tenders, attempts to create a new broadcaster from the ashes of the previous one, suddenly came up against an unprecedented political decision in Spain whose equal can only be found in the shutting down of the Greek public broadcaster (ERT) in June 2013. The closure of Canal 9 was publicly explained at a press conference by the head of the Council, Alberto Fabra, on 6 November 2013, one day after the announcement of the ruling of the Supreme Court (TSJCV) declaring null and void the redundancy plan to fire 1,198 RTVV workers. Fabra’s contribution to the reasons for this closure was to say that it was preferable to close down the broadcaster rather than closing down public schools or hospitals. An argument that was not even his own: the former Minister of Public Works and briefly President of the Principality of Asturias, Francisco Álvarez Cascos, was the first to announce a choice between public hospitals or broadcasting, in relation to the autonomous community of Asturias (Miguel de Bustos & Casado del Río 2012: 225). This decision should be placed in its political context of a growing trend in the privatisation and minimisation of public media carried out for many years by the Partido Popular party, both at the level of autonomous community and also the state. Unfortunately this trend forms part of a similar current affecting the whole European public broadcasting system for several decades, as the European Broadcasting Union warned recently: “The visibility and sustainability of national players, and therefore the national audiovisual industry, is endangered.” (EBU 2015: 7). We should

also note, in relation to this closure, the dire economic situation of RTVV at the time, having accumulated debts in excess of one billion euros after 20 years of disastrous management (López-Olano 2015: 137-143).

Immediately after this announcement a complicated legal operation was set in motion to make the decision effective, an operation full of improvisation rather than good legislative work. Three editions of the autonomous parliament’s bulletin, the *Diari Oficial de la Comunitat de València*, were published on the same day. Act 4/2013, of the Generalitat, suppressing the provision of radio and television broadcasting services at an autonomous community level¹³ (the definitive closure law) was passed with only the PP party voting in favour.

In various texts Professor Vidal Beltrán has discussed these complex legal perspectives resulting from such legislative improvisation (2014; 2015). The following is particularly of note:

“The whole itinerary, from chaos to nonsense, in the form of accelerated political agreements involving decisions of legal import (Decree Law 5/2013, of the Generalitat, amending Act 3/2012, of the RTVV Statute, and Act 4/2013, of the Generalitat, on the closure of RTVV) whose consequences cannot be separated from the potential appeals that may be brought, both regarding appropriateness according to constitutional law and also how this affects the particular rights of workers, the companies that have some kind of contractual relationship with RTVV, on stopping use of the broadcasting bandwidth, etc.” (2014b: 71)

We should also note evidence that the reason and aim of Act 4/2013 on closing down RTVV was to reject Ruling 2338/13 by the Supreme Court of Valencia (Tribunal Superior de Justicia de la Comunitat Valenciana), which annulled the redundancy plan for Canal 9 (Andrés Segòvia 2014), and to avoid acting in accordance with that established by this ruling, which would contradict article 118 of the Constitution which establishes “the obligation to comply with rulings and other final decisions of courts and tribunals”. Not to mention the legal reasons for the existence of public broadcasters in communities with their own language:

“Autonomous communities are more justified than (the Spanish broadcaster) TVE. The Constitution does not establish that RTVE must exist. Autonomous powers are much clearer. Reasons of public interest are easier to find in autonomous communities: minority language, proximity, development of local broadcasting industry in deficient zones.” (Boix Palop 2013: 25)

In the weeks between the announcement of the closure on 5 November 2013 and the definitive shutdown at 12.09 on 29 November, there was no control of the broadcaster and news was self-managed, partly via assembly, during the death throes of Canal 9. The last few hours (from the time the liquidation law was passed to the time when broadcasting actually stopped),

accurately called “Operation Telefonken” by a journalist¹⁴, deserve to pass into the annals of absurdity.

During the months following the closure there were further actions that were also strongly improvised in nature. Dismissal of the 1,600 workers was delayed until May 2014 which, together with the redundancy payments finally agreed with the trade unions (except for the CGT), resulted in a huge cost, calculated by the Council itself at 86 million euros. This figure does not even take into account the revenue from advertising that had been generated while the network was still running, not to mention the public service the broadcaster had provided, no matter how little this had been. The budget for 2015 was 90 million euros while it is estimated that, between 2014 and 2015, RTVV would have cost everyone in the Community of Valencia more than 220 million.¹⁵ Although the Council stated, in June 2015, that RTVV had already been wound down, the end is still not in sight: the only thing settled was the redundancy plan, dismissing trade union representatives, the last ones to leave the Burjassot building. Meanwhile a series of receivers have been responsible for closing down the firm (three resigned from their position up to the political changeover). Scandals have erupted during these months, such as the RTVV branch in Alicante perhaps being lost due to not paying its rent,¹⁶ and others of a legal nature such as the redundancy payment of 200,000 euros to Juan Prefacio, the senior manager charged in the Gürtel case, after the company's lawyer, David González Wonham, withdrew his claim.¹⁷

Consensus among the opposition regarding the need to restore autonomous public service broadcasting has been evident since the beginning; but not only among these political parties. The PP also made declarations of this type during the period, contrasting with their unprecedented decision to close down the company. During the parliamentary hearing of the Popular Legislative Initiative (ILP) “for public Valencian radio and television”,¹⁸ which collected 90,000 signatures in favour of re-establishment and was debated in the Valencian parliament in February 2015, the government agreed that it was necessary to restore RTVV. But the amendment it presented for the whole proposal completely demolished the spirit of the initiative, so much so that even its promoters disowned it.¹⁹ Finally the ILP was transformed into Act 5/2015, of 2 April, on the Public Service of Valencian Broadcasting,²⁰ whose article 1 states its object: the right to receive and communicate information and opinion in one's own language. However, unlike the demands made by those promoting the initiative, this specifies that such communication would “preferably” be in the Valencian language. The biggest trap in this Act can be found in additional provision three, regarding the conditions for starting up the service:

“1. It should not entail an increase in the public debt of the Generalitat or a failure to comply with the policy or criteria of budget stability and public deficit established by Organic Act 2/2012, of 27 April, on budget stability and financial sustainability.

2. It should not entail a reduction in the budget items allocated to the public services of health, education and social welfare.

3. It should not entail an increase in fiscal pressure on citizens via directly applied or assigned taxes.

4. The public organisation that previously provided the Valencia public broadcasting service should be definitively liquidated.

5. *The legal rulings should become definitive that are still pending on the constitutional nature of the Act suppressing the provision of autonomous community broadcasting services owned by the Generalitat, as well as those regarding the winding down and liquidation of Radiotelevisió Valenciana, SAU and the redundancy plan regarding the termination of the employment relations with the previous workforce.*”

This large number of conditions obviously makes the Act difficult to implement. Especially the first regarding budget stability and the public deficit, which the Community of Valencia is still very far from achieving. Professor Vidal Beltrán describes the regulation as “another legal blunder in this chaotic reality show” (2015). In any case, this peculiar Act, passed just after the elections, did not even annul the previous laws as it contains no final annulling provisions.

This legal mess has started to unravel after the political change resulting from the autonomous community elections on 24 May 2015. The need to restore the service as soon as possible was one of the agreements reached in the so-called Botanical Pact and there is a deadline for approving what will be the new RTVV Statute. Careful analyses by experts have proliferated recently (Marzal, Izquierdo & Casero 2015; Rodríguez Santonja 2015). Even the academic world has got together and drawn up a joint consultative document with a series of recommendations regarding what a medium that is ultimately at the service of citizens should be like (Comissió d'Experts en Comunicació de les Universitats Valencianes, 2015). Act 12/2015, of 29 December, to restore the autonomous public service broadcaster,²¹ has set the deadline of summer 2016 for the commencement of the future law on the public service of Radiotelevisió Valenciana. This provisional law also annuls the law closing down RTVV so that, as announced by the Socialist party of Spain (PSOE), the appeal will be withdrawn that was made to the Constitutional Court for violating “the principle of legal certainty”.²² The Spanish High Court will therefore reopen the collective suit (temporarily suspended until the constitutional nature of the law had been resolved) regarding RTVV's nullified redundancy plan, brought by the only trade union that did not sign the redundancy plan, the CGT. The provisional law also sets the conditions to re-establish the public service and states that the Council may agree “the provisional or trial recovery of the signal” and to do so will have, exceptionally, the assets, broadcasting rights, audiovisual archive and technological

resources of the extinct RTVV. To conclude, we could state that the first step has now been taken. This is a unique opportunity and we must take advantage of it. The prospects are good; the possibility of not starting from zero but close to it gives us a second chance to avoid making the same mistakes. Citizens must pay close attention and bear in mind that the future of broadcasting is taking shape before our very eyes.

Notes

1. http://www.docv.gva.es/portal/ficha_disposicion.jsp?id=26&sig=2165/2006&L=1&url_lista [Consulted: 9/3/2016]
2. <http://www.boe.es/buscar/act.php?id=BOE-A-2010-5292> [Consulted: 9/3/2016]
3. http://www.congreso.es/consti/estatutos/ind_estatutos.jsp?com=79 [Consulted: 9/3/2016]
4. http://www.boe.es/diario_boe/txt.php?id=BOE-A-1980-724 [Consulted: 9/3/2016]
5. http://noticias.juridicas.com/base_datos/Derogadas/r1-146-1983.html [Consulted: 9/3/2016]
6. http://www.docv.gva.es/portal/ficha_disposicion_pc.jsp?sig=0520/1984 [Consulted: 9/3/2016]
7. An obligation that will be repeatedly violated in the future, also by the PP.
8. http://www.docv.gva.es/portal/ficha_disposicion_pc.jsp?sig=3966/1999&L=1 [Consulted: 9/3/2016]
9. http://www.docv.gva.es/portal/ficha_disposicion.jsp?id=26&sig=007190/2012&L=1&url_lista= [Consulted: 9/3/2016]
10. http://www.boe.es/diario_boe/txt.php?id=BOE-A-2012-10385 [Consulted: 9/3/2016]
11. http://www.docv.gva.es/datos/2013/07/18/pdf/2013_7572.pdf [Consulted: 9/3/2016]
12. Finally the budget for 2013 according to the programme contract was 68 million euros, which does not totally invalidate the accounts of Teresa Díez.
13. http://www.docv.gva.es/portal/ficha_disposicion.jsp?id=24&sig=010860/2013&L=1&url_lista= [Consulted: 9/3/2016]
14. <http://www.valenciaplaza.com/ver/109765/operacion-telefunken.html> [Consulted: 9/3/2016]
15. http://ccaa.elpais.com/ccaa/2014/11/22/valencia/1416678351_628169.html [Consulted: 9/3/2016]
16. <http://www.elmundo.es/comunidad-valenciana/2015/03/11/55006cd7ca4741c6278b458a.html> [Consulted: 9/3/2016]
17. <http://www.elmundo.es/comunidad-valenciana/2015/01/30/54cb436b268e3e31138b4570.html> [Consulted: 9/3/2016]
18. <http://rtvenvalencia.org> [Consulted: 17/3/2015]
19. http://www.eldiario.es/cv/rtvv/PP-aprueba-ILP-reapertura-RTVV_0_369914280.html [Consulted: 9/3/2016]
20. http://www.docv.gva.es/datos/2015/04/08/pdf/2015_3125.pdf [Consulted: 22/12/2015]
21. http://www.docv.gva.es/datos/2015/12/31/pdf/2015_10477.pdf [Consulted: 1/1/2016]

22. <http://www.europapress.es/comunitat-valenciana/noticia-tc-admite-tramite-segundo-recurso-psoe-contra-cierre-rtvv-20140312124540.html> [Consulted: 9/3/2016]

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