



# Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

## Country report: Spain

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# TABLE OF CONTENT

1.	About the project	5
1.1.	Overview of the project	5
1.2.	Methodological note	5
2.	Introduction	7
3.	Results from the data collection: assessment of the risks to media pluralism	8
3.1.	Basic protection (39% - medium risk)	8
3.2.	Market plurality (65% - medium risk)	10
3.3.	Political independence (47% - medium risk)	12
3.4.	Social inclusiveness (49% - medium risk)	13
4.	Pluralism in the online environment: assessment of the risks	16
5.	Conclusions	18
6.	References	20

Annexe 1. Country Team

Annexe 2. Group of Experts

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# 1. About the project

## 1.1. Overview of the Project

*The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States and Candidate Countries of the European Union, and considering both online and offline news environments. This narrative report has been produced within the framework of the implementation of the MPM carried out in 2019, under a project financed by a preparatory action of the European Parliament. The implementation was conducted in 28 EU Member States, Albania and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.*

## 1.2. Methodological note

*The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.*

*In Spain the CMPF partnered with Pere Masip, Carlos Ruiz Caballero, Jaume Suau (School of Communication and International Relations, Ramon Llull University), who conducted the data collection, scored and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).*

*Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1 below).*

<b>Basic Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for people with disabilities
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Media literacy

Table 1: Areas and Indicators of the Media Pluralism Monitor

*The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor allows for an extraction of a digital-specific risk score and the report contains a specific analysis of risks related to the digital news environment. The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are*

*considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.*

On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk.

**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2020 scores may not be fully comparable with MPM2017 ones. For more details, see the CMPF report on MPM2020, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

## 2. Introduction

Spain has a population of 47.1 million spread over an area of 504,030 km<sup>2</sup> (INE, 2019a). The country has 9.8 million immigrants, of which the three main groups are Moroccan (14.9%), Romanian (14.8%), and British (6.2%) (INE, 2019b). The most significant ethnic minority - in terms of population - are Roma, who represent 1.5% of the population. Roma generally hold Spanish nationality and they are not officially recognised as being a specific minority.

The country is divided administratively into 17 autonomous communities and two cities with statutes of autonomy (Ceuta and Melilla). Spain has only one nationwide official language, i.e. Spanish (or Castilian). In addition, there are six autonomous regions with their own co-official languages: Catalan in Catalonia, the Balearic Islands and the Valencian Community (also called Valencian), Basque in the Basque Country and Navarra; and Galician in Galicia.

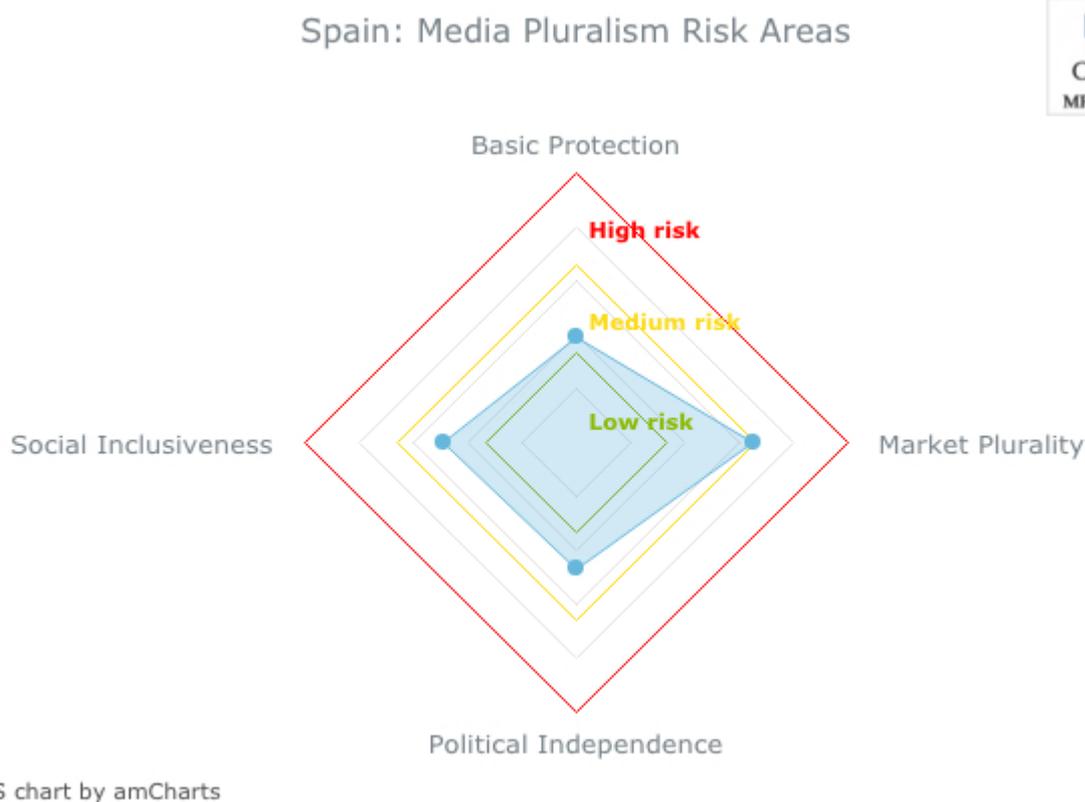
In terms of GDP, the Spanish economy remains the fifth-largest in the European Union (World Bank, 2019). During the last five years, the Spanish GDP has been growing yearly. Nevertheless, the 2008 financial crisis plunged Spain into a major recession with significant social consequences. Spain's unemployment rate dropped sharply from 26.1% in 2013 to 15.3% in 2018 (INE, 2019b). However, at the same time, many of the new jobs created are perceived as low-quality since their duration is very short and salaries are very low.

Since the restoration of democracy after the Franco dictatorship, the political system in Spain has been a multi-party system. Nonetheless, just two parties have been predominant: the Spanish Socialist Workers' Party (PSOE) and the People's Party (PP). Nationalist parties, mainly Esquerra Republicana (ERC) in Catalonia and the Basque Nationalist Party (EAJ-PNV) in the Basque Country, have played a significant role both at the regional level and in national politics. In the last few years, new parties have emerged, benefitting from the lack of trust in the two main parties. Today, the most important ones are the left-wing Podemos, which followed on from the Indignados Movement; center-right Ciudadanos (Citizens); and the new far-right-wing Vox. In the last general election of 10 November 2019, the Socialist party won 120 seats out of the 350 seats, the right-wing PP obtained 88 while Vox won 52. After weeks of negotiation, PSOE and Podemos created the first left-wing coalition in power in the democratic history of Spain. However, there are three aspects that are worth mentioning: the irruption of Vox; the fact that the conservative PP has been strengthening its right-wing line; and the decline by Ciudadanos in 2019 (from 57 seats in the general elections of April to 10 in November). This scenario has contributed to the practical disappearance of a moderate center and, therefore, to polarization.

The political situation in Spain is currently highly unstable. There is a national and regional concern about corruption due to all the massive cases that have been discovered in the last years. According to the Centro de Investigaciones Sociológicas (CIS), what worries most the Spanish population is - in order- the unemployment, economic problems and political problems (in general), the wrong behavior of politicians followed by corruption and fraud, and the health service (CIS, 2019). However, one of the main challenge that Spain is facing is the current political situation in Catalonia.

The media system in Spain follows the Polarized Pluralist or Mediterranean model, as described by Hallin and Mancini (2004). Although there is a large number of news media, they are normally easily identified with political positions or parties. The media market is characterised by an overall dominance of television, which attracts about 40% of the total advertising expenditure in the country. Television also remains the most popular medium (85.4%), followed by the Internet (79.9%), radio (56.9%), magazines (29.4%), and newspapers (21.7%) (IAMC, 2019). With regard to television, the majority of viewers access the main TV channels by DTT (Digital Terrestrial Television) (60%), followed by IPTV (22%), satellite (10%) and cable (8%) (SES, 2017). Spain has a dual media system dominated by public broadcasters, both at the national and regional levels, and by two main private television groups (Atresmedia and Mediaset). The share of people reading daily newspapers in Spain has fallen during the last 10 years from 42,1% in 2008 to 21,7% in 2019 (AIMC, 2019).

### 3. Results from the data collection: assessment of the risks to media pluralism



In general, findings of the MPM2020 implementation indicate an overall medium risk to media pluralism. Basic protection, Market plurality, Political independence, and Social inclusiveness, all score medium risk, with Market plurality being the area which is most at risk (65%).

Since the restoration of democracy in 1978, Spain has adopted progressive legislation and developed a comprehensive legal framework for ensuring media pluralism. However, implementation is often weak and ineffective. In addition, some legal reforms that have been made in recent years, like the so-called “Gag Law”, and the reform of the Penal Code, have had a negative impact on freedom of expression and the right of information. In this regard, it is also notable that Spain is facing an alarming rise in threats to journalists. The political instability, the growing polarization, as well as the Catalan push for independence help to understand the worrisome situation in Spain in the Basic protection area.

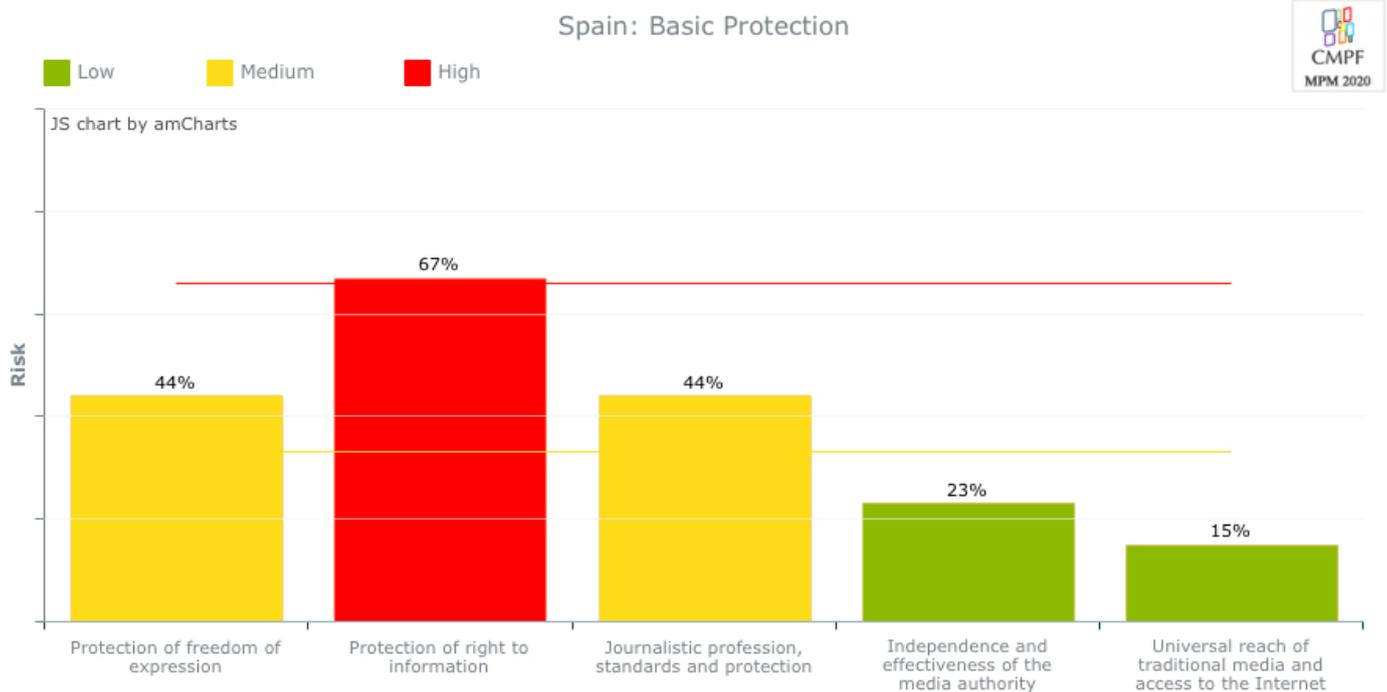
With regard to Market plurality area, the assessment shows some important risk levels, especially regarding those indicators related to media and online platforms ownership concentration, which are scored as high risk. Although media law provides ownership restrictions in the media sector, these restrictions are limited in scope and they mainly affect audio-visual media. The other three indicators of this area show medium risk. This result underlines the threats to media viability and consequently their precarious situation, which undermines their capacity to avoid ‘commercial and owner influence over editorial content’. Although political influence on the public broadcasting system has been long-standing in Spain, it is worth mentioning that reports about pro-governmental manipulation and influences on PSM governing bodies have almost disappeared in the latest years.

Finally, regarding the Social inclusiveness area, the overall risk is medium (49%). In this area, Access to media for people with disabilities is the indicator better scored (13%), which contrasts Access to media for minorities, scoring high risk (88%). Access to media for minorities is problematic in Spain, with very limited support.

#### 3.1. Basic Protection (39% - medium risk)

*The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy.*

They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The overall result for the Basic protection area in Spain is medium risk. The five indicators in this area show risk levels from 15% to 67%, with one of them at high risk, and two low risk.

The Spanish Constitution of 1978 recognises, among the rights and freedoms of public communication, the right of freedom of expression as well as the right to information. However, the situation has been getting worse during the latest years. Regarding the **Protection of freedom of expression** (medium risk, 44%) and **Protection of right to information** (high risk, 67%), the assessment shows a disturbing situation. Despite the constitutional recognition, some legal reforms have had a significant impact on the exercise of these rights. Particularly, the reform of the Spanish Penal Code (Organic Law 1/2015) as well as the Organic Law 4/2015 on the protection of public security. After the legal reforms, and under the umbrella of the protection of public security, there are several articles in which “the parameters of the UN are not being respected.” (PDLI et al 2019). Hence, those articles related to insults to the Crown, disrespect for authority, outrage to Spain and its symbols, offense to religious feelings, glorification of terrorism, and hate speech, among others, are a risk of criminalization of information activities linked to the effective exercise of freedom of expression and information. As a consequence, journalists and media have been reported to the courts for disrespecting the authority, glorification of terrorism, and outrage to the Spanish flag. Since the legal reforms came into force and until the end of 2018, a total of 766,416 fines have been imposed, with a total amount of 416,527,489 euros. The most numerous were by application of Article 37.4, on “disrespect and consideration” to the members of the State Security Forces and Bodies (65,007 fines). Improper use of photographs of police officers has resulted in 125 fines (PDLI 2019).

The indicator of the **Journalistic profession, standards, and protection** shows a medium risk (44%). This assessment cannot be taken into consideration without having in mind the convulsive political situation in Spain: political instability and polarization has been growing in recent years, with four national elections in the last four years, the rise of a new far-right party, as well as the Catalan push for independence. In this context, the number of cases of attacks and threats to the safety of journalists has increased drastically (PDLI 2019). In October 2019, during the week of riots in Catalonia after the Supreme Court's ruling against Catalan independence leaders, at least 66 journalists were victims of aggressions while doing their job, both from protesters, but also from the police (SPC, 2019). According to journalists

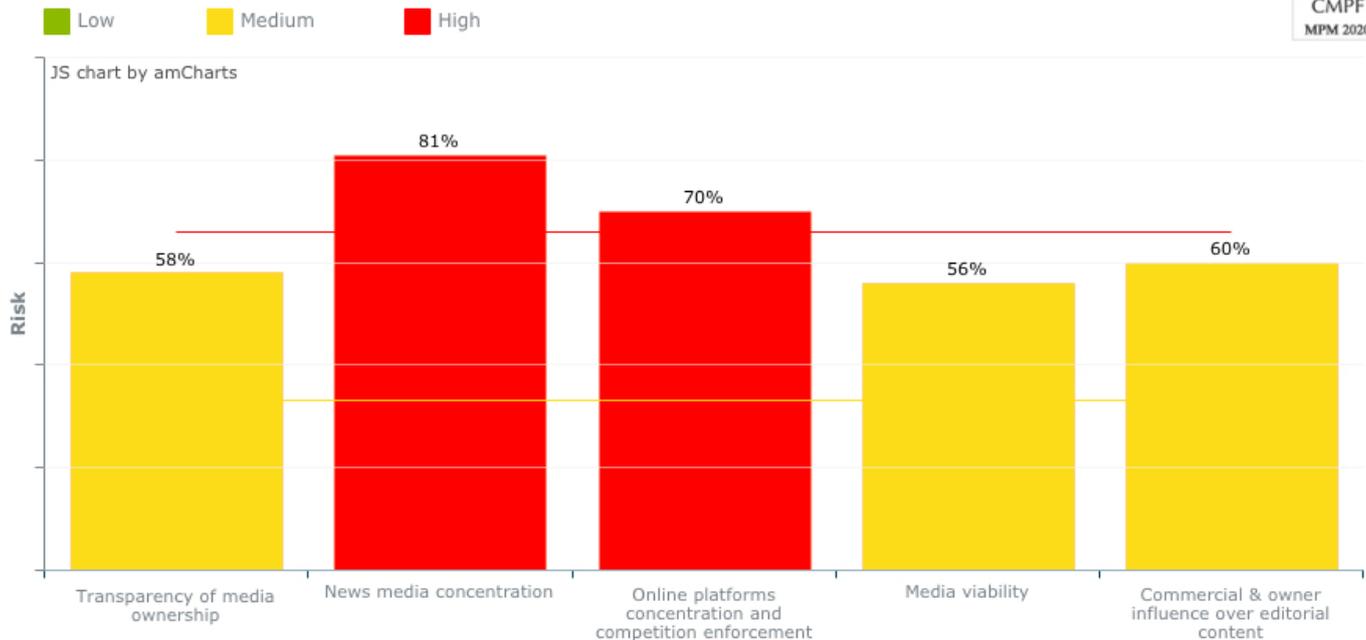
associations, the arbitrariness of many police actions suggests that these attacks are aimed at intimidating journalists, intending to force them to be away from the places where the events occur and therefore avoid witnesses of the abuses they may commit. Although attacks on journalists have been frequent in those issues related to the Catalan independence process, it is worth to note that violations of freedom of expression and attacks and harassment to journalists in Spain must be understood in a context of extreme political polarization. Thus, the right-wing party VOX banned journalists of several media access to press conferences and other media meetings.

The risks to the **Independence and effectiveness of the media authority** score a low risk (23%). The National Markets and Competition Commission (CNMC) is the regulatory body for the sectors subject to regulation, such as the audio-visual sector. There is no specific authority involved in regulating the press or any other media sector. Similar to the CNMC, in Catalonia, there is also the Catalan Audiovisual Council (CAC). In accordance with the law, the regulatory authority is autonomous and fully independent of the Government, public authorities, and all business and commercial interests. However, the law that establishes the regulatory and competition system was perceived as an attempt by the government to move some regulation back to Ministries to the detriment of the independent bodies. There have even been formal calls from the EC to the Spanish Government to preserve the independence of the regulatory authority. However, there is no evidence that the government has arbitrarily annulled the decisions of the media authority or that it has weakened the role of the CNMC.

Finally, the indicator **Universal reach of traditional media and access to the Internet** ranks at low risk (15%). Coverage of PSM (Public Service Media) and broadband is almost universal. However, with regards to Internet Service Providers, the market shows high levels of concentration that have increased in recent years, the top 4 IPS account 96% of market shares.

### 3.2. Market Plurality (65% - medium risk)

*The Market Plurality indicators examine the existence and effectiveness of provisions on transparency of media ownership and the existence and effectiveness of regulation or self-regulation against commercial & owner influence on editorial content. In addition, they assess the risks related to market concentration in the production as well as in distribution of news: as for production, considering separately horizontal concentration in each sector and cross-media concentration; as for distribution, assessing the role of online platforms as gateways to news, the concentration of online advertising market, and the role of competition enforcement and regulatory safeguards in protecting information pluralism. Moreover, they seek to evaluate the viability of the news media market.*



This area shows on average a medium risk according to the data collected, but very close to high (65%). Two indicators are at high risk, while the three indicators which have been identified as medium risk are close to the high threshold. These are ‘Commercial & owner influence over editorial content’ (60%), ‘Transparency of media ownership’ (58%), and ‘Media viability’ (56%).

The indicator **Commercial & owner influence over editorial content** shows a 60% medium risk score. Although it exists, the right to apply the conscience clause has scarcely been invoked by Spanish journalists. Furthermore, there are no regulatory prescriptions that guarantee the independence of editors-in-chief from commercial interests and there are no regulations on the status of journalists in the country. The 2018 Annual report on the Journalistic profession (Informe Anual de la Profesión periodística) (APM, 2018) stated that the pressures on the press come from four areas: political powers, economic powers, ownership, and press offices. According to the report, 75% of respondents gave in to pressures. The same report also stated that the causes of pressures to the journalists are economic interests (31%), and interests (45%) of the owners. The averages are higher among freelance journalists. David Jiménez, former editor of *El Mundo*, in his book “El Director” (“The Editor”), a tell-all book about his year at the helm of *El Mundo*, has opened a debate about the relationship between business, politics, and the media (Jiménez, 2019).

**Transparency of media ownership** acquires a 58% risk score. News media ownership information is effectively provided only for radio and television. According to Section 33 of the law 7/2010, it is compulsory for audiovisual communication service providers and holders of significant shares in audiovisual communication service providers to report ownership data (i.e. the size of shareholding). There is no specific transparency requirements for media companies different from Audiovisual Communications Service Providers. In any case, some information regarding ownership structures is available in the Companies registry (registro mercantil). The information included in the Companies Registry is publicly accessible. However, it is difficult even for experts to have a clear idea of who exactly is behind each company.

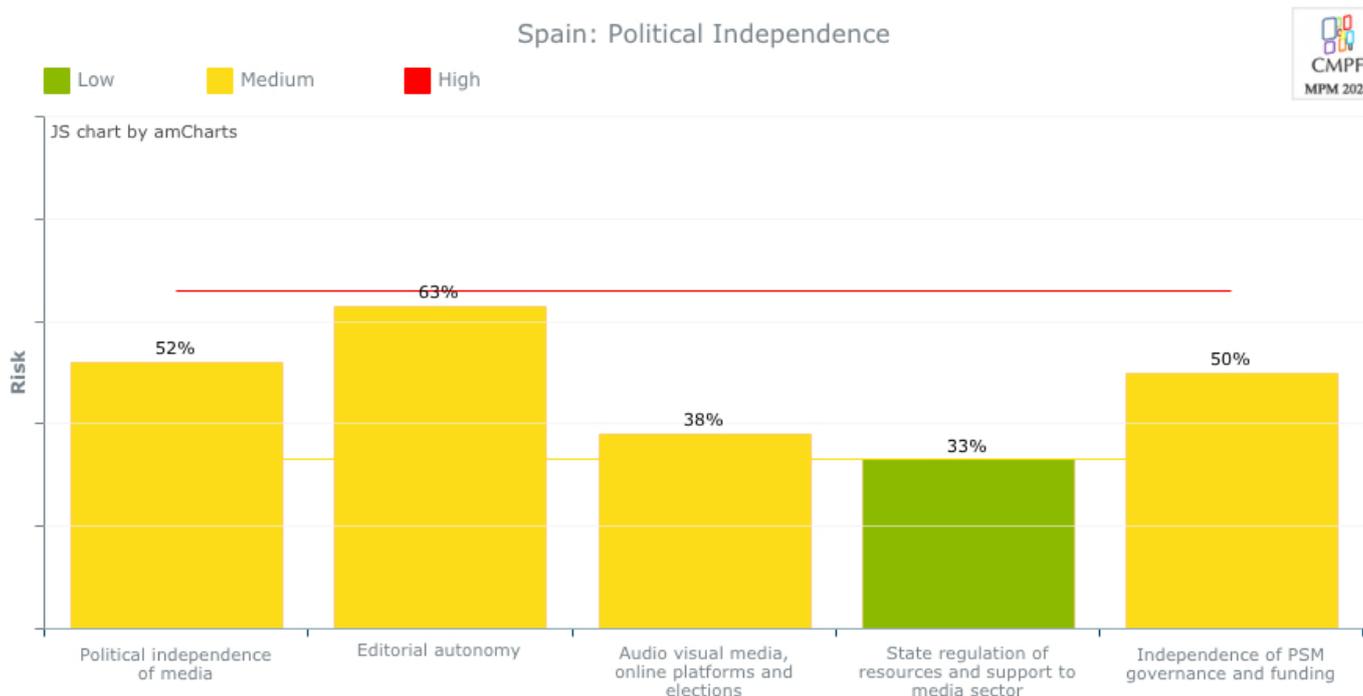
Regarding **Media viability** (56%), revenues of the audio-visual sector (television and radio) have slightly increased over the past two years, but they decreased in the newspaper sector. Mainstream media are financially dependent on traditional revenue streams, mainly advertising, but expenditure for offline advertising has decreased over the past two years. As regard to online media, some news sites have implemented paywalls to monetize their content. However, it is important to keep in mind that the number of people paying for news subscriptions is still low – lower than the number that currently pays for print (either through single purchases or subscriptions) in many cases. On the other hand, it is also relevant to underline that despite the online advertising expenditure has increased, it doesn't go mainly to news media, but to online platforms and social media sites.

**News media concentration** scores high risk (81%), in line with previous MPM. Media ownership in the audio-visual market is regulated by law, and Spanish legislation monitors ownership restrictions in the audio-visual and radio sectors, based on audience share and the number of licenses respectively. In spite of this, the concentration is high in both sectors. Advertising revenue is highly concentrated in the two televisions major groups –Mediaset España and Atresmedia–, which jointly account for 84,37% of total market share. The audience concentration for the two media groups represents 55,6%. This concentration has facilitated abusive practices in the control of the advertising market, which has led the regulator to impose a historical sanction of € 77,1 million. Regarding the radio sector, the Top 4 owners hold a 98% market share and have 75% of the audience. There is no specific law to prevent ownership concentration in the press market, and it is regulated by the General Competition Law.

The indicator of **Online platforms concentration and competition enforcement** scores a high risk (70%). In part, due to the importance of the role of intermediaries in the distribution of news, which the Monitor considers a risk-factor. However, the lack of specific legislation does also limits cross-media concentration of ownership, as well as the lack of transparency on accessing data referring to online platforms.

### 3.3. Political Independence (47% - medium risk)

*The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area concerns with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.*



The area of ‘Political Independence’ presents a medium risk of 47%. In this area, there are some indicators that present a higher risk than others. ‘Editorial autonomy’, with a 63%, and ‘Political independence of media’, with a 52%, are the ones that present a worst situation.

Regarding the first one, ‘Editorial Autonomy’, Spain presents cases of political influence over news media. Regarding private news media, there is no regulation or law that might contribute to guarantee the autonomy in appointing and dismissing editors-in-chief. In what regards public service broadcasting, public broadcasters both at the national and regional level have been traditionally accused of lack of autonomy of editors-in-chief.

This lack of autonomy is due to the appointment system that in recent years has prevailed in Spain. This translates into an evaluation of the indicator ‘Independence of PSM governance and funding’ of medium risk (50%). The political impact on the appointment of editors-in-chief for public service broadcasters is projected to decrease in the coming years due to the amendment to the laws governing the membership of governing bodies. However, it is true that despite the passage of the law in late 2017, it has yet to be enforced due to a lack of political agreement in parliament. Nonetheless, with the appointment of a sole administrator for RTVE, replacing the director appointed by the previous government, the number of complaints about manipulation of the public chain has dropped dramatically.

Political control of PSM has become more obvious in times of strong political majorities in national and regional parliaments, as the previous MPM have reflected. In 2020, Spain has a more fragmented parliament and a multi-party government, which might reduce the capacity of political control over the news media.

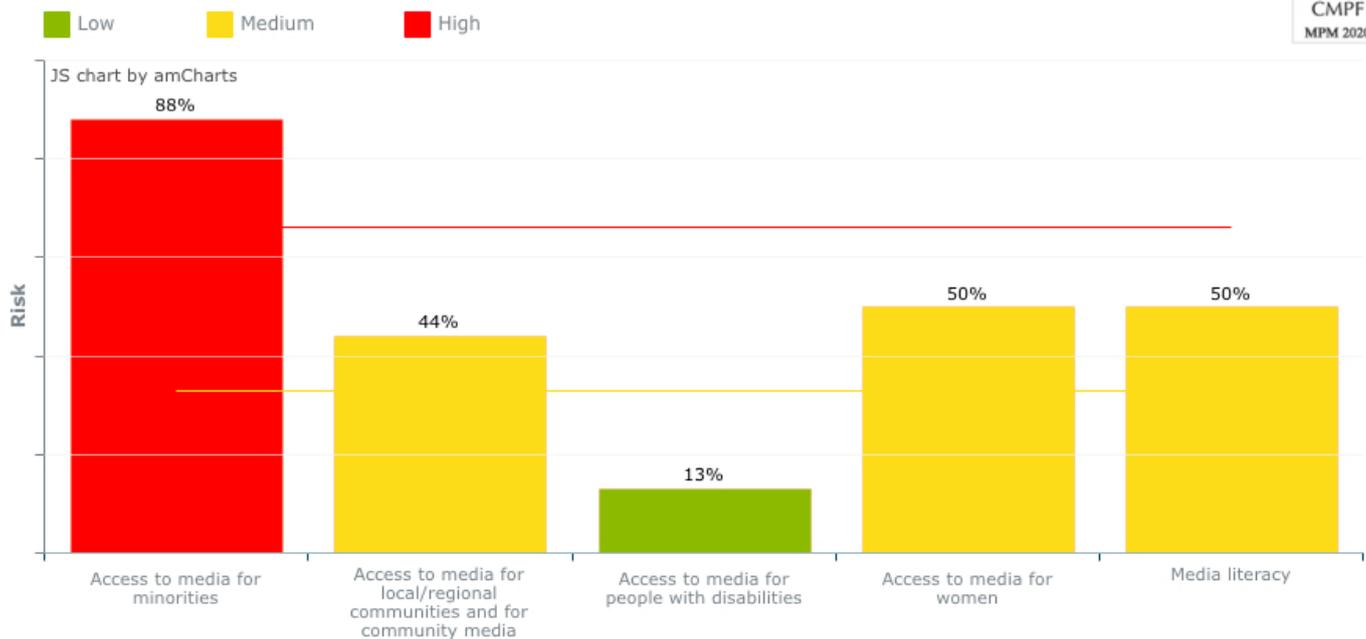
As previously mentioned, the ‘Political independence of media’ scores medium risk (52%). At this point, it is important to highlight that the Annual Report of the Journalistic profession (APM, 2018) states that most of the journalists suffered pressures in their work. Only 25% of those hired have never suffered pressures. These pressures come from media owners (45%) or from economic interests (31%). Pressures from media owners are related to political and economic interests, as journalist David Jiménez vividly describes in his book “El Director” (Jiménez, 2019). Although relevant, these cases cannot be considered systematic or even implying a direct control of political parties over news media. The situation can be better described as a strong connection or dependence of news media in relation to political and economic elites.

Regarding ‘Audiovisual media, online platforms, and electoral processes’ the assessment is medium risk (38%). The law ensures airtime in both private and public channels and radio stations to all political actors. It also establishes equal conditions for all actors in what regards political advertisement. Nevertheless, the usual political control over public service broadcasters implies that coverage may be fair in terms of airtime but biased in what regards the content and tone of the news. In relation to online political advertising during electoral campaigns, the situation is unclear. The modification of article 58 bis of the Ley Orgánica 5/1985 (Electoral Law), made through the new Ley Orgánica 3/2018, brought certain chaos in what regards the actual regulation of online political advertising on online platforms. Concerns raised by this amendment to the electoral law made the Spanish Data Protection Agency publish a statement that increases the limits to the capacity of political parties to make political adverts on social media during electoral processes. Furthermore, their capacity to gather citizens’ information is also limited and they have more obligations regarding the disclosing of campaign spending on online platforms and the publicity of its political nature. Nevertheless, the situation is far from ideal since today there is a high level of uncertainty regarding the contradictory points between the statement made by the Data Protection Agency and a law that is not yet fully developed.

Finally, ‘State regulation of resources and support to media sector’ scores 33%. Laws and regulations about subsidies to media outlets ensure that in general those are distributed in a fair and transparent manner, with the only exception of institutional advertisement.

### 3.4. Social Inclusiveness (49% - medium risk)

*The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country’s media literacy environment, as well as the digital skills of the overall population.*



The area of 'Social inclusiveness' presents an overall result of 49%. Nevertheless, this area gathers indicators that show very different results. On one hand, we can find the 'Access to media for minorities' indicator, which presents a high level of risk (88%). In a different category we can see 'Access to media for women' and 'Media literacy', both at a medium level of 50%, and 'Access to media for local/regional communities and for community media' (44%). And finally, the only indicator scored in low risk is 'Access to the media for people with disabilities' (13%).

Firstly, 'Access to media for minorities' (risk of 88%) needs to be stated that in the strict sense, Spanish law does not recognise any national minority. Although Spain confirmed 1995 the Framework Convention for the Protection of National Minorities, the Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Spain, ACFC/INF/OP/III(2012)003, states there is a general lack of awareness on the Framework Convention in Spain. Hence, the application of the FCPNM has been very restrictive in Spain: the different Spanish governments have expressly denied the existence of national minorities in the country. In practice, Spain only applies the FCPNM to the Roma community but making it clear that this does not entail any recognition of minority status. However, both the Spanish Constitution and the Law on Public Broadcasting state that the main social groups should have access to public media. In this context, some minorities -particularly linguistic and religious minorities- have access to airtime on PSM, but never proportionally to the size of their population. This is the case, for instance, of the Autonomous Community of Valencia, where TVE only broadcasts in Valencian (Catalan) a single news program, which lasts 15 minutes per day. Regarding private channels, the use of other languages out of Spanish is almost nonexistent. In regards to minority languages, the Committee of Experts of the European Charter for Regional or Minority languages observed that there is little knowledge of regional or minority languages among the population in Spain living in monolingual Autonomous Communities. It encouraged Spanish authorities to take resolute action in order to promote the visibility of all regional or minority languages through education and media.

Regarding 'Access to media for women', although the situation has positively evolved in comparison with the last decades, there is still great room for improvement. Firstly, despite PSM normally have a comprehensive gender equality policies, these are limited in scope and not implemented effectively. Secondly, the number of women in executive positions among the different existing PSM tends to be balanced at 50%. However, what presents a more negative reality is the number of women in executive and editor-in-chief positions in private media, which is really scarce. To complete the picture, according to several recent reports, the presence of women experts in the news and political programs is still far from ideal.

'Media Literacy' it also scored 50%, as policies regarding this issue are scarce, underdeveloped or not well implemented. Resources for media literacy programs started to drop after 2012 and since that time did not recover former levels of

public investment.

In what regards to 'Access to media for local/regional communities and for community media' (44%), the situation is diverse. On one hand, most of the local and regional communities have some sort of public service broadcaster, especially those with a different language than Spanish. Subsidies to those media outlets are in general distributed in a fair and transparent manner. Furthermore, national PSM maintains regional delegations, although it is also true that those have seen a reduction in terms of investment and personnel during last years. The situation for community media is similar to the previous years. Article 32 of the Spanish Law 7/2010, March 31st, regarding Audiovisual Communication, recognises to the non-profit community media the right to access to media platforms, with previous authorisation and license. However, this law has never implemented effectively, so far no community media obtained any license to be able to operate in a legal way.

Finally, the indicator on 'Access to media for people with disabilities' scores low risk (13%). Audiovisual Communication Law (7/2010) requires broadcasters to offer 75% of contents with subtitles and at least two hours per week with audio description. CERMI (Comité Español de Representantes de Personas con Discapacidad – the Spanish Association of Representatives of People with Disabilities) acknowledges the progress made with regard to access to media content by people with disabilities but it still considers that services for people with disabilities are insufficient (for example, DTT, IPTV and other systems should be included) and must be improved.

## 4. Pluralism in the online environment: assessment of the risks



Regarding pluralism in the online environment, Spain presents higher risk in the areas of ‘Market Plurality’ (67%) and ‘Political Independence’ (57%). Lower risk can be seen in the areas of ‘Social Inclusiveness’ (50%) and ‘Basic Protection’ (33%).

Although the overall risks’ results in **Basic Protection** in the digital environment might seem low, the indicators affected are of special relevance, as we highlight below. The final score is low because the worrisome situation in Spain is balanced out by the excellent results for the online dimensions of the indicator ‘Universal reach of traditional media and access to the Internet’. In Spain there are several issues that present risk for media pluralism in the digital environment. In regard to ‘Guarantees for freedom of expression’, the situation in Spain presents medium risk. As occurs offline, some existing laws and the current Criminal Code pose a threat to freedom of expression. This situation was already reported in previous MPMs and, more recently the Spanish Platform for the Defence of Freedom of Expression (PDLI) denounced violations of freedom of expression in Spain before the UN Human Rights Council. According to PDLI, some precepts of the Spanish Criminal Code and other laws, like the gag-law, and their application by Courts, have given rise on several occasions to disproportionate and unjustified restrictions on freedom of expression. These legal precepts allow, as indicated facts, legal interpretations that have been condemned by the European Court of Human Rights.

In addition to these laws that affect both online and offline, one of the most worrying issues with regard to online pluralism, is the approval of Royal Decree-Law 14/2019, of October 31. Several civic organisations consider that the Royal Decree grants the government the power to intervene, lock, or shut down the electronic communication networks and services, without any judicial intervention.

Regarding ‘Digital Safety’, the situation in Spain is of medium risk. The situation of journalists in the online environment is not different from the one described above. Digital harassment on journalists in Spain has increased in the last years. The attacks, which occur preferentially through social networks and the section of comments to the news, have a labor impact, especially among autonomous journalists, who are afraid of losing their collaborations if they are labeled as problematic. In the 2019 edition of the World Press Freedom Index, carried out by Reporters Without Borders, it is noted that “hatred of journalists has been present in Spain”. According to this report, “the extreme polarization of Catalan politics eventually infected the media and their audiences; thus, journalists have become the

main victims of hostilities”. The study affirms that attacks towards women have specific distinguishing features: “cruelty and virulence of the messages, contempt for their physical appearance and intellectual capacity, threats of sexual violence and threats to family members and relatives”. Regarding ‘Net Neutrality’, there are regulatory safeguards and these are implemented. The situation presents some danger due to the fact that the four major ISPs have a market share of 96%. Despite this situation being far from ideal, it did not represent any threat to Net Neutrality yet.

In the area of **Market Plurality** Spain presents some worrisome indicators. Here, the main concerns are related to ownership concentration and the lack of available data of news media operating in the digital realm. Although information about online news media ownership is public and available, information required does not include all the basic data needed to establish ownership and it is difficult even for experts to have a clear idea of who exactly is behind each company. There is no specific law that establishes limitations of horizontal concentration of ownership in digital news media. However, Competition Act (Ley 15/2007, de 3 de julio, de Defensa de la Competencia) can be applied in any situation that limits free competition among companies. However, this is not a law that takes into consideration the evolution of the media environment during the last decades, neither it takes into account the specificities of digital news media. The absence of special legislation is complemented with a lack of data regarding key issues such as the market and advertisement shares of digital-native news media. Neither it exists specific data about revenues of digital news media.

In what regards the area of **Political Independence**, it is the second one that scored a higher risk in the digital environment (57’25%). Digital news media in Spain show a similar degree of political influence or control than their offline counterparts. Political control over the audiovisual media through direct ownership is virtually nonexistent in Spain. In this sense, the risk is low. Nevertheless, it does not mean that the overall situation in Spain regarding political control over online native media is free of political influence. Although political control is not effective based on direct or indirect ownership, in Spain this takes different forms. Unlike audiovisual media and newspapers, it has been reported a particular case for online native media, in which a political party is co-owner (through buying media company shares using a secret account) of an online news media. Furthermore, as in newspapers, radios and TV stations ruling parties have several mechanisms to influence media decisions. The most evident is through institutional advertising and subsidies. Digital native media can be considered as the most easily influenced media and vulnerable to pressure media because of their economic weakness, as well as because in a highly polarized media system like the Spanish one, most of them are clearly partisan. In this sense, complaints about the unfair distribution of public expenditures (i.e. institutional advertising and subsidies) depending on the ideological alignment of digital news media are frequent. Furthermore, the lack of suitable legislation regarding transparency of online political advertising during electoral campaigns is a key element of risk in this indicator. The existing legislation does not establish limits to political advertising online, neither it does establish obligations of political parties in the disclosure of these advertisement expenses. Furthermore, it does not limit personal data collection from political parties, allowing practices such as microtargeting in its adverts on social media or platforms such as Google. More specifically, it allows data collection regarding the political opinions of citizens, without establishing any limit to these data collection or demand for transparency. Concerns raised by this amendment made the Agencia Española de Protección de Datos (Data Protection Spanish Agency) publish a statement (Circular) regarding its interpretation.

Regarding the last area, **Social Inclusiveness**, it scored 50% in the digital environment. Spain presents around 57% of the population with basic or above digital skills, while 31% have low overall digital skills. Furthermore, like in other countries, hate speech is a current issue, especially against women or minorities. Efforts to remove this kind of uncivil behavior from social media or other online spaces like comments on the news are still in a very early stage of development.

## 5. Conclusions

So as to interpret the MPM 2020 data, which shows a general worsening of media pluralism in Spain, it is essential to comprehend the political context. The keyword is "polarization". The parliamentary irruption of the far-right wing VOX has radicalized the parties that occupied the ideological spectrum of the center and the right, which has materialized in government pacts in various autonomous communities. The result is a deep division in Parliament, which prevents the necessary consensus for important legislative reforms; the practical disappearance of a moderate center, and a political life marked by the constant recourse to the judicial route as an instance to settle the main disputes. On the other hand, what the left-wing coalition Government (PSOE and Unidas Podemos) needs in order to maintain its fragility is the support of the Catalan and Basque pro-independence forces as well as other small parties. Consequently, the possibility of agreements with the opposition becomes harder. The conflict between Catalonia and Spain in relation to the independence of the former also marks this context and explains, to a large extent, this polarization. In this sense, the media, in a media system also polarized (Hallin & Mancini 2004), have contributed to this radicalization of Spanish public life.

It is in this context, the area of 'Basic Protection' worryingly deteriorates. Especially, the indicators on freedom of expression (Medium risk, 44%) and information (High risk, 67%). As national and international organizations have recommended, the repeal or modification of certain laws is urgent. As stated by the PDLI and other organizations in December 2019 in Geneva before the UN Human Rights Council, some laws related to the freedom of expression in Spain contribute to a "shameful and bleak" panorama (PDLI, 2019). However, the political context makes consensus difficult to drive the necessary political actions. To this worrying situation, already included in the previous editions of the MPM, we must add the approval of the popularly known as "the Digital Decree" (Royal Decree-Law 14/2019, 31th October), which makes it possible to block networks and digital content without judicial intervention.

Freedom of information has also been affected by this context. The protection of journalists is of concern (Medium risk, 41%). After the Supreme Court ruling against pro-independence Catalan leaders, serious incidents resulted in more than 66 recorded attacks on journalists (SPC, 2019). The aggressions and threats to the informants took place by the protesters and by members of the police. We have also highlighted the VOX boycott of access to their electoral acts by certain media and journalists.

Media and journalists who are subject to significant economic and political pressures, as the Annual Report of the Journalistic Profession shows year after year. In this sense, the book *The Director* (Jiménez 2019), written by the former chief editor of the newspaper *El Mundo*, reflects the lack of independence. Additionally, there is little transparency when it comes to knowing precisely the real owners of the media, especially print and digital press ('News media concentration': High risk, 81%; 'Online platforms concentration' : High risk, 70%). The concentration of the advertising market of two large television operators - Mediaset and Altresmedia - has been confirmed with a historic sanction from the CNMC. Nonetheless, there is no legal framework to prevent concentration in the press market or online platforms.

Regarding the public media, the parties have been unable to reach an agreement to appoint the RTVE Board of Directors, which has functioned with the figure of a sole administrator, Rosa María Mateo, who has recently placed her office at the disposal of the Government. Another clear example of how the political situation does not contribute to the improvement of the situation of pluralism in Spain.

Finally, with regard to social inclusiveness, threats to media pluralism are frequent. However, those related to 'Access to media for minorities' should be highlighted. Minorities do not have access to airtime in proportion to the size of their population, and the use of official languages other than Spanish in regions with two different languages can be considered to be low or very low.

## Recommendations:

- To reform the legal framework to repeal or modify the laws that make it possible to restrict freedom of expression and information. To the legal norms already mentioned in this report and in previous MPM, it is important to add the Royal Digital Decree, which allows the blocking of digital networks and contents without judicial intervention.
- To guarantee the protection and safety of journalists. Governments (national and autonomous), political parties as well as civil and professional organizations must be actively involved in the defense of informants, beyond their own ideological interests.
- To unlock the appointment of the RTVE Board to ensure an impartial PSM model.
- Need for greater recognition of minorities, enhance their access to the media and enhance the use of the different languages of Spain in public media.

## 6. References

- AIMC, (2018). Resumen General. Febrero a Noviembre 2018. Asociación para la investigación de medios de comunicación. [online] Available at: <https://www.aimc.es/a1mc-c0nt3nt/uploads/2018/11/resumegm318.pdf> [Accessed 18 February 2020].
- AIMC, (2019). Evolución Penetración. Audiencia General, 2019 - 3ª Ola. Asociación para la investigación de medios de comunicación [online] Available at: <http://reporting.aimc.es/index.html#/main/cockpit>
- CIS, (2019). Tres problemas principales que existen actualmente en España. Centro de Investigaciones Sociológicas. [online] Available at: [http://www.cis.es/cis/export/sites/default/-Archivos/Indicadores/documentos\\_html/TresProblemas.html](http://www.cis.es/cis/export/sites/default/-Archivos/Indicadores/documentos_html/TresProblemas.html)
- Hallin, D. and Mancini, P. (2004). Comparing media systems. Cambridge: Cambridge University.
- INE, (2019a). España en cifras 2019. Instituto Nacional de Estadística. [online] Available at: [https://www.ine.es/prodyser/espa\\_cifras/2019/11/index.html#zoom=z](https://www.ine.es/prodyser/espa_cifras/2019/11/index.html#zoom=z)
- INE, (2019b). Última Hora. Instituto Nacional de Estadística. [online] Available at: <https://www.ine.es/welcome.shtml>
- Informe Anual de la Profesión Periodística- APM (2018). Available at: [https://www.apmadrid.es/wp-content/uploads/2019/07/Informe-profesi%C3%B3n-2018\\_baja.pdf](https://www.apmadrid.es/wp-content/uploads/2019/07/Informe-profesi%C3%B3n-2018_baja.pdf)
- Jiménez, D. El Director. Secretos e intrigas de la prensa narrados por el exdirector de El Mundo. Libros del K.O.
- PDLI et al (2019) Informe conjunto presentado por la Plataforma en Defensa de la Libertad de Información (PDLI), Access Info Europe, Federación de sindicatos de periodistas (FESP) y Grupo de Estudios de Política Criminal (GEPC) y grupo de investigación “Regulación jurídica y participación del ciudadano digital” (Universidad Complutense de Madrid), con relación al examen periódico universal (EPU) del Reino de España. Available at: <http://libertadinformacion.cc/wp-content/uploads/2019/07/EPU-Espan%C3%A1-2019-nforme-CSO-Final.pdf>
- PDLI (2019). La PDLI reclama a los partidos reformas legales para cumplir con los estándares internacionales sobre libertad de expresión. Available at: <http://libertadinformacion.cc/10n-la-pdli-reclama-a-los-partidos-reformas-legales-para-cumplir-con-los-estandares-internacionales-sobre-libertad-de-expresion/>
- Reporters Without Borders (2019). World Press Freedom Index. Available at: <https://rsf.org/en/ranking>
- SES, (2017) 'El desarrollo del mercado de la TV en 2016'. [online] Available at <http://www.audiovisual451.com/wp-content/uploads/El-desarrollo-del-mercado-de-la-TV-en-2016-1.pdf>
- SPC (Sindicat de Periodistes de Catalunya) (2019) El balance de periodistas agredidos en Cataluña en la última semana es de 66 [Online] Available at: <https://www.sindicatperiodistes.cat/es/content/el-balance-de-periodistas-agredidos-en-catalu%C3%B1a-en-la-%C3%BAltima-semana-es-de-66>
- The World Bank, (2019). GDP - European Union. Data from 2018. The World Bank [online] Available at: [https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=EU&most\\_recent\\_value\\_desc=true](https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=EU&most_recent_value_desc=true)

## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2020 CT Leader
Pere	Masip		School of Communication and International Relations. Ramon Llull University	X
Carlos	Ruiz Caballero		School of Communication and International Relations. Ramon Llull University	
Jaume	Suau		School of Communication and International Relations. Ramon Llull University	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Joan	Barata	Academic	The Center for Internet and Society. Stanford University
Aitor	Moll Sarasola	Member of the Board of Asociación de Medios de Información (AMI)	CEO of Prensa Ibérica and Grupo Zeta. Member of AMI
Núria	Llorach	President	Federación de Organismos de Radio y Televisión Autonómicos (FORTA)
Begoña	Del Pueyo	Representative of a media users/consumers organisation;	Asociación de Usuarios de la Comunicación

