

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

### Annex II – Country Tables – Spain

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Spain	15 (National channels)	Information not available	5 (National channels)
	Regional channels: CATALONIA 8 NAVARRA 9 ANDALUSIA Not available	Information not available	CATALONIA 34 NAVARRA 0 ANDALUSIA 1
	Link to Spain: <a href="http://www.mityc.es/dgdsi/mediosaudiovisuales/Television/Paginas/operadores.aspx">www.mityc.es/dgdsi/mediosaudiovisuales/Television/Paginas/operadores.aspx</a> Link to Catalonia: <a href="http://www.cac.cat/web/prestadors/index.jsp?MzQ%3D&amp;Mw%3D%3D&amp;L3dlYi9wcmVzdGFkb3JzL2luZGV4Q29udGVudA%3D%3D#">www.cac.cat/web/prestadors/index.jsp?MzQ%3D&amp;Mw%3D%3D&amp;L3dlYi9wcmVzdGFkb3JzL2luZGV4Q29udGVudA%3D%3D#</a> Link to Navarra <a href="http://www.consejoaudiovisualdenavarra.es/medios/television.htm">www.consejoaudiovisualdenavarra.es/medios/television.htm</a>		

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Spain	Information requirements (art. 5 AVMS Directive)	Original name: « Ley General de la Comunicación Audiovisual » Short name: Law 7/2010 of 31st March. Unofficial Translation : « General Audiovisual Communication Act » Date of adoption: March 31, 2010.  <a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>	CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)	CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)	CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive) Access to short news reports (Article 15 AVMS Directive) Promotion of European works (Art. 13, 16, 17 AVMS Directive) Hate speech (Art. 12 and 6 AVMS Directive) Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive) Protection of minors (Art. 27 AVMS Directive) Right of reply (Art. 28 AVMS Directive) Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Navarra (all issues except short news, European works and cooperation and communication): Regional Law 18/2001, of 5 July, which regulates audiovisual activity in Navarra and establishes the Audiovisual Council of Navarra  Catalonia (all issues except access to short news) Catalan Audiovisual Council Law 2/2000 of 4th May and Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia  Andalusia: competences only on monitoring advertising, protection of minors and communications and cooperation with other authorities. <u>Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.</u>	Audiovisual Council of Navarra (CoAN)  Audiovisual Council of Catalonia (CAC)  Audiovisual Council of Andalusia (CAA)		

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Spain	CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)	NA	March 31, 2010	Madrid?

Country	Name of regulatory body	Link to website	Date of establishment	Location
	COMISIÓN DEL MERCADO DE LAS TELECOMUNICACIONES (CMT)	<a href="http://www.cmt.es">www.cmt.es</a>	June 7, 1996	Barcelona
Catalonia	CONSELL DE L'AUDIOVISUAL DE CATALUNYA (CAC)	<a href="http://www.cac.cat">www.cac.cat</a>	May 4, 2000	Barcelona
Navarra	CONSEJO AUDIOVISUAL DE NAVARRA (CoAN)	<a href="http://www.consejoaudiovisualdenavarra.es/">www.consejoaudiovisualdenavarra.es/</a>	July 5, 2001	Pamplona
Andalucía	CONSEJO AUDIOVISUAL DE ANDALUCÍA (CAA)	<a href="http://www.consejoaudiovisualdeandalusia.es/">www.consejoaudiovisualdeandalusia.es/</a>	December 17, 2004	Sevilla

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Spain	CEMA	√	√				
	CMT			√	√	√	Competition issues on Audiovisual Services as PPV
	CAC	√					
	CoAN	√					
	CAA	√					

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Spain	CEMA	No information available	No information available	No information available	No information available	N/A
	CMT	160	129	€36m	€36m	2008*, <a href="http://www.cmt.es/es/publicaciones/anexos/Informe_Anual_2008_OK.pdf">www.cmt.es/es/publicaciones/anexos/Informe_Anual_2008_OK.pdf</a> 2010** <a href="http://www.sgpg.pap.meh.es/Presup/PGE2010Ley/MaestroDocumentos/PGE-ROM/Cuerpo.htm">www.sgpg.pap.meh.es/Presup/PGE2010Ley/MaestroDocumentos/PGE-ROM/Cuerpo.htm</a>
	CAC	No information available	104	€10.67m	€10.67m	2007 <a href="http://www.cac.cat/pfw_files/cma/informacio/memoria/memCAC07.pdf">www.cac.cat/pfw_files/cma/informacio/memoria/memCAC07.pdf</a>
	CoAN	7	14 (including technical staff)	€0.645m	€0.645m	2008 <a href="http://www.consejoaudiovisualdenavarra.es/sobre_CAN/documents/InformeAnualCAN2008versionintegra-CD.pdf">www.consejoaudiovisualdenavarra.es/sobre_CAN/documents/InformeAnualCAN2008versionintegra-CD.pdf</a>
	CAA	43	32	€7.9m	€7.9m	2008 Link: <a href="#">CAA</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Spain	CEMA	<a href="#">Law 7/2010 of March 31, 2010</a>	NA
	CMT	Law 12/1997 of 24 <sup>th</sup> April 1997 "Ley General de Telecomunicaciones" "Liberalisation of Telecommunications"	<a href="#">Royal Decree 1994/1996 of September 6</a>
	CAC	<a href="#">Catalan Audiovisual Council Law 2/2000 of May 4, 2000</a>	"Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya", approved the <a href="#">February 28, 2001</a>
	CoAN	Regional Law 18/2001, of July 5, 2001, which regulates audiovisual	"Estatuto orgánico y de funcionamiento del Consejo Audiovisual de

Country	Body	Legislation setting-up the regulatory body	Governing legislation
		activity in Navarra and establishes the Audiovisual Council of Navarra ("Ley Foral 18/2001, de 5 de julio, por la que se regula la actividad audiovisual en Navarra y se crea el Consejo Audiovisual de Navarra")	<a href="#">Navarra</a>
	CAA	<a href="#">Law 1/2004 of December 17, 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .	Decree 219/2006 December 19, 2006 " <a href="#">Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía</a> "

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Spain	CEMA	Public Entity (Independent from State with a specific funding and legal personality but under the State regulation on public entities; it's not a private organisation)	Yes			Art. 44. <a href="#">Law 7/2010 of 31st March 2010</a>
	CMT	Public Entity	Yes			Art. 48.1 of Law 22/2003 of 3rd November 2003 " <a href="#">Ley General de Telecomunicaciones</a> "
	CAC	Public Entity	Yes			Art. 1.1. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
	CoAN	Public Entity	Yes			Art. 21.1 <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July</a> , " <a href="#">Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council</a> "
	CAA	Public Entity	Yes			Art. 1.2. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004</a> " <a href="#">Creación del Consejo Audiovisual de Andalucía</a> ".

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Spain	CEMA		√	<a href="#">Law 7/2010 of 31st March 2010</a> . Preamble and Chapter 3.
	CMT		√	Preamble and Article 3. <a href="#">Royal Decree 1994/1996, of the 6th of September</a>
	CAC		√	Preamble and Art. 1.1. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
	CoAN		√	Preamble IV.6 and Arts. 20, 21, 23.7 and 31 <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a>
	CAA		√	Preamble and Art. 1.1. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Spain	CEMA				√
		Areas			
		Source			
	CMT		√	√	√
		Areas	Pricing policy on interconnection and access, networks costs if there is		



Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
			disagreement between operators		
		Source	General Act. Art. 22. <a href="#">Royal Decree 1994/1996</a> , of the 6th of September		
	CAC			√	√
		Areas		No information available	No information available
		Source		Same as above	Same as above
	CoAN			√	√
		Areas			
		Source		Regional Law 18/2001, Arts. 20-32. General policy setting powers are assigned to the government of Navarra Art.55 of Organic Law 13/1982 of 10th August on the reintegration and improvement of the autonomous regime in Navarra	
	CAA		No	No	√
		Areas			No information available
		Source			Same as above

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Spain	CEMA	Quotas			√			Article 5.3 Law 7/2010 of March 31, 2010 <a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>
		Advertising			√			Implicit at art 56.6 Law 7/2010 of March 31, 2010 <a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>
		Protection of minors			√			Implicit at Art. 7.6 and 57.4 Law 7/2010 of March 31, 2010

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
								<a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>
	CMT	Quotas	NA (Telecommunications Regulator)					
		Advertising						
		Protection of minors						
	CAC	Quotas	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 13. Instruction on Catalan language and culture presence on media. 28.12.2007
		Advertising	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 24. Instruction on protection of minors and teenagers, signalling and freedom of information. 28.12.2007
		Protection of minors	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 24. Instruction on protection of minors and teenagers, signalling and freedom of information. 28.12.2007
	CoAN	Quotas	√	√	√	√		
		Advertising	√	√	√	√		Art.18.12 Foral Law 18/2001 of July 5, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council" <a href="http://www.consejoaudiovisualdenavarra.es/sobre_coan/documents/Ley_Foral_18-2001_m.pdf">www.consejoaudiovisualdenavarra.es/sobre_coan/documents/Ley_Foral_18-2001_m.pdf</a>
		Protection of minors	√	√	√	√		Art. 27 Foral Law 18/2001 of July 5, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council" <a href="http://www.consejoaudiovisualdenavarra.es/sobre_coan/documents/Ley_Foral_18-2001_m.pdf">www.consejoaudiovisualdenavarra.es/sobre_coan/documents/Ley_Foral_18-2001_m.pdf</a>
	CAA	Quotas						
		Advertising						
		Protection of minors	√					Art. 26 Decree 219/2006 of December 19, "Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía" <a href="http://www.consejoaudiovisualdeandalucia.es/opencms/export/sites/caa/Galerias/archivos_">www.consejoaudiovisualdeandalucia.es/opencms/export/sites/caa/Galerias/archivos_</a>

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
								<a href="#">legislacion/ReglamentoCAA.pdf</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Spain	CEMA	Quotas	√	√ Qualified as serious infraction if there is more than 10% of non compliance: €500,001 to €1m	√ discretionary	√ Revocation	No But non-compliance with any decision from CEMA is a major infraction (€100,001-500,000).	Fine: automatic but discretionary on the exact amount Discretionary on Revocation of licence
		Advertising	√	√ Qualified as major infraction: €100,001 to €500,000, but if repeated twice in a day but the same channel, it becomes a serious infraction: €500,001 to €1m	√ discretionary	√ Revocation if it's a serious infraction	No Same as above	Fine: automatic but discretionary on the exact amount. Discretionary on Revocation of licence
		Protection of minors	√	√ Qualified as serious infraction: €500,001 to 1m	√ discretionary	√ Revocation	No Same as above	Fine: automatic but discretionary on the exact amount. Discretionary on Revocation of licence
	CAC	Quotas	√	√ Qualified as major infraction: €12,001 to €90,000	√ mandatory	√ If repeated 3 times in a year, CAC can impose a suspension of the licence for 3 months. If another serious infraction is		Fine: automatic but discretionary on the exact amount. Discretionary on suspension of licence

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
						repeated, then a revocation of the licence is possible.		
		Advertising	√	√ Qualified as serious infraction: €90,001 to €300,000	√ mandatory	√ Up to 3 months of suspension. If another serious infraction is repeated, then a revocation of the licence is possible.		Fine: automatic but discretionary on the exact amount. Discretionary on suspension and revocation of licence
		Protection of minors	√	√ Qualified as serious infraction: €90,001 to €300,000	√ mandatory	√ Same as above		Fine: automatic but discretionary on the exact amount. Discretionary on suspension and revocation of licence
	CoAN	Quotas	√	√ €30,050.61 to €90,151.81	√			
		Advertising	√	√ Qualified as major infraction: €30,050 to €90,151 but if repeated it could be a serious infraction	√	√ It is a discretionary power. It could be used if a serious infraction is repeated (no indication on number of times or under which circumstances) Art. 19.6 of Foral Law 18/2001 of July 5, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"		
		Protection of minors	√	√ Qualified as a serious infraction: €90,151 to €300,506		√		Fine: automatic but discretionary on the exact amount. Discretionary on suspension and

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
	CAA							revocation of licence
		Quotas						
		Advertising						
		Protection of minors	√	√				The CAA has no specific charter of sanctions. It acts in a case-by-case basis, according to Spanish general administrative law.

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Spain	CEMA	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	CAC			√ Instruction on Quotas (2008) and Instruction on Protection of Minors (2007) and 2 other instructions non-related with AVMS	√		√ Instruction on creation of a telematic register General Instruction on creation and regulation of a Register of private audiovisual operators	
	CoAN		√	√ Co-regulation Code on Broadcasting	√	√	√	√

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
	CAA			<p>Content (2010)</p> <p>√</p> <p>Recommendation on toys advertising</p> <p>Recommendation on protection on minors in special or tragic events</p> <p>and 6 other instructions non-related with AVMS</p>	√			

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Spain	CEMA	N/A	N/A	N/A	N/A	N/A
	CAC	<p>2007: 6 informative proceedings on protection of minors</p> <p>22 informative proceedings on advertising</p> <p>2007-2010: Protection of minors: 4 Final decisions, 3 agreements</p> <p>Commercial Broadcasting, 17 Final</p>	<p>Protection of minors: 1 fine (2007-2010): €90,000</p> <p>Commercial Broadcasting (2007-2010): 5 fines (Total Amount: €58,600)</p>	No	No	No

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
		decisions and 5 agreements				
	CoAN	No instances. There are only 3 regional TV stations covered by CoAN.	No instances	No instances	No instances	No instances
	CAA	2007 (p.82): 47 requests of information and 22 procedures of sanctioning, of which 3 were closed with fines, 19 were still pending In 2010 16 closed procedures of sanctioning		No	No	No

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Spain	CEMA	N/A	N/A
	CAC	Yes, the Office for the Protection of the Audience, which is a special office attached to CAC, receives and deals with complaints, demands or suggestion on broadcasting content from citizens.	Website (with electronic form), e-mail, Free phone Number, 901 100 321 535 complaints in 2007 (p. 67)
	CoAN	Yes, the Office for the Protection of the Audience, which is a special office attached to CoAN, receives and deals with complaints, demands or suggestion on broadcasting content from citizens	Website, e-mail, Free phone number 900 841 014 46 complaints in 2008 (p. 30)

Country	Body	Do complaints handling procedures exist?	Link to website
	CAA	Yes, the Office for the Protection of the Audience, which is a special office attached to CAA, receives and deals with complaints, demands or suggestion on broadcasting content from citizens.	<a href="#">Website</a> (with electronic form), Free phone Number, 900 159 159 <a href="#">126 Complaints in 2008</a> , (p. 13)

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Spain	CEMA	Board	9	Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with prestige and related to the audiovisual sector.	No	No	Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with prestige and related to the audiovisual sector.	Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with prestige and related to the audiovisual sector.	No information available	No	<a href="#">Law 7/2010 of 31st March 2010</a> , art 49
	CAC	Board	10	No	No	No	No	No	No	No	Art. 4 <a href="#">Catalan</a>



Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
											Audiovisual Council Law 2/2000 of 4th May
	CoAN	Board	7	No	No	No	No	No	No	No	Art. 23. Foral Law 18/2001 of 5 <sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA	Board	11	No	No	No	No	No	The composition of the board has to respect a genre quota: no more than 5 members of the same genre.	No	Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía". Art. 5

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Spain	CEMA	<ul style="list-style-type: none"> <li>To monitor the compliance with AVMS provisions (and sanctioning if necessary).</li> </ul>	Simple majority. There is no quorum required in the general law, but this should be defined by regulation.	N/A	N/A

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> <li>To write a list of events of special interest</li> <li>To set a register of broadcasters</li> <li>To monitor media ownership rules, including thresholds on audience.</li> <li>To report on tenders of broadcasting licences made by Government and reporting the Government about each offer.</li> <li>To renew or not broadcasting licences.</li> <li>To monitor if public service broadcasters are fulfilling their mission (and within the economic resources assigned to their mission).</li> </ul> <p>Art. 47. <a href="#">Law 7/2010 of 31st March 2010</a></p> <ul style="list-style-type: none"> <li>To approve and define its own internal rules of procedure and organisation (including the distribution of competences within CEMA) but needs the approval of the Government. Art. 49.2 <a href="#">Law 7/2010 of 31st March 2010</a></li> </ul>	<p>In the event of a tie in the voting, the President vote is decisive (counts as two).</p> <p>Art 49. <a href="#">Law 7/2010 of 31st March 2010</a></p>		
	CAC	<ul style="list-style-type: none"> <li>To grant broadcasting licence.</li> <li>To ensure compliance with the regulations on audiovisual content, in particular the principles of political, social, religious, cultural and philosophical pluralism.</li> <li>To adopt binding general instructions addressed to operators to ensure they comply with prevailing legislation within CAC sphere of competence.</li> <li>To ensure that linguistic pluralism and the regulations on the use of the languages of Catalonia and La Vall d'Aran are complied with.</li> <li>To ensure compliance with the legislation on the protection of minors and on advertising.</li> <li>To guarantee that the missions of public service assigned to the public media are complied with.</li> </ul>	<p>Absolute majority in key decisions: approval or modification of CAC internal regulation, internal budget and concessions/ revocation of broadcasting licences.</p> <p>On all other questions, it is implicit that no absolute majority is required. There is a required quorum of 6 members. In the event of a tie in the voting, the President vote is decisive (counts as two).</p> <p>Art 8.3. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a> and art. 5.3 of the <a href="#">Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya</a>", approved the 28th February 2001</p>	No	Yes, but after 5 years.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> <li>To issue preliminary reports on foreseen laws related to the audiovisual sector.</li> <li>To issue reports, on its own initiative, to the Parliament or the Government.</li> <li>To issue an annual report on its activities and on the situation of the audiovisual sector in Catalonia.</li> <li>To promote the adoption of co-regulation and self-regulation measures in the audiovisual sector.</li> <li>To exercise mediation functions.</li> </ul> <p>Art. 10. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a></p> <ul style="list-style-type: none"> <li>To approve and define its own internal rules of procedure and organisation.</li> </ul> <p>Art. 14 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a></p>			
	CoAN	<ul style="list-style-type: none"> <li>To advise the Government on audiovisual matters and issue reports, on its own initiative, to the Parliament or the Government.</li> <li>To report positively or negatively on the tenders of broadcasting licences prepared by the Government.</li> <li>To Report positively or negatively to the Government on each offer applying for a broadcasting licence.</li> <li>To report positively or negatively on licences renewals and on shareholders changes.</li> <li>To monitor governmental advertising.</li> <li>To issue an annual report on the action of the CoAN and the situation of the audiovisual sector in Navarra.</li> <li>To ensure that the legislation on the protection of minors and minorities are complied with.</li> <li>To make sure that the regulations governing audiovisual content are complied with, in particular the principles</li> </ul>	<p>Absolute majority in key decisions: approval or modification of CoAN internal regulation, concessions/ revocation of broadcasting licences and if a serious fine on a broadcaster is to be voted.</p> <p>On all other questions, it is implicit that no absolute majority is required. There is a quorum of a half plus one of the members required to take decisions.</p> <p>Art 27. Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</p> <p>However, in almost all cases decisions are adopted by consensus.</p>	No	No

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<p>of political, social, religious, cultural and philosophical pluralism.</p> <ul style="list-style-type: none"> <li>To guarantee that the missions of public service assigned to the public and private media are complied with.</li> <li>To exercise mediation functions.</li> <li>To ensure the compliance with the rules on advertising and European works and to fine if necessary.</li> <li>To promote the adopting of co-regulation and self-regulation measures in the audiovisual sector.</li> <li>To approve and if appropriate to amend the Organic and Operation Statute.</li> </ul> <p>Art. 26. <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a> and art. 15 of the "Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra".</p>			
	CAA	<p>To issue preliminary reports on foreseen laws related to the audiovisual sector and to advise the Government, the regional Parliament and the Andalusian Council on audiovisual matters.</p> <p>To ensure that the regulations governing audiovisual content are complied with, in particular the principles of political, social, religious, cultural and philosophical pluralism.</p> <p>To promote local pluralism.</p> <p>To ensure that the legislation on the protection of human dignity, gender equality and minors as well as on advertising is complied with.</p> <p>To report positively or negatively on the tenders of broadcasting licences prepared by the Government</p> <p>To Report positively or negatively to the Government about each offer applying for a broadcasting licence.</p> <p>To report positively or negatively on licence</p>	<p>Simple majority, except for decisions related to appointment of CAA president, to the internal CAA regulation, to the approval of the annual report and to the dismissal of a member of the Board, where an absolute majority is required.</p> <p>The CAA President and at least five others members of the board have to be present for decisions to be valid.</p> <p>Art. 9. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a>.</p> <p>In the event of a tie in the voting, the President vote is decisive (counts as two)</p> <p>Art. 9. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a>.</p>	No	Yes, but after 5 years.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<p>renewals or on shareholders changes.</p> <p>To promote the adopting of co-regulation and self-regulation measures in the audiovisual sector.</p> <p>To exercise mediation functions.</p> <p>Art. 4. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a>.</p> <p>To approve and define its own internal rules of procedure and organisation. Art. 14. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a>.</p>			

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Spain	CEMA	Chairman	Yes	Parliament (by a 3/5 majority)	Government (no decisive say, formal appointment)	No	<a href="#">Law 7/2010 of 31st March 2010</a> , art 49.1
		Board members	Yes	Parliament (by a 3/5 majority)	Government (no decisive say, formal appointment)	No	
	CAC	Chairman	Yes	Government, after receiving the opinion of the 9 other members of	Government	N/A	Art. 4 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				the Board			
		Board members	Yes	Parliament (by a 2/3 majority and with a support of at least three political parties).	Government (no decisive say, formal appointment)	No	
	CoAN	Chairman	No	Members of the Board (by a 2/3 majority)	President of the Regional Government (no decisive say, formal appointment)	No	Art. 23. 4. Foral Law 18/2001 of 5 <sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
		Board members	Yes	5 members of the board are chosen by Parliament. Each political party can present 5 candidates. Each MEP can only vote for 3 candidates. 2 members of the Board are chosen by the Government	President of the Regional Government (no decisive say, formal appointment)	No	Art. 23.1. Foral Law 18/2001 of 5 <sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA	Chairman	Yes	Members of the Board	Regional Government (no decisive say, formal appointment)	No	Art. 5. Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía".
		Board members	Yes	Parliament (by a 3/5 majority)	Government (no decisive say, formal appointment)	No	

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Spain	CEMA	Chairman of the board	6 years	Yes, partial renewal every 3 years by groups of 4 or 5 members.	No	<a href="#">Law 7/2010 of 31st March 2010</a> , art 50.1 Art. 50.2
		Board members	6 years			
	CAC	Chairman of the board	6 years	Yes, partial renewal of a third of the board every two years	No	Art. 5 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
		Board members	6 years			
	CoAN	Chairman of the board	6 years	Yes, renewal of a third of the board every two years	No	Art. 23.6 and 8. <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July</a> , "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
		Board members	6 years			
	CAA	Chairman of the board	5 years	Not explicit in the law, but as elections take place every 4 years, it does not coincide.	Yes, 1.	Art. 5. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004</a> "Creación del Consejo Audiovisual de Andalucía".
		Board members	5 years		Yes, 1.	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Spain	CEMA	Chairman of the board	Members of the board have to be chosen among people related to the audiovisual sector and with a high degree of prestige.	Not defined.	<a href="#">Law 7/2010 of 31st March 2010</a> . Art. 49.1
		Board members			
	CAC	Chairman of the board	"Members of the board have to be chosen among very prestigious and well-known	Yes "...and with professional experience in the audiovisual sector"	Art. 5 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>

Country	Body		Qualifications	Professional expertise	Source
		Board members	people, who can offer full independence..."		
	CoAN	Chairman of the board	Members of the board have to be chosen among people with prominent professional merits on audiovisual, cultural, high-education or associative fields.	No. But candidates nominated by the parliamentary groups, prior to their election by the full House, will appear before the competent Committee of the Parliament of Navarra, in the terms set out in its rules to enable members of parliament to evaluate their professional merits	Art. 23.1. <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a>
		Board members			
	CAA	Chairman of the board	"Members of the board have to be chosen among very prestigious people in the audiovisual, scientific, educative cultural or social fields".	No	Art. 5. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .
		Board members			

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Spain	CEMA	Chairman	Yes		No member of the Board can be a member of the high Government staff	No	No Member of the Board could have any direct or indirect economic interest within any audiovisual or information society firm. Art. 50.5	No, art. 50.4.	No member of the Board could be member of other public body	<a href="#">Law 7/2010 of 31st March 2010</a> , art 50.5
		Board members	Yes		No member of the Board can be a member of the high Government	No		No, art. 50.4.	No member of the Board could be member of other public	<a href="#">Law 7/2010 of 31st March 2010</a> , art 50.5



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					staff				body	
		Senior staff		Not explicit					As a civil servant, it is not possible to have two positions in the public sector at the same time	
	CAC	Chairman	Yes		No Member of the Board could be a member of the high Regional Government staff	Yes No member of the Board could hold a senior or management position on any political party or union.	Yes No member of the Board could hold any direct or indirect interests in audiovisual, cinema, video, newspaper, advertising, computer, telecommunications or internet industries or hold a senior or management position in an industry organisation.	No	No member of the Board could be a member of other public body or private firm	Art.6. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
		Board members	Yes							
		Senior staff		Not explicit				No	As a civil servant, it is not possible to have two positions in the public sector at the same time	
	CoAN	Chairman	Yes		No Member of the Board could be a	Yes No member of the Board	Yes A member of the Board cannot own	Yes	No member of the Board could hold a	Art. 25. <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra</a>
		Board								

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		members			member of the Regional Government, State, other Regional Governments, Local councils or EU institutions.	could hold any senior or management position in a political party or union.	more than 5% of media, production advertising companies and cannot hold any senior or management position in an industry organisation.		position in the judicial system.	<a href="#">Audiovisual Council</a>
		Senior staff	Yes					Yes	No information available	
	CAA	Chairman	Yes		Yes A member of the Board could not be a member of the high staff of the regional Government.	Yes A member of the Board could not hold any management or appointed position in a political party or union	Yes A member of the Board could not hold direct or indirect interest in companies in the audiovisual, cinema, video, newspaper, advertising, computer, telecommunications and internet sectors and cannot hold any senior or management position in an industry organisation	No	No information available	Art. 8. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .
		Board members								
		Senior staff		Not defined					As a civil servant, it is not possible to have two positions in the public sector at the	

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
									same time.	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Spain	CEMA	Chairman	Yes					The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20. <a href="#">Law 7/2010 of 31st March 2010</a> , art 50.5
		Board members	Yes					
		Senior staff	Yes					
	CAC	Chairman	Yes					The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20.
		Board members						
		Senior staff	Not defined					
	CoAN	Chairman	Yes		The members cannot be members of the Government of Navarra	Any manager/senior in political parties or trade unions or business organizations.	Members cannot have a management position in companies that have direct or indirect interests in media and in any advertising company or audiovisual production company.	The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20. Regional Law 18/2001, Art. 25
		Board members						
		Senior staff						

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
	CAA	Chairman	Yes					The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20.
		Board members						
		Senior staff	Not defined					

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Spain	CEMA	Chairman	Yes		Yes, two years.	Law 7/2010 of 31st March 2010, art 50.5 <a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>
		Board members				
		Senior Staff		No		
	CAC			No		
	CoAN			No		
	CAA			No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Spain	CEMA	Chairman	Yes		A court, if a member of the Board has	Yes (see previous	Only individual	<a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">Law 7/2010 of 31st March</a>

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Individual board members			committed a wilful offence and has been sentenced with a final judgement. The Board, if a member decides to resign. The Government, if the Parliament agrees by a 3/5 majority.	column)	members	<a href="#">2010</a> , art 50.3
	CAC		Yes		A court, if a member of the Board has committed a wilful offence. The Parliament could dismiss a member of the Council if it reaches a 2/3 majority, the same majority required for its appointment.	Yes (see previous column)	Only Individual members	Art.7. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a> <a href="#">Law 14/2005 of 27<sup>th</sup> December 2005 on Catalan Parliament Intervention in the appointment of authorities and post appointed by Parliament and on criteria and proceedings to assess their competences</a>
	CAN		Yes		A court, if a member of the Board has committed a wilful offence.	Yes (see previous column)	Only Individual members	Art. 25. <a href="#">Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a>
	CAA		Yes		A court, if a member of the Board has committed a wilful offence. The Board if a member fails to fulfil its obligations in a serious way.	Yes (see previous column)	Only Individual members	Art. 8. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Spain	CEMA	2005-2009	Chairman	N/A	N/A		
			Individual board members	N/A	N/A		
	CAC	2009	Chairman		No		Voluntary resignation in order to become president of a private foundation.
			Individual board members		No		
		2006-2008	Chairman		No		
			Individual board members		No		
		2005	Chairman		No		Voluntary resignation to go and work in the private sector.
			Individual board members		No		
	CoAN	2006-2009	Chairman		No		
			Individual board members		No		
		2005	Chairman		No		
			Individual board members		No		A member of the Board had to resign because she had been elected regional MEP.
	CAA	2009	Chairman		No		
			Individual board members		No		
		2008	Chairman		No		Voluntary resignation because of partisan fights along party lines inside the CAA.
			Individual board members		No		
		2005-2007	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Spain	CEMA	No	State Funding explicit as a funding source	Not explicit in the law	Not explicit, but see other fees	Not explicit, but see other fees	"Fees received by its services or activities"	<a href="#">Law 7/2010 of March 31, 2010</a> , art 52.2
	CAC	No	98.87%	0%	0.97%	0.15%	0.01% (Taxes)	<a href="#">2010 Catalonia budget</a> page 705
	CoAN	No	100%	0%	0%	0%	0%	
	CAA	No	100%	0%	0%	0%	0%	Decree 219/2006 of 19 December, "Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía", art. 43

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Spain	CEMA	The Board presents a pre-budget to the Government, who decides to include it in the General Budget State Law	Yes	Board and Government	No	<a href="#">Law 7/2010 of March 31, 2010</a> , Art. 46.a
	CoAN	The CoAN presents a preliminary draft of its annual budget by August of the previous year. The Government of Navarra includes it as an independent line in the annual Draft of Regional Law of Budget of Navarra The Parliament adopts the Regional Law of Budget of Navarra.	Yes, with the elaboration of the draft of the budget.	CoAN, Government of Navarra and regional parliament.	No	Regional Law 18/2001, Art. 31.
	CAC	The CAC presents a preliminary draft of its annual budget by August of the previous year. The Government of Catalonia includes it as an independent line in the annual Draft of Regional Law of Budget of Catalonia The Parliament adopts the Regional Law of Budget of Navarra.	Yes, with the elaboration of the draft of the budget.	CAC, Catalonia Government and regional parliament	No	Art. 15.2 of Catalan Audiovisual Council Law 2/2000 of May 4
	CAA	The CAA presents a preliminary draft of by August of the previous year. The Government of Andalusia includes it as an independent line in the annual Draft of Regional Law of Budget of Andalusia The Parliament adopts the Regional Law of Budget of Navarra.	Yes, with the elaboration of the draft of the budget.	CAA, Andalusia Government and regional parliament	No	Decree 219/2006 of December 19, “Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía”, art. 44



**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Spain	CEMA	Yes	Not defined	National Audit Office (Intervención General de la Administración del Estado) Tribunal de Cuentas (Account Court)			Law 7/2010 of 31st March 2010, Art. 52.3
	CAC	Yes	Annual	Regional Audit Office, “Intervención General”			Art. 15.3 of Catalan Audiovisual Council Law 2/2000 of 4th May
	CoAN	Yes	Annual	“Cámara de Comptos” (regional Chamber of Accounting)	-	-	Art. 59. “Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra”
	CAA	Yes	Annual	Regional Audit Office, “Intervención General”			Art. 18.3 Law 1/2004 of 17 <sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Spain	CEMA	Parliament	Yes	Presentation to the Parliament of an Annual Report, which has to include a description of CEMA's	<a href="#">Law 7/2010 of March 31, 2010</a> , Art. 53

Country	Body	Body accountable to		Accountability means	Legal basis
				activities and of the Spanish audiovisual sector. Parliament (and specifically the Committee in charge of audiovisual matters) has the right to ask questions to CEMA on audiovisual matters or the activities of the authority.	
		Government as a whole	No	N/A	
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	
		Public at large	No	N/A	
	CoAN	Parliament	Yes	Advice and preparation of reports and opinions. Presentation of the Annual Report describing its activities and the audiovisual sector situation.	Art. 26. <a href="#">Foral Law 18/2001 of July 5, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a>
		Government as a whole	Yes	Advice and preparation of reports and opinions. CoAN has to be able to answer requests of Government to make reports and opinions on audiovisual matters. The same is true if two members of parliamentary groups ask CoAN.	Regional Law 18/2001, Art. 26.1.a)
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	
		Public at large	No	N/A	
		Other	Yes	Economic and Financial Report (to the "Cámara de Comptos")	
	CAC	Parliament	Yes	Presentation to the Parliament of an Annual Report, which has to include a description of CAC's activities and of the audiovisual sector in Catalonia.	Art.12. <a href="#">Catalan Audiovisual Council Law 2/2000 of May 4</a>
		Government as a whole	Yes	Presentation to the Government of an Annual Report.	
		Specific ministers	No	N/A	

Country	Body	Body accountable to		Accountability means	Legal basis
		(e.g. Media, finance, etc.)			
		Public at large	No	N/A	
	CAA	Parliament	Yes	Presentation to the Parliament of an Annual Report. This report has to include a description of CAA activities.	Art. 11. <a href="#">Law 1/2004 of December 17, 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .
		Government as a whole	No	N/A	
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	
		Public at large	No	N/A	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Spain	CEMA	Parliament	Annual	Description of its activities and analysis of audiovisual sector	No explicit rule	No	N/A	Art. 53 <a href="#">Law 7/2010 of March 31 2010</a>
	CAC	Parliament/Government	Annual	Description of its activities and analysis of audiovisual sector	No explicit rule	No	N/A	Art.8.3 <a href="#">Catalan Audiovisual Council Law 2/2000 of May 4</a>
	CoAN	Parliament	Annual	Description of its activities and analysis of audiovisual sector (especially on media pluralism, protection of minors and human dignity)	Yes Activity indicators.	No	N/A	Art. 26. <a href="#">Foral Law 18/2001 of July 5, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</a>
		Cámara de Comptos	Annual	Financial auditing	Yes	No	No	Cámara de Comptos
	CAA	Parliament	Annual	Description of its activities	No explicit rule	No	N/A	Art. 11. <a href="#">Law 1/2004 of December 17, 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Spain	CEMA	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A
	CAC	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A
	CoAN	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A
	CAA	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Spain	CEMA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	CAC	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	CoAN	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	CAA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>



Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Spain	CEMA	Internal	(N/A as internal			

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
		External		procedures have not been adopted yet)			
	CAC	Internal			Yes. Internal Procedure: Before a sanction is issued, an informative period of 20 days is open to hear all parties in conflict. However, not an internal appeal procedure as such is envisaged.		
		External	1	Administrative Court proceedings		Any person/organisation can lodge an appeal against a decision of the regulatory bodies	Art. 34.2. "Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya", approved the 28th February 2001
	CoAN	External	1	Administrative Court proceedings	Yes Internal Procedure: Instruction of the case by a member of the Board with allegations of the parties. If the case has to be sanctioned according to the instructor, the case is presented to the whole Board to be approved or refused.	The company who was the third interested in the appealed resolution	Art. 18 "Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra"  Act 30/1992 and Regional Law 18/2001
	CAA	External	1	Administrative Court proceedings	Yes Same as above	Any person/organisation can lodge an appeal against a decision of the regulatory bodies	Art. 13 Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía".

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Spain	CEMA	N/A	N/A	N/A	Not defined in the law. Pending regulation.

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
	CAC, CoAN, CAA		√		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Spain	CEMA, CAC, CoAN, CAA	Yes General provisions of Spanish Administrative law	Yes General provisions of Spanish Administrative law	Yes General provisions of Spanish Administrative law	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Spain	CEMA	1 Administrative Court proceedings		√	The appeal body has the power to cancel the decision and remit it back to the regulator for a new decision.
	CoAN	1 Administrative Court proceedings		√	
	CAC	1 Administrative Court proceedings		√	
	CAA	1 Administrative Court proceedings		√	

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Spain	CEMA	N/A	N/A	N/A	N/A	N/A
	CoAN	Yes	€27,000	Yes, if the procedure exceeds more than €3,000.	Agreement of the CoAN's Board	Yes
	CAC	Yes	€150,000 for 2010	Yes, if the procedure exceeds more than €30,000.	Agreement of the CAC's Board	Yes
	CAA	Yes	€763,300 for 2010	Yes, if the procedure exceeds more than €30,000.	Agreement of the CAA's Board	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Spain	CEMA	Not defined explicitly	The Consultative Committee (a new body created together with CEMA) must be consulted. It has to be composed of broadcasters, producers, advertisers or members from audience or consumer associations. The number of members and the selections process of the committee will be defined by regulation.	The Consultative Committee has to provide its opinion on the criteria to follow to apply fines and sanctions or on any topic upon request of the Board.	Not defined	Not defined	Law 7/2010 of 31st March 2010, Art. 51.3
	CoAN	None	N/A	N/A	N/A	N/A	
	CAC	Any "Instrucció", (instruction), which constitutes general mandatory guidelines for broadcasters	Sectors affected by the instruction.	15 days	No	No	Art. 32.2 "Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya", approved on February 28, 2001

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
	CAA	None	N/A	N/A	N/A	N/A	

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Spain	CEMA	2005-2009	N/A
	CoAN	2009	4
		2008	4
		2007	3
		2006	3
		2005	1
	CAC	2009	0
		2008	2
		2007	3
		2006	0
		2005	1
	CAA	2009	1
		2005-2008	0

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Spain	CEMA	Not defined, but it has to follow the principles of Administrative Law of 1992, which impose to publish decisions within a specific timeframe.	Not defined	Not defined	Not Defined
	CoAN	Decisions on internal organization, public employment, public contracting, and the annual budget.	All the decisions must be motivated.	Yes, it would be necessary in case of a specific decision	
	CAC	Mandatory general guidelines to any broadcaster, called "instruccions", particular agreements (called "accords"), affecting broadcasters and "sancions" (sanctions). A part from that, any public tender and the annual budget.	All the decisions must be motivated.	Yes, explicitly, in "instruccions".	
	CAA	Decision affecting a third party (decisions, recommendations and sanctions). A part from that, public tenders and the annual budget.	All the decisions must be motivated.	No	

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Spain	CEMA				<a href="#">Law 7/2010 of 31st March 2010</a> , Art. 47.4 states that CEMA could coordinate its activity with other

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
					European and Spanish regional authorities, with which it could sign agreements of cooperation. It states as well that CEMA will collaborate with two state bodies: the State Agency of Radiocommunications and the CMT.
	CAC- CAA	Spanish Platform of Audiovisual Councils (PECA)	An agreement signed in 2007	No	Mission: Only exchange of information and debate of ideas on the audiovisual sector and its regulation
	CoAN	Spanish Platform of Audiovisual Councils (PECA) Collaboration agreements with departments of the Government of Navarre Collaboration agreement with Autocontrol, the Spanish advertising self-regulation organisation.	Periodical meetings with the state authority	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Spain	CEMA	N/A	N/A	
	CAC	EPRA Mediterranean Network of Regulatory Authorities	Membership Membership	
	CoAN	EPRA	Membership	
	CAA	EPRA Mediterranean Network of Regulatory Authorities	Membership Membership	



