

# Public Communication Policies and Social Profitability Indicators in Commercial Radio

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## 1. Initial situation

This research is undertaken within the framework of project CSO201567347R, based on the mapping of tender awards to media corporations of FM commercial broadcasters and links between those broadcasters. It confirms that local radio service provider licences (originally administrative tenders) are mainly in the hands of nationwide networks – groups of local broadcasters with a single owner or as syndicates, associations or on a rental basis. Given this widespread situation, the space available for strictly local media for content and coverage is marginal and, in many cases, non-existent. Local programming in the case of general interest channels is minimal, as can be seen in the research, and practically unheard of in music-based stations.

The Social Profitability Indicator in Communication (referred to as IRSCOM in Spain), in place to audit the work of local broadcasters, is being successfully applied to non-profit local public and private community radio stations by the COMandalucía Communication and Culture Laboratory at the University of Málaga ([www.com-andalucia.org](http://www.com-andalucia.org)). When applied to commercial radio, this initiative allows for detailed analysis of such broadcasters and networks.

The failure to meet the core aims established in the operating permits that were granted to commercial radio stations, initially by the state and then by the regional Autonomous Communities, firstly as administrative franchises and now with the status of licences, has been a root cause of the difficulties faced in applying an indicator for the measurement of social profitability and the impact of local programming. This initial circumstance can be confirmed in almost all the analysed territories, given the absence of communication policies that firstly seek to guarantee balanced coverage in the different territorial spheres – local, regional and national – and secondly, to understand the needs of a media company, in order to better connect social and commercial profitability.

Radio networks tend to be subject to a light regulatory touch that verges on deregulation, due to the non-existence of independent authorities in the audio-visual sector. This situation has led to a concentration of network broadcasts to the detriment of local stations. Although research is based on the auditing of local radio stations, the complete absence of such broadcasters who are committed to coverage of their territories cancels out their social profitability. It means that the final emphasis has been on auditing the performance of general interest private networks, considering the reality of local stations as mere signal repeaters (while respecting their efforts to comply with regulations governing plurality as set forth in Article 37.3 of the General

Audio-Visual Communication Act 7/2010), in order to draw up a profitability indicator that considers business transparency and content plurality-diversity as basic lines of action.

In 2012, the COMandalucía Communication and Culture Laboratory launched a research programme that sought to assess the social profitability of local public media outlets<sup>1</sup>. The result was the creation of the IRSCOM Social Profitability Indicator in Communication. This indicator is a motivational element designed to improve the work of local public media outlets. Its critical input considered the usefulness of measuring the results from all audio-visual media, taking into consideration the use of the radio spectrum as a space that belongs to society as a whole.

The IRSCOM experience was taken into account in the drafting and subsequent passing of the Andalusia Audio-Visual Act 10/2018 of 9 October 2018, which included the need to use profitability indicators to measure public, community and private commercial media outlets in following the COMandalucía strategy. The motivation for our research was the design of guidelines that would help people to be aware of who was informing them, how they were doing so, from where the day-to-day narratives stemmed, to what extent legislation was being complied with, and the visibility of good practices being implemented in the media. IRSCOM also sought to steer public policies toward the rectification of weaknesses. Experience with this indicator and the media maps that were prepared is reflected in the work undertaken by other research groups in Europe and South America.

The qualitative leap proved to be the adaptation of this numerical indicator to the context of commercial radio, overcoming the problems stemming from the deregulation which came about through the General Audio-Visual Communication Act 7/2010 of 31 March 2010. The permissiveness of legal business not only resolved the irregular practice of leases disguised as content contribution agreements, but also the fact that these remained in place, leading to greater opacity with regard to licence usage rights, affiliation to networks, leasing, investment companies, cross-ownership and the role of trustees. It would seem paradoxical that companies that are obliged to uphold ethical criteria in terms of the information they make available are not themselves sufficiently transparent with regard to their accountability and operating licences, leading to the reasonable doubt we have seen concerning Spanish commercial radio plurality.

## *2. IRSCOM and public local proximity media*

The application of IRSCOM to public local radio stations stemmed from a municipal defence of public local media in 2013. The financial crisis, more ethical than economic in this case, was used as an excuse by the Spanish government to restrict services provided by local councils that were deemed to be “unprofitable”.

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<sup>1</sup> National Plan project CSO2011-29195: “Local public radio-television broadcasting in Andalusia – the current situation and impact”. The project focused on the investigation and diagnosis of the situation regarding public local radio and television stations in Andalusia, taking into consideration associative and community broadcasters due to their clear role as a public service. The map based on the study of over 350 media outlets highlighted the existing problems: the fraudulent privatization of franchises and the high number of both broadcasters that had shut down and inactive licences. The project helped to provide an overview of current participative communication good practices and strategies on which reference models could be constructed. Since 2013, the IRSCOM observatory has continued to focus on these stations, with the results published on a yearly basis: [www.com-andalucia.org](http://www.com-andalucia.org)

The Local Government Rationalization and Sustainability Act 27/2013, popularly known as the “Montoro Act”<sup>2</sup>, restricted the local town and city council independence that had been granted through the Local Government Regulatory Act 7/1985. The changes that were introduced prevented councils from providing “economically unprofitable” public services and freezing staff recruitment. This legal modification affected a number of social services and was used to reduce investment and costs, a situation that endangered or shut down essential services such as those provided by the public media, many of which had been in place since 1979. Public media outlets, like many other services provided by local government, found themselves under an obligation to be socially profitable primarily, ensuring that they were able to meet the needs of the general public from a standpoint of the ethics of the common good.

It should be remembered that the information offered by the powerful commercial networks is centralized in Madrid. Provincial and local information is therefore kept to a bare minimum, preventing the showcasing of the area, and debating solutions and alternatives from a local perspective. Local public media outlets are mainly found in areas that are neglected by commercial media, and the national and regional public networks, hence the importance of facilitating tools that help to foster regional organization, highlighting good practices and divergence. Coverage is not a simple territorial question or a matter of commercial advertising. It should rather be seen in terms of providing content of local relevance, which is usually lacking in other media.

Table 1: IRSCOM Local Public Radio (municipal radio stations)

Fields		Sub-indicators
Management	1	Compliance with statutes
	2	Published and accessible annual management/economic reports
	3	Existence of an advisory board with the participation of local people
	4	Direct link to the website of the local town or city council responsible for the management of the public service
Social capital	5	Number of staff employed, weighted by the range of the target population
	6	Number of women employed as a proportion of the total workforce
	7	Number of people with disabilities employed
	8	Number of people playing an active role in the municipal radio station
	9	Number of collectives and associations playing an active role in the municipal radio station
	10	Number of training workshops per year
Regional structure	11	Participation in a sectoral network or association

<sup>2</sup> Named after the Minister of Finance and the Civil Service in the Partido Popular government under the presidency of Mariano Rajoy.

	12	Own production spaces shared with other municipal radio stations
	13	Broadcast of programmes produced by other municipal radio stations
Programming	14	Local news programmes
	15	Local content programmes
	16	Diverse programme subject matter
	17	Non-commercial music programming
	18	Programmes shared on social media and other networks
	19	Outside broadcasts (live or recorded)
	20	Number of programmes per week produced by collectives
	21	Number of programmes per week produced by contributors
Internet presence	22	Up-to-date website and blog (with programme schedule)
	23	Online broadcasting
	24	Up-to-date podcasts
	25	Use of platforms
	26	Instant messenger app
	27	Mobile app
Infrastructure	28	Technical resources
	29	Number of studios (broadcast and recording)
	30	Number of newsrooms
	31	Number of other studio rooms
	32	Music and audio library open to the public
	33	Library open to the public

Research: COMandalucía. 2013

IRSCOM seeks to showcase the work of these media outlets and the importance of their core work, establishing criteria to correct any deficits. The indicator is based on analysis of compliance with legal obligations and the study of operations from a perspective of their use to the public.

In the case of local public radio stations, IRSCOM analysed 33 items distributed across six sections: management, share capital, regional structuring, programming, Internet presence and infrastructure (see Table 1).

The application of IRSCOM and its results can be found on the previously cited website and in various articles published in the specialist media, as well as in two doctoral theses<sup>3</sup>. The effects were positive, if we take into account the receptiveness of broadcasters and regional government. IRSCOM has contributed to a greater awareness of the situation faced by these broadcasters in Andalusia, where more than 2,000 contributors and 600 organizations frequently take part in activities, creating over 400 long-term jobs. IRSCOM identified a series of shortcomings and variances that need to be resolved. The indicator has become a hallmark of quality that town and city councils announce to their audiences, so that they might better recognize the

<sup>3</sup> Cfr. Chaparro; Olmedo; Gabilondo (2016); Gabilondo; Olmedo (2014); Gabilondo (2015); Chaves (2016).

work of the public media.

### 3. *Private local commercial radio stations and social profitability*

Public and private media outlets need to be guarantors of cultural rights, especially those that, as a result of their local coverage, facilitate the public's participation and their awareness of their environment. Proximity media outlets are essential in ensuring the rights outlined in Article 27 of the 1947 Universal Declaration of Human Rights, the 2001 UNESCO Universal Declaration on Cultural Diversity, and the 2007 Fribourg Declaration on Cultural Rights. All of these declarations seek to safeguard the right to receive and to transmit information and to participate in and to be a part of a pluralistic information system.

On that basis and with the experience of working with local public media outlets, a study into the application of IRSCOM to commercial radio stations in Andalusia and Spain was undertaken. From the outset, commercial radio in Spain has been a local phenomenon that until 1963 was associated with AM and subsequently with the FM waveband<sup>4</sup>.

The various regulations that have been passed in democratic Spain prior to the General Audio-Visual Communication Act 7/2010, including the 1987 Organization of Telecommunications Act, the 1978 National Technical Plan and its subsequent versions in 1989, 1997, and 2006, and the General Telecommunications Act 11/1998, as well as the enactment of a number of regional sound broadcasting regulations, have all strengthened the role of FM from a legal perspective as the essential proximity media in terms of territorial construction.

The adaptations of the national legal framework to Spain's Autonomous Communities were in all cases similar<sup>5</sup>. In no case, including in the regulatory framework, has the granting of a broadcast licence explicitly contemplated a subsequent regrouping into networks, although this has occurred in reality. However, Section IV of Royal Decree 22648/1978, enacting the National Sound Broadcasting Technical Plan, stated:

*“The applications presented by the owners of the radio stations currently in operation will be prioritized in those locations in which the National Plan allows for the continuity of broadcasts on wavelengths reserved for such groups of stations. Pursuant to the National Plan, if any of these stations were to be closed as their operation was not envisaged, its owner shall have priority for the award of a new FM licence in the same locality.”*

The legal entities or natural persons who already held operating licences were therefore favoured, with the mention of “groups of stations”, although the licences and the tender regulations required the presentation of basically local programmes, linked to an investment and recruitment plan.

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<sup>4</sup> Decree 2828/1963 concerning the obligation to transform local medium-wave radio stations to FM use.

<sup>5</sup> With reference to the legal adaptations which the Autonomous Communities have had to introduce, the case of Andalusia serves by way of example. Decree 174/2002, regulating the licencing of FM radio broadcasters, sought to adapt the legal framework to that of the General Telecommunications Act 11/1998, which contemplates both the granting of a broadcast licence and the provision of the service by the licensee. A subsequent Decree 262/2003 amended Decree 174/2002, due to the need to adapt the legal framework established through the Fiscal, Administrative and Social Measures Act 53/2002, which itself amended the Organization of Telecommunications Act 31/1987 with regard to the administration of these broadcast licences. The 2018 Andalucía Audio-Visual Act sought to clarify this situation.

A sea change came about with the General Audio-Visual Communication Act 7/2010. Article 22.5 set forth the relatively lax restrictions in terms of concentration, consolidating the granting of exclusively local broadcast licences. Spain has a local FM coverage map which nevertheless broadcasts content that is predominantly subject to the guidelines issued by national networks, far removed from any notion of proximity.

This is a key consideration in terms of the difficulty in applying social profitability indicators to commercial radio stations – namely the loss of a local identity. In practical terms, local commercial radio has ceased to exist. The General Audio-Visual Communication Act represented the first time in the history of radio in Spain that commercial stations were legally permitted to broadcast through a network without any limits placed on the content from the parent station, as set forth in Articles 22 and 24, with the exception of the limitations that Spain’s Autonomous Communities might implement through their own regulations and any obligations which might be applicable to their licences and contracts, pursuant to Sections 4 and 5 of Article 22 of the aforesaid Act:

*4. The right to broadcast through a network as outlined in this article is understood without prejudice to the full powers of the Autonomous Communities regarding service providers who have been granted licences in their respective regions.*

*5. The Law recognizes the right of radio service providers to broadcast part of their programming through their network, where the same provider has obtained licences in various regions or has reached agreements with other owners in one or more Autonomous Communities, notwithstanding any legal or licence obligations to which they may be subject in the aforesaid Autonomous Communities.*

Article 24.4 of the General Audio-Visual Communication Act also states that in the event of any network broadcasting by a radio service provider, the corresponding Audio-Visual Authority should be notified, with the broadcast duly listed on the National Register of Radio Service Providers provided by the Industry Ministry State Secretariat for the Information Society and the Digital Agenda, as provided for in Act 3/2013 creating the National Authority for Markets and Competition:

*Article 24.4 of the General Audio-Visual Communication Act: Legal framework for audio-visual licences.*

*4. Pursuant to Article 22 of this Act, if one or more holders of national radio communication licences decide to network broadcast, the corresponding Audio-Visual Authority should be notified, with the broadcast duly listed on the National Register of Radio Service Providers, without prejudice to the contents of the following Article 22.3.*

A second basic consideration stems from the decision taken by the Spanish European legislator to liberalize television and radio services as a consequence of the increased offer made possible through digital technology. This entails an interpretation that these services be considered to be of general interest (Article 22.1 of the previously cited Act), except those that are directly provided by public bodies and which are broadcast as a public service (Section IV of the General Audio-Visual Communication Act 7/2010). This legal interpretation equates to a consideration that this spectrum is effectively infinite, or at least not as “limited” as it was when analogue technology was used. An offer that requires no public service obligations applicable to the

private sector is therefore permissible. It represents an extremely delicate circumstance, as it presupposes a certain privatization of the use of radio broadcasting space.

The obligation to provide a public service is derived from the temporary use of a public-owned asset and the need to pass on the benefits stemming from its commercial operation to the legitimate proprietors thereof, namely the general public at large. The commercial audio-visual media should therefore make financial profitability compatible with social profitability. Exemption from the requirement to provide a public service reduces the obligations weighing on the commercial media as imposed by the general public. For that reason, it is essential that the public administration is reminded that it can extend service requirements, both in terms of regional regulations, and in the clauses of the contracts signed by the holders of radio licences. In practice, the General Audio-Visual Communication Act legalizes a somewhat abnormal situation, namely the legal transaction arising from the opacity of companies and arguments that focus on the discretion, exceptionality, and arbitrariness of both national and regional governments.

This Act promotes a dangerous deregulation of radio broadcasting space that has been severely questioned, as was seen at the time:

*All the initiatives implemented by the current government represent a serious setback in terms of media plurality in Spain. It is a result of relaxing control over monopolistic practices and the weakening of the powers of the supervisory bodies that should be overseeing such practices, leaving the Spanish state at odds with European directives. The Spanish audio-visual sector requires an urgent reorganization of its radio wavelengths, in order to reduce the concentration of ownership, the regulation of community-based broadcasters, a renewal of the obligation to provide a public service that is also applicable to the private sector, and a halt to the existing concentration in the area of private television (García Castillejo and Chaparro, 2012: 32).*

The third consideration that also stems from the General Audio-Visual Communication Act alters the rules of the game, in so far as it is clearly stated in the law that freedom to do business is preferred to freedom of expression, allowing the legal trading of licences granted by the State and Autonomous Communities. As a consequence of this Act, commercial radio saw the legalization of the situation in which the law in key areas such as concentration and the broadcasting of proximity content was being breached. The deregulation of the sector provided support to the voluntary nature of non-compliance, although without the National Audio-Visual Council overseeing media plurality.

Governments need to plan for a pluralistic use of radio broadcasting space through their public policies. However, the administration thereof has to correspond to an independent body that prevents the collusion of interests between media-economic and political power, as has previously occurred. It is symptomatic that almost a decade after the General Audio-Visual Communication Act came into force, there is still no accurate map that allows us to confirm compliance with the limits placed on concentration in the radio communications sector, as outlined in Article 37 of the Act:

*Article 37. Pluralism in the radio broadcasting market.*

1. *A single natural or legal person may not, under any*

*circumstances, directly or indirectly control more than 50% of the administrative licences of a terrestrial radio broadcasting service that significantly coincide with its area of coverage. In all cases, a single natural or legal person may not hold more than five licences for the same area of coverage.*

*2. No single natural or legal person may hold more than 40% of all licences in one Autonomous Community in those areas in which a single licence has coverage.*

*3. No single natural or legal person may directly or indirectly control more than a third of all terrestrial radio broadcasting licences with total or partial coverage the entire territory of the State.*

*4. Radio broadcasters directly managed by public bodies were not taken into consideration when quantifying these limits, so as to restrict the number of licences that are simultaneously held. For the purposes of this article, it shall be understood that control exists where the circumstances referred to in Article 42 of the Commercial Code are present.*

*5. The previous limits shall be applied regardless of whether these licences are issued to digital or analogue broadcasting.*

#### *4. Map of local commercial radio*

The map of Spanish radio shows the dominance of national networks to the detriment of independent local commercial radio, which has become practically non-existent. This represents a concentration of interests that hinders plurality and weakens essential proximity content concerning knowledge of the territory<sup>6</sup>. In reality, this failure is motivated by a lack of understanding – or indeed an ignorance – on the part of public policy of the need to address three basic levels of coverage: national, regional and local, without losing sight of the fact that this presence has to be guaranteed across three sectors, namely public, non-commercial private (*i.e.*, community or associative) and commercial. This lack of a vision has led to a concentrated map that is dominated by generalist and musical network broadcasting. As commented in the previous section, the reservation and assignation of frequency packages in the technical plans for each form of exclusive use would make it possible to draw up a more pluralistic, less concentrated territorial map.

The networks that currently dominate, namely PRISA, COPE, Atresmedia and Radio Blanca, account for 73.6% of state-allocated radio wavelengths according to the Ministry of Energy, Tourism and the Digital Agenda's Public Concessions Register, data that we have contrasted with the information published on the networks' own websites. These data show the domination of the PRISA Group, with 32.1% of all wavelengths, followed by COPE (17.8%), Atresmedia (13.6%), and Radio Blanca (9.9%) (see Table 2).

Table 2: Radio stations connected to the leading networks Spain.

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<sup>6</sup> The data consulted for our analysis of commercial radio are that published by the Ministry of Energy, Tourism and the Digital Agenda's Public Concessions Register and information published on the websites of the networks that we studied.



	PRISA	COPE	Atresmedia	Radio Blanca	Total Groups	Others	TOTAL Ministry of Energy, Tourism and the Digital Agenda
Andalusia	108	38	40	13	199	1	200
Aragón	28	16	9	6	59	11	70
Asturias	12	9	4	20	45	-	(+7) *38
Balearic Islands	11	9	8	6	34	33	67
Canary Islands	22	8	12	29	71	89	160
Cantabria	8	7	3	3	21	13	34
Castilla-La Mancha	33	17	11	18	79	-	(+3) *76
Castilla y León	50	18	23	11	102	16	118
Catalonia	44	12	14	3	73	78	151
Valencia	34	18	19	6	77	6	83
Extremadura	24	13	6	7	50	23	73
Galicia	35	35	15	1	86	80	166
La Rioja	8	9	6	1	24	5	29
Madrid	13	12	9	10	44	27	71
Murcia	13	11	6	3	33	3	36
Navarra	7	14	5	5	31	19	50
Basque Country	14	12	9	4	39	-	(+4) *35
Ceuta	1	1	1	-	3	0	3
Melilla	4	2	-	-	6	-	(+5) *1
TOTAL	469	261	200	146	1,076	385	1,461

Source: Ministry of Energy, Tourism and the Digital Agenda (2019). Authors' own research (2019).

In the data under analysis and as can be seen in the “Others” column in Table 2, it is clear that there are Autonomous Communities in which almost all the wavelengths allocated to the private sector fall under the umbrella of the aforesaid groups. This is the case in Andalusia. The situation is different in the Canary Islands, Catalonia, and Galicia, where a significant number of wavelengths are not linked to networks, according to Ministry data. We have been unable to compile a comprehensive picture of these “independent” wavelengths across Spain, due to a lack of more exhaustive information. Within this group of licences, our research detected 51 wavelengths used by Radio Marca, owned by Unidad Editorial, many of which were the result of legal dealings prior to the passing of the General Audio-Visual Communication Act. There are also cases where the figures published by the Groups in question and those in the Ministry register do not coincide. The Autonomous Communities of Asturias, Castilla-La Mancha, the Basque Country, and Melilla have a total of 19 wavelengths that are not registered with the Ministry, but which are being used by different networks.

The regular inconsistency in the public information to which we had access reflects the lack of transparency and possible private agreements within

the sector of which the relevant authorities have not been informed. This situation was also noted in the comparison between the information from the Ministry and that provided by the government of Andalusia in the analysis of this regional map which we will be referring to later on. A further relevant aspect to be taken into consideration is the programming broadcast by these stations and its local impact. The map of the four groups we analysed (1,076 wavelengths) shows that the majority of stations (682, 63% of the total) carried mainly music content, while 394 (37%) were dedicated to matters of general interest (see Table 3 and Figure 1).

The preponderance of mainly music channels is significant across all licences. It is worth highlighting Radio Blanca's complete focus on this segment (146) through its stations Kiss FM and Hit FM. The marked profile of music stations, with mainstream products dominated by major distributors, leaves little space for musical diversity. The programmes that promote local, regional or national music are minimal. The only specialist music network dedicated exclusively to Spanish music is part of the PRISA Group, namely Radiolé, although it features a high percentage of stereotypical old-fashioned material. We should further emphasize that these local licences are granted to help in the constructing of territory, with general interest content absent from their programming. In the case of PRISA, and more specifically in Andalusia, there are music radio stations which do not coincide with the coverage of general interest broadcasters (SER), but which have intermittent opt-outs for local and regional news.

Table 3: Number of FM wavelengths (general interest/music) connected to broadcasting groups.

	PRISA Cadena SER	PRISA Musical	COPE	COPE Musical	Atresmedia Onda Cero	Atresmedia Musical	Radio Blanca Musical
Andalusia	41	67	23	15	25	15	13
Aragón	7	21	8	8	3	6	6
Asturias	6	6	6	3	2	2	20
Balearic Islands	3	8	3	6	3	5	6
Canary Islands	7	15	2	6	2	10	29
Cantabria	5	3	5	2	1	2	3
Castilla-La Mancha	13	20	6	11	8	3	18
Castilla y León	20	30	6	12	6	17	11
Catalonia	16	28	4	8	5	9	3
Valencia	16	18	10	8	8	11	6
Extremadura	9	15	3	10	2	4	7
Galicia	16	19	21	14	7	8	1
La Rioja	4	4	3	6	1	5	1
Madrid	6	7	5	7	2	7	10
Murcia	5	8	7	4	3	3	3
Navarra	4	3	9	5	1	4	5
Basque Country	4	10	4	8	3	6	4
Ceuta	1		1		1		
Melilla	1	3	1	1			
TOTAL	184	285	127	134	83	117	146

Source: Radio station websites. COMandalucía research, 2019.

### *5. Regional policies – the failure of decentralization and deconcentration*

Any analysis of social profitability and the impact of local commercial radio is extremely difficult with the data shown above, given the abandonment of local programme content and the dependence and subordination of programming to the network as a vertical structure.

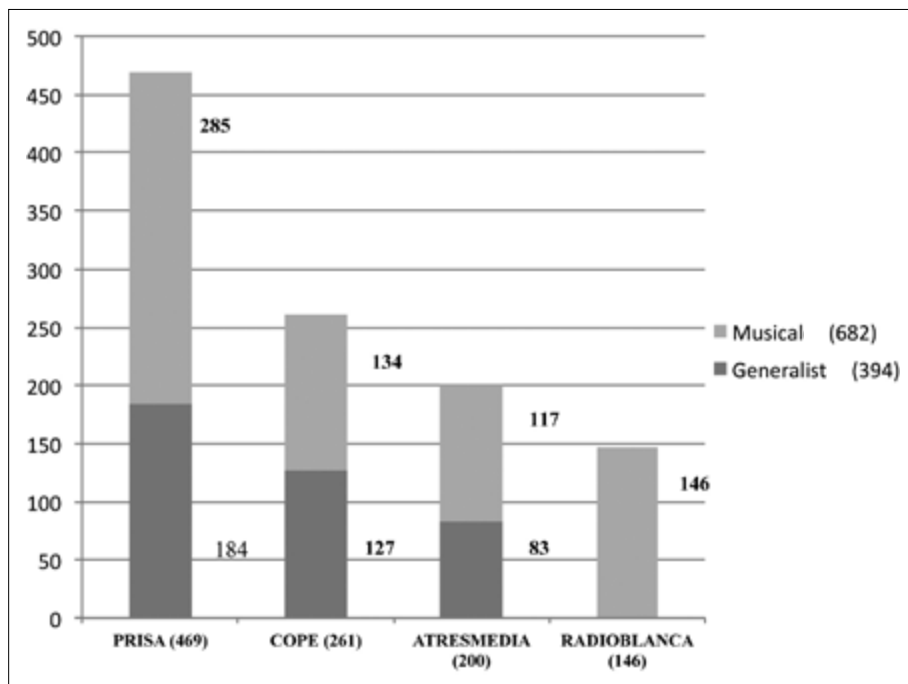


Figure 1: Number of FM stations (general interest/music) associated with broadcasting groups. Source: Radio station websites. COMandalucía research, 2019.

From the initial considerations set forth here, our research focused on determining which basic social profitability markers to consider, based on the legal framework established through the General Audio-Visual Communication Act and Autonomous Community powers, as well as on the basis of the logic of obligations to the public as the proprietor of the wavelength. Analysis demonstrated the hypothesis of the non-existence of independent local commercial radio and the minimal presence of proximity content.

The tenders offered by the Autonomous Communities sought to use their powers to create radio maps that would lead to decentralization of the discourse and offer support to new players who would contribute to debate within the region. As much as at least the justification in all the bids for public tenders. The absence of debate on public communications policies between the Autonomous Communities and the State have resulted in a failed model of territorial structure which has only been resolved – questionably so – by regional and above all local public media outlets.

Until 1982, the issuing of licences was an exclusively State matter. Since then and in the face of the conflict of powers in Catalonia (Decree 82/1981 of 10 April 1981) and the Basque Country (Decree 138/1981 of 14 December 1981), the rulings passed down by the Spanish Constitutional Court (STC 26/1982 of 24 May 1982 and STC 44/1982 of 8 July 1982) extended this power to the Autonomous Communities that were deemed to be “historic regions”, namely those that were awarded that status through Article 151 of the Spanish Constitution – Andalusia, Catalonia, Euskadi (the Basque Country) and Galicia. The remaining regions were granted this right through Organic Law 9/1992 of 23 December 1992, transferring powers to the Autonomous Communities. Article 3 duly transferred these powers to Asturias, Cantabria, La Rioja, Murcia, Aragón, Castilla-La Mancha, Extremadura, the Balearic Islands, Madrid, and Castilla y León, covering the written press, radio, television, and other social communication media.

The case of Andalusia, which we analysed in greater depth, reflects the reality of what took place at the time, with small differences to Spain's other regions. Decree 86/1982 constituted the initial basis for the Government of Andalusia's decision-making process. Article 6 of this first Decree, which regulated "the licencing of institutional and private radio broadcasters on FM wavelengths", stated that "licences may be issued for the establishment, management and operation of exclusively local FM radio stations".

The emphasis on "local" stipulated in the Decree has been weakened in each subsequent tender process and reform of the legislation, to the extent that, as will be seen, licence allocations are adapted to the interests of the networks, drawing up a map that has very little or nothing to do with the reality of coverage, which is of a local nature for technical reasons. Signal relay licences have never been granted, something that would have been logical, since the implementation of network radio alongside independent local and regional models had been planned, following a more representative organization of the State's new administrative and governance structures.

Since assuming these powers, the Government of Andalusia has overseen 184 allocation processes and issued 216 licences (see Table 4). In 1983, Decree 159/1983 granted 37 commercial broadcasting licences, two of which were to town councils, and a further two to cultural associations, thus completing the wavelengths provided for in the 1979 Transitory Technical Plan. The next round of licences was issued through Decree 75/1989, Article 5 of which reads: "The Council of the Government of Andalusia shall grant broadcasting licences to those applicants who meet the most conditions and offer the strongest guarantees that they will provide the best service, pursuant to the Government's criterion." It further states: "In the issuance of these licences, the Government shall firstly take into account the applications that assume the obligation to broadcast self-produced news, general interest, and educational-cultural programmes, among other criteria. Credit will also be given to a commitment to foster and to strengthen awareness of Andalusia's historical, cultural, and linguistic values, in all their manifestations, as well as the form in which the licensee seeks to achieve any of the objectives marked by Statute of Autonomy of Andalusia in its Article 12.3." That year, 66 commercial broadcasting licences were granted.

In 2003, 27 such licences were issued through Decree 174/2002 (Amended) and the Agreement of 25 February of the same year. Finally, the Agreement of 13 March 2007 saw a further 54 licences issued, which were allocated on 26 July 2011. The announcement by the regional government reads: "The tenders have been assessed by the Government of Andalusia's technical staff pursuant to the following criteria: the general interest of the project to the locality, its technical and economic viability, programming, employment and training possibilities." Paradoxically, this tender process stated that the purpose was to ensure "the commercial management of the service through the dissemination of all types of programming...". It hardly appears that the allusion to the general interest of the public was closely related to music programmes bereft of any news content.

We should highlight the fact that the proposal to justify local production associated with percentages did not appear until publication of the Government of Andalusia's Decree 174/2002 which regulated the issuance of licences and the service provisions expected of the licensees: "Article 18 (b). Comply with air time, to be understood to be the period between 8 am and midnight. At least 25% of the total obligatory broadcasting time shall be dedicated to station-produced content" – just four hours per day in other words. However, Decree 86/1982 established a daily air time of 12 hours.

Decree 75/1989 reduced this obligation to eight hours, in both cases without further specifications regarding the station's programme production. Nevertheless, it was understood that the allocation was for local, not network programming.

The Andalucía Audio-Visual Act 10/2018 of 9 October 2018<sup>7</sup>, repealing almost all of Decree 174/2002. Article 36 on "Obligations of private providers of commercial material" established the reduction to 15 hours of informative content per week in the period from 8 am to 11 pm. When calculating these hours, neither rebroadcasting nor commercial content is taken into account. It should be remembered that Decree 174/2002 established an obligation to broadcast 28 weekly hours of local news programmes. (See Table 4).

There is no oversight of these commitments set forth in the service contract specifications and network programming rarely meets this obligation. Later we shall analyse the reality of the local-regional opt-outs in network broadcasting from a public service perspective, an argument that we defend as essential in contrast to the one stipulated in the General Audio-Visual Communication Act.

By establishing a minimum of 15 hours per week, the 2018 Andalucía Audio-Visual Act seeks to adapt the regulation through the casuistry of network broadcasting and its local opt-outs. However, not even these bare minimums are respected by network broadcasting on music stations, in which news and local-regional content is ignored with a few exceptions, such as the programming of PRISA Group broadcasters that we have previously mentioned.

Table 4. Historic: regulations, licences, obligation to broadcast station-produced content in Andalusia.

Year	Law/Decree/Tender	Allocated	Broadcast hours per day	Comments
1982	Constitutional Court ruling 24/5/1982. Regional powers: Andalusia			PTN 78 and PTN 1979
1982	Decree 86/1982 of 27 August 1982, regulating the allocation of public and private FM wavelengths		Art.12 (f) Air time: eight hours per day for public broadcasters and 12 hours per day for commercial broadcasters	Article 6: Licences for the establishment, management and operation of exclusively local FM radio stations.
1983	Decree 159/1983. FM wavelength tender	37		
1984	Agreement of 17 April 1984. FM wavelength allocation	32		PTN 1979. Decree 159/1983
1984	Agreement of 9 October 1984. FM	5		PTN 1979, Decree 159/1983

<sup>7</sup> The Andalucía Audio-Visual Act 10/2018 of 9 October 2018, published in the BOJA regional gazette number 200 of 16 October at 2018, page 11, and in the BOE-A-2018-15240 national gazette number 269 of 7 November 2018, pages 108, 238-108, 290.

	wavelength allocation			
1989	Decree 75/1989 of 4 April 1989, regulating the allocation of FM wavelengths		Article 9 (e). Continued provision of the service under the conditions established in the resolution and eight hours per day of station-produced content.	Article 5. Obligation to broadcast station-produced news and educational-cultural programmes. PTN 1989
1989	Decree 76/1989 of 4 April 1989. FM wavelength tender	66		PTN 1989
1989	Agreement of 1 August 1989. FM wavelength tender	66		Decree 76/1989
2002	Decree 174/2002 of 11 June 2002, regulating the allocation of FM wavelengths. Amended by Decree 262/2003.		Article 18 (b). Comply with air time, to be understood to be the period between 8 am and midnight. At least 25% of the total obligatory broadcasting time shall be dedicated to station-produced content	Article 4. Inspiring principles. 7. The promotion and defence of local culture and interests, the fostering of coexistence... the participation of regional social groups.
2003	Agreement of 25 February 2003. Allocation of FM wavelengths. Resolution 30 December 2003	27		PTN 1997
2007	Agreement of 13 March 2007. Allocation of FM wavelengths.	54		PTN 2006
2011	Agreement of 26 July 2011. Tender award.	54		
2018	Law 10/2018	-	Article 36 (b). Programming of content specific to the coverage region – at least 15 hours of news content to be broadcast per week.	Article 31. Obligations to the general public: Duty of transparency, promotion of values of equality, disabled access, media literacy, gender perspectives.

Source: BOJA regional gazette, own research: COMandalucía, 2019.

In the case of the Audio-Visual Communication in Catalonia Act 22/2005, Article 53.1 establishes that the licence to provide generic audio-visual communication (radio and television) services should define the following: network broadcasting percentages, percentage of station-produced content, the conditions under which opt-outs may occur, the conditions for production and co-production through local content distribution networks or support circuits for local communication, and the development of technologies that are adaptable to people with disabilities. Within the aforesaid obligations, there is no mention of percentages of local opt-outs for network-linked radio stations. In contrast, in the case of local or proximity television, precise limits are placed on programming, with a maximum of 25% set aside for network broadcasts.

An initial examination of the map of local commercial radio stations in Andalusia allows us to further identify the discrepancies detected between the

terms and conditions set forth in the Ministry’s Public Register, the Andalusia Regional Government and the information obtained from the networks’ own websites. The Andalusia Regional Government recognizes 216 wavelengths compared to the 200 recognized by the Ministry – a difference of 16 wavelengths in seven of the eight Andalusian provinces that are not detected in the Public Concessions Register (see Table 5). The PRISA Group dominates the Andalusian market with 50% of all wavelengths, followed by Atresmedia with 18.5%, and COPE with 17.6%. Once again, we see the dominance of the wavelengths allocated to music stations (60%, 110 wavelengths) over general interest broadcasters (40%, 89 wavelengths) (see Figure 2).

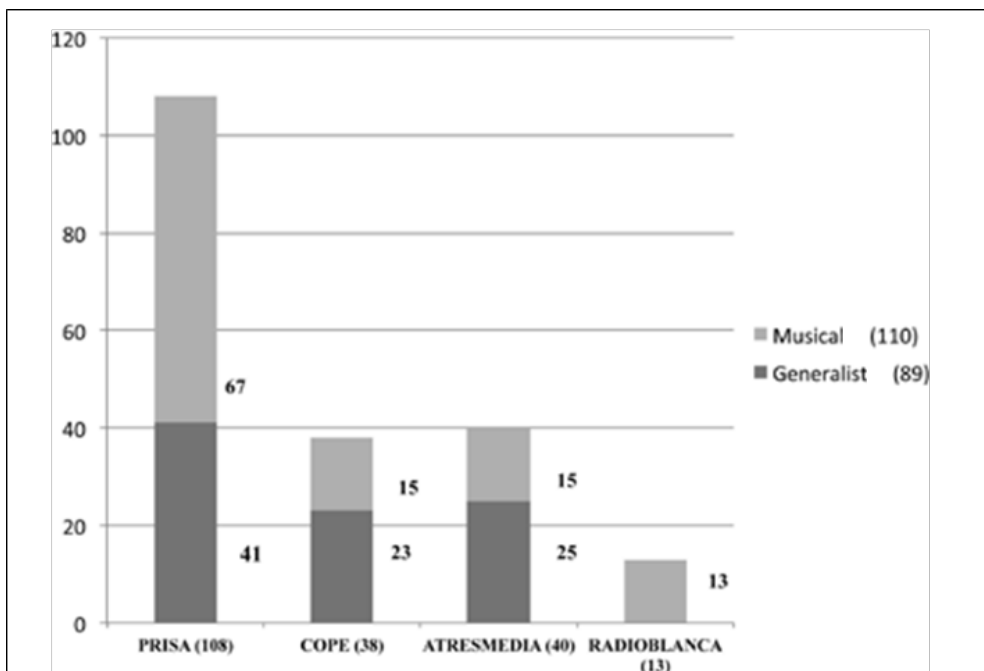


Figure 2: Number of FM wavelengths (general interest/music) connected to broadcasting groups. Research: COMandalucía 2019.

Table 5: Number of FM wavelengths (general interest/music) by group. Andalusia. Source: COMandalucía research, 2019

	SER	Musical Prisa	COPE	Musical Cope	Onda Cero	Atresmedia Radio Musical	Radio Blanca Musical	Total network website data	Others*	Reg. Gov. of Andalusia	Ministry of Energy & Tourism
ALMERIA			1	1	4	1	1	20	2	22	22
CÁDIZ	7	10	4	1	5	1	4	32	1	33	(+7)** 26
CORDOBA	6	4	3	2	3	3	1	22	2	24	(+2)** 22
GRANADA	6	9	3	2	3	3	1	27	1	28	(+1)** 27
HUELVA	4	4	2	1	1	2	1	15	2	17	(+3)** 14
JAÉN	5	13	1	2	3		1	25	4	29	(+1)** 30
MÁLAGA	5	9	4	3	3	3	2	29	3	32	(+3)** 29



SEVILLE	3	11	5	3	3	2	2	29	2	31	(-1)**30
TOTAL	41	67	23	15	25	15	13	199	17	216	200

Source: COMandalucía research, 2019.

\*The “Others” column shows the difference between the total number of groups and the total number of wavelengths allocated by the Andalusia Regional Government.

\*\*The difference between the Ministry register and the Andalusia Regional Government register.

#### 4. IRSCOM evaluation sheets for local commercial radio stations

The application of the IRSCOM indicator to the local reality stemmed from the challenge of interpreting the situation from a standpoint of compliance with the Law and the effect of network broadcasting. In the analysis of the basic criteria to be taken into consideration, following the working model of public radio stations, 35 items or sub-fields were identified in six differentiated areas to be applied to commercial radio stations on the basis of their status as proximity media (see Table 6).

In the regulation passed in 2002, licensees were required to offer programming that showed a minimum four-hour commitment to the region that was covered, a workforce that could meet this target, an obligation to air station-produced news-general interest and educational-cultural programmes, and an investment plan.

The reality demonstrated the inapplicability of the indicator, as it emerged that of the 216 commercial licences issued, only two – Radio Andújar and Radio Sierra (Jaén)<sup>8</sup> – were indeed independent, that is to say, not connected to networks. As a result, the data required for analysis could only be examined on the basis of the networks and not that of each broadcaster: compliance with tax obligations, a published annual report, collective agreements in place, the contracts signed and their type, *etc.* The content aired by these stations did not reach the daily minimum of four hours, even when network opt-outs were considered as local programming offering regional information. In any event, only 89 of the 216 commercial radio licences, broadcast general interest programmes and were therefore the only stations that could be analysed from a social profitability perspective.

The data we studied indicated that 127 radio stations amended their license conditions by ceasing to offer general-interest local programming in order to operate as network-connected theme-based stations, something that was not stated during the tender process, or in any regulation, and which should have meant a new call for bids to tender for the wavelengths in question.

Analysis of compliance with the percentage of station-produced content as part of the general-interest programming led to the introduction of opt-outs from network broadcasting in Andalusia’s provincial capitals from Monday to Friday (see Table 7). The aim was to check that at least the most representative radio stations in terms of audience coverage met the minimum standard required in the 2002 regulation.

<sup>8</sup> During our research, the independent Radio Lucena in Córdoba, with a licence granted by the Andalusia Regional Government in 1984, was bought out by PRISA in 2018 and ceased to air local programming as it became part of the 40 *Principales* chart music network.

Table 6: IRSCOM evaluation sheets – Commercial local radio stations.

Fields		Sub-indicators
Management/ Transparency	1	Compliance with tax obligations
	2	Accessible published annual report
	3	Local advisory board
	4	Collective agreement
	5	Awareness-raising campaigns
	6	Free publicity for NGOs
	7	Galvanization
Social capital	8	Total number of employees
	9	Dedication (60%) full time/part time
	10	Number of women employed full time:
	11	Paid interns (max. 20% of salaried staff)
	12	Number of people with disabilities employed
	13	Continuous specific training
	14	Management programme
Regional structuring	15	Obligation to include a regional focus (minimum six hours)
	16	Regional
	17	Provincial
	18	Local
Programming	19	Local news programmes
	20	Daily local magazine programmes
	21	Weekly magazine programme
	22	Types of station-produced programmes
	23	Participation of social groups
	24	Social group space
	25	Live and recorded outside broadcasts
	26	Regular participation of invited guests and contributors
	Internet presence	27
28		Up-to-date social media
29		Online broadcasting
30		Podcasts/app/multimedia and others
31		Website open for comments
Infrastructure	32	Technical resources
	33	Number of studios
	34	DIY booths
	35	Multidisciplinary space

Research: COMandalucía, 2017.

SER (PRISA) is the only broadcaster to publish a complete programme

schedule online. According to website data, the total time dedicated to local/regional opt-outs was 225 minutes (3 hours 45 minutes), compared to 3 hours 40 minutes from our own research (91.6%). Including local advertising time, the minimum duration stipulated in the regulation was not reached. COPE and Onda Cero do not publish their local programme schedules. They only refer to their main nationwide programmes on their websites, with the sole references to local/regional news being the website podcasts. Analysis of the period from 8 am to midnight defined in the regulating decree showed that COPE aired 2 hours 3 minutes of local/regional programming, including advertising – 51% of the total stipulated time. In the case of Onda Cero, the percentage was 87% – 3 hours 29 minutes. Onda Cero stood out in terms of the time it dedicated to regional news that it broadcast, with 66 minutes, although it should be pointed out that 47 minutes of this was taken up by sports news.

Taken in the light of the Andalucía Audio-Visual Act 10/2018 that reduced station-produced programming from 240 to 128 minutes per day, this data seeks to relax the 2002 regulation in a pragmatic fashion, in order to adjust the figures to the needs of network production. Even so, the COPE stations remained below the established limits.

Table 7: Daily local/regional programming in provincial capital cities. Andalusia (Mon-Fri).

	Local opt-outs (1)	Regional opt-outs (2)	Local/provincial advertising opt-outs	Total 1 + 2 and % 2002 obligation	Total 1 + 2 and % 2018 obligation
SER	138 min	34 min	48 min	172 (71.6%)	172 (134%)
COPE	43 min	31 min	49 min	74 (30.8%)	74 (57.8%)
ONDA CERO	78 min	66 min	65 min	144 (60%)	144 (112.5%)

Research: COMandalucía, 2019.

The passing of the Andalucía Audio-Visual Act resulted in more accurate evaluation sheets, based on the framework outlined in Article 3, Section C: “Social profitability indicators: These are indicators that measure the impact of social profitability and responsibility on audio-visual communication services. These indicators assess good practices on the basis of certain basic pillars, such as management, transparency, social capital, regional structuring, labour relations, gender equality, programming, public participation in content and management, media literacy, Internet presence, and infrastructures, among others.” Evaluation sheets are drawn up by referring to just four basic fields and eight items. (See Table 8).

Table 8: Abbreviated IRSCOM evaluation sheet – local commercial radio stations.

Fields		Sub-indicators
Management/ Transparency	1	Published annual report
	2	Existence of a collective agreement
Social capital	3	Total staff employed
	4	Number of women employed full time
Regional structuring	5	Networks opt outs
Programming	6	Daily local news programmes

	7	Daily local magazine programmes
	8	Participation of local people
Internet presence	9	Up-to-date website

Research: COMandalucía 2019.

As application of the abbreviated IRSCOM evaluation sheet is limited to just nine areas, it came up against a lack of information from networks regarding their radio stations. The information required regarding the annual report, the existence of a collective agreement, and the number of staff employed is linked to general network data without providing details of the staff at each radio station, or the operating results from each one. We should not forget that in most cases, the registered offices of the stations are located outside the Autonomous Community in question. Once again, analysis confirmed that programming relevant to the region that was covered was wholly inadequate.

As we have seen, reducing obligations is no assessment of the social profitability of the media in the region for which the licence was granted. These breaches do not seem to concern the Government, the regulatory agency responsible for policy, or the Audio-Visual Council, the very authorities that oversee allocations, monitor compliance and draw up public policies.

Considering the non-existence of local commercial radio stations and the possible breach of Article 37 of the General Audio-Visual Communication Act regarding pluralism in the radio broadcasting market, there is a need to analyse whether general interest networks meet IRSCOM criteria in terms of management, transparency, and ensuring programming that covers local interest content, and that includes the reality of local and regional opt-outs.

## 5. Application of indicators to private general interest commercial networks

The application of IRSCOM to networks highlights 26 items that are distributed across five areas – Management and Transparency, Human Resources, Regional structuring, Programming and Internet presence – from the basis of a maximum weighted score of 100 points and taking into account a correction coefficient for certain items.

The relevance coefficient was applied to those items in which, among the analysed networks, a qualitative difference can be noted in the level of “accessibility” to business information. A distinction was drawn as to whether that difference could be found on the network websites or in its media groups, in other words, in the ease or difficulty of finding information that can be considered to be of public interest (see Table 9). In certain sub-indicators there is no published group data, with a minimum valuation and correction coefficient applied, depending on whether access to information through other channels was possible.

Table 9: IRSCOM accessibility relevance coefficient – networks

Level of accessibility	V alue
Very high	1
High	.75
Medium	.5
Low	.25
Nil	0

Research: COMandalucía 2019.

The application of the relevance factor was ascertained by multiplying the scores obtained from the various established coefficients. These criteria were applied to eleven items in the following fields: Management/Transparency and Human Resources (see Table 10).

Table 10: IRSCOM Networks.

Fields	o.	Sub-indicators:	Score	Relevance
Management/ Transparency		Annual report	Network information = 4 Group information = 1 No information = 0	Yes
Max. 22 Min. 17		Network shareholder structure = 3	Not detailed = 2 Group information = 1 No information = 0	Yes
		Network social responsibility report = 2 Group information = 1 No information = 0		Yes
		Network corporate governance report = 2 Group information = 1 No information = 0		Yes
		Identification of broadcasters – rental, owned, associated etc.	Identified = 4 Not identified = 0	Yes

		Rectification/complaint mechanisms	Network = 3 Group = 1 No protocol = 0	Yes
		Radio market pluralism	Yes = 4 No = 0	No
Human Resources		Staff (60% on permanent contracts)	Network information = 4 Group information = 1 No information = 0	Yes
Max. 20 Min. 13		Number of women on permanent contracts – Minimum 40%	Network information = 5 Group information = 1 No information = 0	Yes
	0	interns (maximum 20% of salaried staff)	Network information = 3 Group information = 0 No information = 0	Yes
	1	Employment contracts for people with disabilities and those at risk of social exclusion	Network information = 3 Group information = 1 No information = 0	Yes
	2	Collective agreement (If this covers all the network's radio stations)	Network, published on the website = 5 Network = 4 Group, published on the website = 3 Group = 2 No collective agreement = 0	Yes
Regional structuring	3	Local opt-outs (Hours per week)	+ 20 = 10, <20 - 14 = 8, <14 - 9 = 4, <9 - 5 = 2 < 5 - 2 = 2	No
Max. 15 – Min. 4	4	Regional opt-outs (Hours per week)	+ 7:30 = 5, <7:30 - 6:30 = 4 <6:30 - 5:30 = 3 <5:30 - 4 = 2 <4 - 3 = 2	No
Programming	5	News programmes per day (Mon-Fri, 6 am to midnight)	3 news programmes = 4, 2 news programmes = 3 1 = 0	No
Max. 28 - 15	6	Debates between politicians	Yes = 5 No = 0	No
	7	Daily magazine programme (Mon-Fri, 6 am to midnight)	Two per day = 7 One per day = 0	No
	8	Programme subject matter diversity (Mon-Sun)	10 or more = 6 9 = 5, 8 = 4, 7 = 3, 6 = 2, 5 = 1	No
	9	Spaces with or focusing on public participation	Yes = 6 No = 0	No
Internet presence	0	Up-to-date website	Yes = 3 No = 0	No
Max. 15 – Min. 7	1	Up-to-date social media	Yes = 1 No = 0	No
	2	Online broadcasting	Yes = 1 No = 0	No
	3	Podcast	All = 3 Partial = 1 No = 0	No
	4	Exclusive podcasts produced for the Internet	Yes = 2 No = 0	No
	5	Website allows comments	Yes = 2 No = 0	No
	6	Website accessibility for people with disabilities	Yes = 3 No = 0	No

Maximum score			100	
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Research: COMandalucía 2019.

The assessment of the five fields and 26 items is calculated on a maximum score of 100 points, with maximum and minimum value ranges defined for each (see Table 11). The different scoring in each of the areas under analysis was a result of the need to weigh each on the basis of its importance, establishing the criterion that the accumulated score in each of the fields identified as less relevant should not exceed those of most interest (Management/Transparency, Human Resources and Programming). Those in turn needed the complementarity of those with the lowest scores. In any of the possible totals of the various areas of analysis that we have mentioned, a balance between the different fields is required, in order to ensure the most accurate evaluation.

Table 11: Scoring IRSCOM Networks.

Fields	Maximum	Lowest
Management/Transparency	22	17
Human Resources	20	13
Regional structuring	15	4
Programming	28	15
Internet presence	15	7
SCORING	100	56

Research: COMandalucía 2019.

The results from the assessment showed various levels of compliance in terms of the social profitability of the networks, from “Very low”, for networks with an IRSCOM score of 0-38 points, to “Maximum” for those networks scoring over 84 points, though none reached the maximum score of 100 points that would excellence (see Table 12).

Table 12: IRSCOM Networks evaluation ranges.

Score	IRSCOM Networks evaluation
+84	Maximum
71-83	Optimum
56-70	Medium
39-55	Low
0-38	Very low

Preparation: COMandalucía 2019.

## 6. Results of the application – IRSCOM Networks

The “Management/Transparency” field, which assesses a radio station’s commitment to the general public from an ethical standpoint in keeping with its editorial policy, seeks to improve the transparency of turnover figures, the annual report, shareholder structure, social responsibility, corporate governance, the identification of the stations that make up the network, the rectification and complaint mechanisms, and legal compliance in terms of pluralism in the radio broadcasting market.

As we have indicated, greater transparency requires that information be easily accessible *via* the network's website. Where this is not possible, information on the group to which the station belongs should be available, with a corrective penalty applied to the scoring.

In this case, Management/Transparency data from the general interest networks that we studied – SER, COPE and Onda Cero – is not available on their websites, neither is it shown for the business units by the groups to which they belong: PRISA, COPE and Atresmedia.

The PRISA Group annual report is focused on information pertaining to audience figures, advertising revenue, and overall economic performance. The group's shareholder structure is outlined in its Social Responsibility Report, with both items classified as having "low" relevance, due to the difficulty of searching for data and their non-network specificity. The Social and Corporate Responsibility reports which affect SER are accessible via a link on the group's home page. Scoring is therefore reduced to the minimum, but with maximum relevance. There is no information regarding rectification mechanisms.

COPE publishes no information relating to management/transparency. The only up-to-date reference on the COPE Radio website can be found in the 2018 Vocento Annual Report<sup>9</sup>, which dedicates just a few lines to the strategic partnership agreement with the COPE network to join the broadcasts by radio stations from other group companies without specifying either which they may be or their number.

The Onda Cero network publishes its Annual Report as a segregated brand within the Atresmedia Group's documentation, which takes into account the financial summary of each business unit and the group's shareholder structure. Accessibility is classified as "Low". The Social Responsibility and Corporate Governance reports cover the whole group. Both are presented as differentiated documents with easy access, meaning that the level of relevance applied is maximum. The rectification and complaint mechanisms are available in the aforementioned Social Responsibility Report and not directly on the broadcaster's website. In this case, the level of relevance applied is "Medium".

None of the networks we studied publish lists of the radio stations that broadcast their programming, how each station operates, either as a self-owned, investee, leased, or syndicated company. This information is relevant, if we are to know the extent of concentration of ownership and the accumulated audience.

The pluralism of the radio market, regulated in Article 37 of the General Audio-Visual Communication Act, limits the operation of radio stations, setting limits for each region. However, the ownership of general interest private radio stations cannot be accessed through general databases at the Ministry of Energy, Tourism and the Digital Agenda's Public Concessions Register. In this first field of analysis, we can see that none of the general interest networks meet the required minimum levels, demonstrating an opacity that is damaging to the editorial transparency of both the network and the groups (see Table 13).

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<sup>9</sup>2018 Vocento Annual Report: "The Group's radio presence is evident in its strategic alliance with the COPE network, signed in 2012 for an initial 15-year period, which takes the form of a network broadcasting agreement with radio stations belonging to the various Group companies, with important synergies for the COPE and ABC brands, among other benefits." <https://www.vocento.com/wp-content/uploads/sites/5/2019/04/Infor-me-Anual-Vocento-2018.pdf>



Table 13 Management/Transparency – maximum 22, minimum 17).

Sub-indicators	SER	SER points	COPE	COPE points	ONDA CERO	Onda Cero points
Annual report	PRISA Annual Report, without segregated data	1x0.25C*=0.25.	Not published	0	In the Atresmedia Annual Report	1x0.25C = 0.25
Shareholder structure	PRISA Social Responsibility report, without segregated data	1x0.25C = 0.25	Not published	0	In the Atresmedia Annual Report	1x0.25C = 0.25
Social Responsibility Report	In the PRISA Social Responsibility Report	1x1C = 1	Not published	0	In the Atresmedia Annual Report	1x1C = 1
Corporate Governance Report	PRISA Corporate Governance Report	1x1C = 1	Not published	0	Atresmedia Corporate Governance Report	1x1C = 1
Identification of radio station ownership	Not published	0	Not published	0	Not published	0
Rectification mechanisms	Rectification only for clients, suppliers and shareholders	0	Not published	0	In the Social Responsibility Report	1x0.5C = 0.5
Radio market pluralism	No information available	0	No information available	0	No information available	0
Score		2.5		0		3

\* C = Relevance coefficient. Research: COMandalucía 2019.

In the “Human Resources” (HR) section, all the people working for the networks are quantified, taking into consideration permanent contracts, the women employed, interns, people with disabilities, and the existence of collective agreements. The information was obtained through telephone calls that were made over a number of weeks. In this section, the correction coefficient applied to staff is “Low”, not due to difficulties in terms of accessibility, but rather as a result of the lack of information appearing on the website. In the case of SER, no information was obtained. We classified collective agreements as “Very high” in terms of relevance, as access to these documents through searches of the Official Spanish Gazette and works council websites.

As far as the SER network is concerned, Prisa Radio data, which can be found in its Annual Report, groups together all its radio brands, both national and international, making it impossible know what segregated information refers to SER. The works council and the HR department did not respond to our request for information on its workforce.

The COPE network provides no data concerning its employees. The works council states that there are 600 people in the company’s workforce, of whom 302 are women, with 80% on permanent contracts. Interns account for under 20% of contracted employees, while people with disabilities represent 5% of the total. This information could not be affirmed, as it did not feature on either the website of the networks or the group. Consequently relevance is classified as “low” on minimum scoring.

The data from Onda Cero, provided by the Uniprex SAU works council, showed that 557 employees are covered by a collective agreement (50.45% men and 49.55% women). 79.22% of contracts are permanent, with 43 contracts are for people with disabilities. Interns at Onda Cero do not exceed 20% of all contracts<sup>10</sup>. The criterion applied was the same as to the COPE network. The Uniprex SAU collective agreement includes two Atresmedia Radio business units – Melodía FM and Europa FM.

Table 14: Human Resources (maximum 20, minimum 13)

Sub-indicators	SER	SER points	COPE	COPE points	ONDA CERO	Onda Cero points
Staff (60% on permanent contracts)	No data available	0	80% *	4x0.25C = 1	79.22%	4x0.25C = 1
Number of women on permanent contracts – Minimum 40%	No data available	0	+40% *	5x0.25C = 1.25	49.55% *	5x0.25C = 1.25
Interns (maximum 20% of salaried staff)	No data available	0	Under 20% *	3x0.25C = 0.75	Under 20% *	3x0.25C = 0.75
Employment contracts for people with disabilities and those at risk of social exclusion	No data available	0	5% *	3x0.25C = 0.75	7.7% *	3x0.25C = 0.75
Collective agreement (if it covers all radio stations)	Collective agreement in the Official State Gazette	4x1C = 4	Collective agreement in the Official State Gazette	4x1C = 4	Collective agreement in the Official State Gazette	4x1C = 4
Score		4		7.75		7.75

Research: COMandalucía 2019. \* Data provided by works councils.

The heading “Regional structuring” represents an evaluation of local and regional network opt-outs. Radio broadcasts from Monday to Sunday from 6 am to midnight took stations in Andalusia’s provincial capitals as their point of reference. Advertising and publicity minutes in this time period were not evaluated to prevent their inclusion as effective opt-out time.

SER local opt-outs totalled 15 hours<sup>11</sup> per week. It should be borne in mind that the time dedicated to local sports news at the weekend stood at four hours from Saturday to Sunday. The same was true of the SER Deportivo sports content opt-out, which lasts for 40 minutes on Fridays. The network’s regional opt-outs run for seven and a half hours.

COPE broadcasts 5 hours, 25 minutes of local opt-out content and 4 hours, 20 minutes of regional news per week. Onda Cero broadcasts 9 hours, 30 minutes of local opt-out content and 6 hours, 10 minutes of regional news.

<sup>10</sup> Information regarding the number of interns at Atresmedia Radio networks varies depending on the time of year, with the largest number recruited in the summer.

<sup>11</sup> Minimum broadcast time as stipulated in the 2018 Andalucía Audio-Visual Act.

In this area, the three networks reached the minimum score level (see Table 15).

The provision of 7 hours, 30 minutes of regional opt-out content is met through a criterion of prioritising regional news.

Table 15: Regional structuring (maximum 15, minimum 4)

Sub-indicators	SER	SER points	COP E	COP E points	OND A CERO	OND A CERO points
Local opt-outs	15 hours	8	5.25 hours	2	9.3 hours	4
Regional opt-outs	7.3 hours	5	4.2 hours	2	6.1 hours	3
Score		13		4		7

Research: COMandalucía 2019.

In the “Programming” section, the three networks that we analysed aired three news broadcasts per day. Our research showed that although all the networks broadcast the same number of news programmes, SER dedicated a greater time to them.

With regard to “Debates between politicians”, only SER had a weekly section called *Mesa Política* (“Political Round Table”) as part of its *Hora 25* programme. In this space, listeners can send in voice messages to which politicians then respond. The common denominator across the three networks is the existence of talk shows and debates between experts that focus on political questions. It would be desirable to have more direct participation of political representatives in current affairs and other debates that complement the discussion programmes, offering a range of opinions outside the limits of political activism. At a local level, there are spaces offering the participation of political parties on the three networks.

The SER, COPE, and Onda Cero networks air two daily magazine programmes which last two and a half hours in the morning and three hours in the afternoon. In this case, we should remember that there are no local versions of these programmes which are assessed in terms of regional structuring.

Attending to diversity in its programming, SER has the greatest variety of thematic programmes: public participation, humour, sports, society, adventure, sex, literature, international current affairs, cinema, gastronomy, health and music. Most of this programming is aired outside peak viewing hours, with most broadcast at the weekend, late at night, and in the early hours of the morning. It should be pointed out that SER features non-linear radio programmes, in other words, exclusive content produced for the Internet. These programmes are covered in the “Internet presence” section.

Apart from its magazine and news programmes, Onda Cero offers programmes on sports, humour, travel, politics, history, health, agriculture, leisure and culture. Most of this content is aired at the weekend, late at night, and in the early hours of the morning.

COPE has the least diversity of thematic content in its programming. Sports news and magazine programmes occupy the bulk of COPE’s programming, while the specialist content broadcast at the weekend mostly focuses on sports, society, politics, the Catholic faith, agriculture and celebrity news, as before.

With regard to the spaces dedicated to public participation, these are only conspicuous by their general absence. Associations, NGOs, representative organizations and the general public take part in magazine programmes More

specific content can be found in the network’s regional opt-out spots, for example Cadena SER’s *Espacio de Encuentro* (“Meeting Point”, in which the migrant community participates) in Andalusia (see Table 16).

Table 16: Programming (maximum 28, minimum 15)

Sub-indicators	SER	SER Points	COPE	COPE Points	ONDA CERO	ONDA CERO points
Number of news programmes per day (Mon-Fri)	3	4	3	4	3	4
Debates between politicians	YES	5	NO	0	NO	0
Daily magazine programme	YES	7	YES	7	YES	7
Programme subject matter diversity (Mon-Sun)	11	6	6	2	8	4
Spaces with or focusing on public participation	YES	6	YES	6	YES	6
Score		28		19		21

Research: COMandalucía 2019.

The “Internet presence” section seeks to assess the complementarity of linear and non-linear broadcasts, to ensure a wider dissemination content and effective channels of audience participation. SER is the network with the greatest amount of online content. The programming schedule is published in its entirety, with up-to-date news and a high level of interaction, with website users able to comment on the aired content.

Website accessibility for people with disabilities is optimum, through Virtual Examiner analysis<sup>12</sup>, which shows good levels of useability and accessibility.

COPE has few programmes on its website and does not allow user comments, although it does make its programming schedule available. The updating of digital social media content is limited to celebrity interviews. These interviews are very accessible to people with disabilities.

The programming schedule shows all programmes, although not all have a podcast. The layout/location of website content facilitates legibility and usability for people with disabilities (see Table 17).

Table 17: Internet presence (Maximum 15, Minimum 7).

Sub-indicators	SER	SER Points	COPE	COPE Points	ONDA CERO	ONDA CERO points
Up-to-date website	YES	3	YES	3	YES	3
Up-to-date social media	YES	1	YES	1	YES	1
Online broadcasting	YES	1	YES	1	YES	1
Podcast	YES	3	Partial	1	Partial	1
Exclusive daily or weekly online podcasts	YES	1	YES	1	YES	1
Single-subject podcasts and series	YES	1	NO	0	YES	1
Website allows user comments	YES	2	NO	0	NO	0

<sup>12</sup> <http://examinator.ws/check/>

Website accessibility for people with disabilities	YES	3		YES	3	YES	3
Score		15			10		11

Research: COMandalucía 2019.

### 7. Final results: relevant shortcomings in terms of transparency and positive programming results

The application of the IRSCOM indicator to commercial networks has demonstrated the strengths and weaknesses in each of the areas that we have analysed. Accessibility to documentation and the information set out in group annual reports does not detail the information for each radio station in an individualized manner. The references we found focused on audience and advertising figures without differentiating between general interest and musical stations. Transparency in the groups' "Management" and "Human Resources" sections highlighted weaknesses that are harmful for network performance. Legal business opacity and the difficulty in terms of access to the published information or its non-existence represent serious ethical drawbacks.

Among the biggest challenges facing the groups that own the networks are ensuring transparency of ownership for each radio station that broadcasts its programming. The current situation allows networks to circumvent controls that apply to dominant market positions which are left as relatively flexible under the General Audio-Visual Communication Act.

Of the five areas that we evaluated, only three (Regional structuring, Programming and Internet presence) could be analysed in full, through the information published on the Internet and listening to programming (see Table 18).

Table 18: Totals – IRSCOM Networks.

Fields	SER	COPE	Onda Cero
Management/Transparency – Maximum 22, Minimum 17	2.5	0	3
Human Resources – Maximum 20, Minimum 13	4	7.75	7.75
Regional structuring – Maximum 15, Minimum 4	13	4	7
Programming – Maximum 28, Minimum 15	28	19	21
Internet presence – Maximum 15, Minimum 7	15	10	11
Total score	62.5	40.75	49.75
Assessment range	Medium	Low	Low

Research: COMandalucía 2019.

Cadena SER, with a score of 62.5, enters into the "Medium" assessment range. This score was for the programming offered, the regional opt-outs, and Internet presence. The fields of Management/Transparency and Human Resources scored least, due to the opacity and difficulty in obtaining information.

COPE scored "Low", mainly as a result of the complete lack of information published on the network in the area of Management/Transparency, in which information is non-existent. COPE had the least number of regional opt-outs.

In the case of Onda Cero, it scored "Low", due to the weaknesses relating to "Management/Transparency" and "Human Resources". However, it

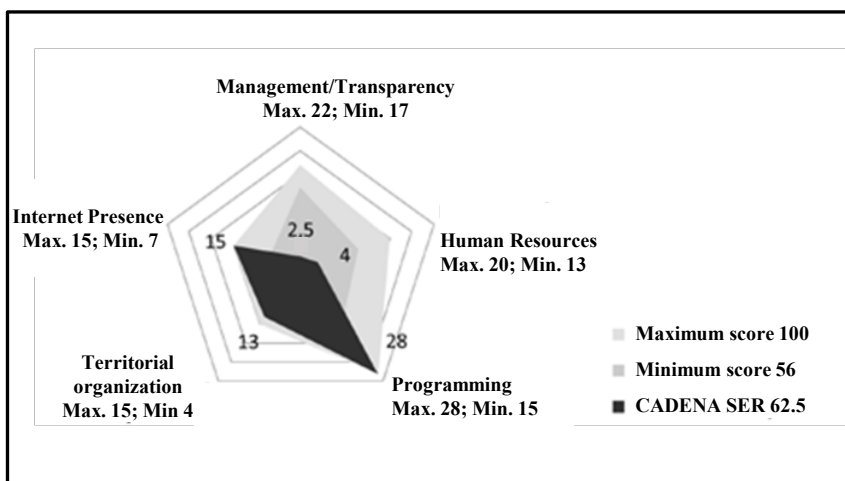
exceeded the requirements in the areas of “Regional structuring” and “Internet presence”.

The evaluations obtained when “Management/Transparency” and “Human Resources” were removed, offered results that were more positive in IRSCOM, although much lower in the “Regional structuring” field. The maximum score in this regard was 58 points, while the minimum was 26. This circumstance strengthens the argument that efforts should focus on improving transparency and the communication of proximity, in order to meet ethical commitments to their audience (see Table 19).

Table 19: Totals – IRSCOM Networks excluding Management/Transparency and Human Resources

Fields	SER	COPE	Onda Cero
Regional structuring	13	4	7
Programming	28	19	21
Internet presence	15	10	11
Total score	56	33	39
Assessment range	Maximum	Medium	Optimum

Figure 3: Cadena SER



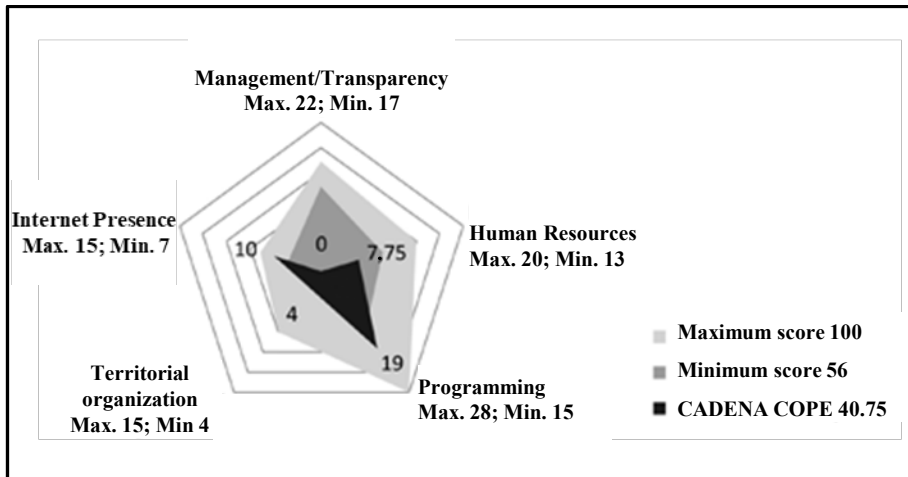
Research: COMandalucía 2019.

Eliminating the most sensitive areas related to business transparency, all the networks offered results that were above the stipulated minimum values. In the case of SER, with its two values approaching the highest score and one optimum, it had a “Maximum” evaluation. Onda Cero has an “Optimum” result while COPE was at the limit of the “Medium” value. The diagnostic clearly pointed to weaknesses within the two essential fields in which it needs to improve. Curiously, similar problems can be seen in the case of public local radio stations, a situation that highlights the need for further transparency in the media sector to ensure maximum accountability before the general public.

In the IRSCOM graphic representation of each network, we can see the evaluations for each field, facilitating the detection of strengths and weaknesses in terms of social responsibility (see Figures 3, 4, and 5).

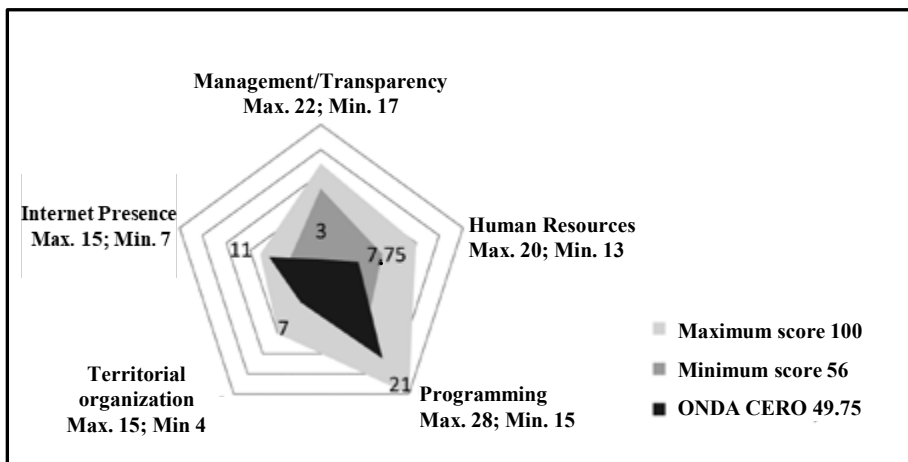


Figure 4. COPE.



Research: COMandalucía 2019.

Figure 5. Onda Cero.



Research: COMandalucía 2019.

### Conclusions

As was the case with the IRSCOM application and local public radio stations, the general interest commercial networks comprising exclusively local stations offered no transparent management to a general public who receive messages that should favour the formation of critical, responsible opinion when building imaginary social scenarios, and the socialization of values. Social responsibilities require exemplary behaviour from the media, above all, when journalistic platforms seek to give this message from a perspective of denouncing behaviour that is either criminal or at least unedifying in terms of public management, political representatives, legal entities, and natural persons, and their relationship with the Administration and the Law. Regardless of its ideological leanings, media commitment is tied in with the dissemination of truth, meaning that there is a need to maintain ethical codes across the board that accompany good journalistic practice and eradicate any suspicion of spurious interests.

Media behaviour is not overly regulated in Spanish legislation.



Nevertheless, there are more controlled environments within Europe that suggest that the audio-visual situation in Spain is an abnormality that affects the quality of the country's democracy.

The lack of reliable data regarding ownership and the impossibility of checking the relaxed legal limits on concentration mar the image of a consolidated brand in the three cases we studied, which have high levels of audience feedback. Meanwhile audience comparisons are not always dependable, where coverage is not balanced out across the different stations. Evidence of programming acceptance by audiences confirms good professional practices beyond the largely opaque nature of companies and their interests. Knowing who, why, and from which platforms information is disseminated is just as necessary as controlling the traceability of our food, and other products that we consume, even more so bearing mind the importance of the messages in the building of the day-to-day experience and respect for the occupation of a public space such as the radio wavelengths. The absence of an audio-visual authority – the National Audio-Visual Council initially provided for in the General Audio-Visual Communication Act before having its role and powers subsumed into the National Authority for Markets and Competition through Law 3/2013, without it ever having the necessary resources – is a serious, indeed a somewhat offensive shortcoming in a democracy. The application of social profitability indicators in communication, such as IRSCOM, is an essential tool that casts light on the operation of the audio-visual world; useful for the media, the general public, and public policies.

Analysis confirms the subordination of local commercial radio by shrinking proximity content. We might well talk of “hollowed-out” realities, a silence and neglect that also contributes to depopulation. All the more so, if we consider that the majority of local wavelengths have been occupied by music radio networks. The importance of the locality to knowledge dissemination and fostering of debate within the regions is evident, hence the need to protect and promote measures to arbitrate vital spaces of communication and information to ensure better decision making. The relaxation of regulations concerning the obligation to broadcast local content in no way contributes to highlighting realities that should be debated when people feel they have to position themselves and exclusively express opinions on questions which, while being of interest, are distant and narrated by voices unconnected to the region. The absence of media outlets that contribute to the construction of self-images with their own non-stereotyped cultural commitment leaves public opinion uninformed about what it needs to know and to acknowledge within its own environment.

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