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Old answers for new questions. A critical approach to the post-analogue television in Spain

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Abstract

One year after the 're-antennization' of the Digital Terrestrial Television in Spain (DTTV), we may approach the national audiovisual scenario from multiple perspectives but end in a unique question. Policies and market are all about portable devices and a la carte consumption, but are the watching-patterns mutating at an equal speed? An overall view advises us to answer No, in spite of the evolution of the LTE technology. In 2015, one average Spanish stayed 237 minutes every day in front of a screen watching television, however just in 3 of those minutes, the contents were non-lineal. This study investigates if this gap, between what governors think they have to do to match the disruptive technology and a long-lasting analogue way of watching and understanding the television, has driven to a massive failure in a system hurt by the economic and media crisis, controlled by only three actors and where the public service media swing towards ostracism. Furthermore, the analysis focuses on the powers, economic-corporate and political-cultural, which have configured the European audiovisual space.

Key words

Spanish television, DTTV, Digital Dividend, European audiovisual policies, public service media.

Viejas respuestas para nuevas preguntas. Una aproximación crítica a la televisión post-analógica en España

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Resumen

Un año después de la re-antenización de la Televisión Digital Terrestre en España, podemos aproximarnos al escenario audiovisual nacional desde múltiples perspectivas y concluir en una única pregunta. Políticas y mercados centran toda su atención en consumos a la carta y a través de dispositivos móviles, ahora bien: ¿están mutando los patrones de visionado a la misma velocidad? Un acercamiento global nos invita a responder No, a pesar de la evolución de la tecnología LTE, una vez liberado el Dividendo Digital, y la reciente incorporación de los programas on-demand a las audiometrías. En 2015, un español estuvo 237 minutos al día de media frente al televisor, sin embargo solo en tres de esos minutos los contenidos eran no-lineales. En este artículo estudiamos si esta desviación, entre lo que los gobernantes piensan que deben hacer para conectar esa tecnología disruptiva con una forma analógica de ver y entender la televisión (ocho de cada diez programas son vistos a través de la TDT), ha derivado en un fallo total en un sistema herido por el hundimiento económico y la crisis de los medios, gobernado por únicamente tres actores (Mediaset, Atresmedia y Movistar+), y donde el servicio público oscila hacia el ostracismo. Por último, en esta investigación se analiza con especial interés la confluencia de fuerzas económico-empresariales y político-culturales en la configuración del espacio audiovisual europeo.

Palabras clave

Televisión en España, TDT, Dividendo Digital, Políticas audiovisuales europeas, medios de servicio público.

INTRODUCTION

The transition to digital technologies has been a historical concern for many world economies, seen as a unique opportunity to revitalize the electronic industry of consumption, and a way to ensure a long-term economic growth and to promote the social inclusion (García Leiva 2006a).

In Spain, television has been the main character within that play, because the economic leadership in the media trade and its social influence (Hallin and Mancini 2004). Within that scenario, the configuration of the digital broadcasting has been a main concern for the governments since the late 1990s. Nevertheless, in their strategies the corporate perspective has eventually shown a deeper impact than the intention of using the technology to close cultural breaches (Iosifidis 2005 and 2007, Hardy 2008).

Nowadays the legislation and the market investments insist on portable devices and a la carte consumption, however the watching-patterns are not mutating at the same speed: 80 per cent of the programs are viewed on the traditional screen and citizenship only watch 3 minutes on demand out of 237. As main objectives, in this paper we study if this gap between policies and reality has driven to a massive failure in a system already hurt by the economic and media crisis, has reduced pluralism (once the it is controlled by Mediaset, Atresmedia and Movistar+), and the relevance of the public service. And to do so, it is essential to clearly explain the timeline in the Spanish DTTV´s history and the elements involved in the reform started in 2004 with José Luis Rodríguez Zapatero and the Socialist Workers' Party (PSOE).

As core method, we have reviewed the European and the Spanish audiovisual policies and compared them with different reports that periodically describe how sustainable the industry is, in terms of economic solvency, audiences or cultural leverage. Following these footprints, we have tried to distinguish patterns where ideologies, business and public interests are assembled together; allowing us not only to describe the current landscape, but to sketch the potential future.

Within the reports mentioned above we find texts from journals (Noticias de la Comunicación), consultancies (Kantar Media, AIMC-EGM or Barlovento Comunicación) as well as documents elaborated by institutional organizations (Comisión del Mercado de las Telecomunicaciones, Cominsión Nacional de los Mercados y la Competencia and SEPI), or media groups: Mediaset, Atresmedia and the CRTVE. The legal and communicational explorations have been supported by an extensive academic research throughout the works listed in the bibliographic corpus.

1. THE QUIERO TELEVISIÓN UNDERTAKING

In April 2015, the terrestrial version of the Digital Television began in Spain its second grand journey with the first release of the Digital Dividend, five years after being switched on. However, there is a story before the official history which moves us back to 1999 and the Quiero Televisión project.

The legal inception of the Spanish Digital Terrestrial Television (DTTV) began in 1997 with the Law 66/1997, of 30 December, on Fiscal, Administrative and Social Measures and the National Technical Plan on the Digital Terrestrial Television, which divided the national spectrum in five multiplex-channels.

Spain awarded the first licence to Quiero TV (named Onda Digital between 3rd December 1998 and 3rd February 2000), an undertaking personally encouraged by the President José María Aznar in order to launch the first big DTTV enterprise in Europe. In a framework of enormous expectations, Onda Digital won the tender with no competition in January 1999 and started a business plan based on subscriptions and access to Internet , an attractive binomial because of its growing popularity in the Spanish society despite its low penetration figures: 18.63% Pay-Tv and 10.50% Internet at the end of that year (Ribés Alegría 2009).

The State allocated three and a half multiplex (14 digital channels) to Onda Digital, and gave the last half to Veo Televisión and Net TV, in the 10th of March 2000. At this same time, the Government renewed the existing aerial licences and added to the contracts the reservation of one digital channel for each one. Therefore, the last national multiplex available was given to Radiotelevisión Española (two channels: La 1 and La 2), Antena 3, Telecinco and Canal+. In the regional stage, a bloc of four channels was created to be divided between public service broadcasters (two channels) and commercial television.

As a result, there was a new, wide, scenario to work with, and the Quiero TV idea captivated 'triple A' investors (such as Retevision, Media Park or Carlton Communications PLC), who believed that the beauty of a hypermedia offer, driven through a quotidian device, was going to be strong enough to overtake the high cost of adapting the industrial structures and combating the agents operating under subscription. According to the original financial forecast (mainly based on the Canal+'s experience) Quiero TV should have been profitable in 2004 after reaching one million of subscriptions. Thanks to an aggressive and ambitious marketing campaign by January 2001 the company had 201,056 users, including active homes and formal requests (Ibid.). However, despite the high expectations Quiero TV was not ready for a high demand; neither set up boxes, nor aerial replacements ('antennization').

The new contracts slowed down at the time cancellations became a daily routine, and the Board opted for restructuring the company via reducing labour force and modifying the communication strategy: from 'Quiero, the television with Internet' to 'Quiero, watch and get involved'. But none of the business forecasts worked and in 2002 the shareholders forced the cease in the emissions, made in the midnight of the 30th of June.

In spite of its brief existence, Quiero TV unveiled the television set to something completely new in that analogical context: fragmentation, interaction and non-sequential programs in a multi-platform integrated by Internet access, participative services or pay-per-view contents.

Chart 1. Quiero Televisión contents guide

Films	Studio Universal and Turner Classic Movies (classical), Calle 13 (thrillers and horror movies), Cinematk (amateur and independent films), Palomitas (Action & Adventure movies) and Showtime Extreme (Action & Adventure movies).
TV Series	Factoría de Ficción (rerun television series for young people)
Sports	Eurosport
Documentaries	Beca (Education) y Geoplaneta (Travel)
Young	Buzz (Risk Sports, music and New Technologies)
Children	Club Super 3, Planeta Junior, Cartoon Networks
Music	E-music
Other	24 Horas Gran Hermano/*Big Brother 24 Hours*

Source: Ribés Alegría 2009: 85.

Nevertheless, Quiero TV was offering nothing different from the satellite platforms. Why to choose it over Canal Satélite Digital or Vía Digital when the subscriptions fees were tight and both were more powerful in transmission strength, through Astra and Hispasat, and presented a more attractive offers? The satellites gave full access to prime contents (see table 1 for Quiero TV programs: only Studio Universal, Geoplaneta and E-music were exclusively broadcasted by the digital terrestrial provider), including movies and sports (football), better quality in the reception, better know-how and out of the 'must carry' duty.

Quiero's singular fact was Internet (email, SMS, online chats and web surfing), but this need wasn't still inevitably instituted in the society, as it is for example nowadays due to the social media or information engines as Google. With Quiero only the 31% used at least once the internet services (Ribés Alegría 2009) -mainly for texting to mobile phones- and the interface presented difficulties to work with. In the end, users either went for satellite bundles or stayed with free options.

2. EUROPEAN INFLUENCES TO REDESIGN THE TELEVISION LANDSCAPE IN SPAIN

The DTTV was thought within two economic approaches: subscriptions or advertising. None of them functioned because the system developed a vicious circle. The State settled a precarious legal basis, favouring the existent media powers, who didn't know what the society were expecting for or which business model they had to put in place, and they just opted for filling the schedule with cheap contents and wait for viewers' reply. The bet for a pay broadcaster as mainstream also showed the total absence of a migration strategy towards the digital era (García Leiva 2006).

After the uncertainty and the vagueness created by the first failure, the Spanish digital terrestrial strategy was brought to life in 2004 when the arrival of the Socialist Party to the national

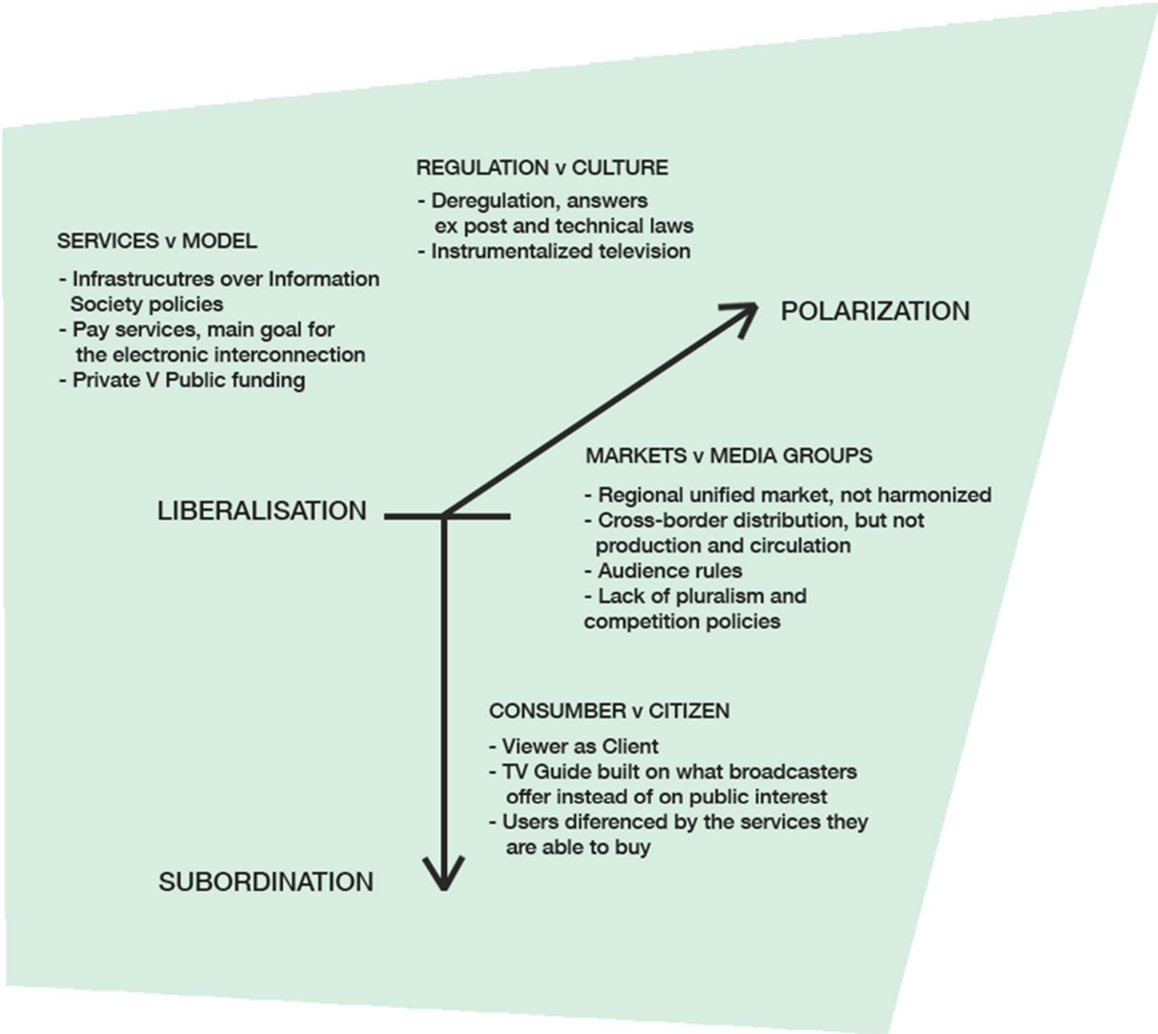
Government set off the adaptation process of national legislation to Community regulations and to the needs of a liberalised market (Peña Moya 2014: 360). The European Audiovisual Policy has been, historically, set upon the Directive 89/552/EEC, known as the Television Without Frontiers Directive, evolution of the European Agreement on cross-border television. This law established the free circulation of European television programmes in the home market, created the so-called broadcasting quotas (linked to 'must carry' obligations) and intended to protect cultural diversity, minors, consumers and the right to rebuttal.

After 18 years in force, it was updated in 2007 by Directive 65/EC on Audiovisual Communication Services, in turn updated by the Directive 2010/13/EU of the European Parliament and of the Council; a text which adopts practically everything that was agreed on three years earlier with regards to rules to shape technological developments, fields for emerging audiovisual media, cultural diversity, pluralism, national regulators and the protection of children, consumers, or the battle against religious and racial hatred.

Within these three decades the regulation shifts from an unifying perspective where the States are called to build an European Audiovisual Sphere using the Television, to a laissez-faire framework based on mobility and non-lineal services. In the middle, absorbed by disruptive technological changes, we find the Information Society policies (see Al Gore´s Information Superhighways speech), where the television is seen as an economic power within a unified market, horizontally regulated, and the concerns about protecting competition and the never defined 'cultural exception'.

This minimalism, focused on telecommunication challenges and marketing strategies and set upon narratives as the Bangemann Report (1994), the Directive 95/47 on the use of standards for the transmission of television signals, or the Green Paper on the Convergence of the Telecommunications, Media and Information Technology Sectors (1997); leaded to an instrumentalised Digital television which favours liberalization, polarization and subordination (García Leiva 2006b) and marginalises the socio-political-cultural realities.

Figure 1. Liberalisation, Polarization & Subordination in the European regulation



Source: Own production.

The services, understood as available contents, rule over the Model with the same strength as the infrastructures do over the information superhighways policies, and the pay horizons become the main goal for the electronic interconnection.

The deregulation instrumentalizes the television and the regional markets appear unified, even though they are not harmonized. This fact allows distribution within States but not a Pan-European production and a real circulation of programs. In this scenario, enormous media conglomerates "own" the markets and relegate citizenship, seen as clients. The television guide is built on what broadcasters want to offer instead of on the public interest, and the users are distinguished by the services they are capable of contracting.

After the economic-industrial perspective and its signifier-over-signified proposal triumphed, the DTTV erased the public service notion and became a tool to accomplish prospective tasks (reorganising the spectrum, for instance) and a vehicle to deliver new (not novel) pay options to a user (not a citizen). 'Una nueva figura a la que poner el viejo vestido de la política (…). Lo que permite la fuga hacia delante de un proyecto neoliberal, que una y otra vez, pretende obviar una realidad que lo desmiente' (García Leiva 2006b: 6), and extends the barriers to a complete convergence of services, understood as units of content, across the EU.

Therefore, the Digital Terrestrial Television does not fully participate in the Information Society convergence services, it became another platform to electronically connect the UE, instead of being a democratization agent. The public interest is omitted, although the public sector participates as a convenient solution for the business model, which mainly mixes public funding, advertising and minimal pay-per-view solutions.

3. SATURATION, CONCENTRATION AND POLITICAL CONTROL

As a result, the smallest actors find more difficulties against the 'national champions'. This happens in Spain despite the Law 10/2005, June the 14th, of Urgent Actions to Launch Digital Terrestrial Television, Liberalise Cable Television and Promote Pluralism pursued the equality and the protection of socio-cultural minorities, especially relevant in a local landscape, historically off regulated.

The Law 10/2005 was replaced by the General Law on Audiovisual Communication in 2010, a generic framework to embrace the reformed Spanish Audiovisual field, meant to construct a powerful public broadcasting service and a reliable free-view digital television.

Chart 2. Chronology of the media reform in Spain (2004-2014)

2004	Council for the Reform of State-Owned Media (RD 744/2004, 23rd April 2004)
2005	Committee of Wise Men for the Immediate Reform of Radiotelevisión Española (RTVE)
2005	Plan for the Reform of the Audiovisual Sector[i]. Including: ▪ The Law of State-Owned Radio and Television (LSRT) ▪ The Law on the Funding of RTVE Corporation (LFRTVE) ▪ The General Law on Audiovisual Communication (GLCA) ▪ A National Technical Plan on Digital Terrestrial Television ▪ A National Technical Plan on the Private Television
2005	Law 10/2005, June the 14th, of Urgent Actions to Launch Digital Terrestrial Television, Liberalise Cable Television and Promote Pluralism. Apply through: ▪ RD[ii] 944/2005- New National Technical Plan on Digital Terrestrial Television ▪ RD 945/2005- To add a new aerial broadcaster ▪ RD 946/2005- General Regulations on Digital Terrestrial Television Services
2006	Law 17/2006, 5th June, of State-Owned Radio and Television
2009	Law 8/2009, 28th August, on the Funding of RTVE Corporation

2010	General Law 7/2010, 31st March, on Audiovisual Communication
2010	RD 365/2010- Allocation of DTTV multiplexes
2011	RD 169/2011- To Modify the RD 365/2010
2011	Law 2/2011, 4th March, on Sustainable Economy (LSE)
2012	Royal Decree-law 15/2012, 20th April, to Modify the Administration Rules in the RTVE Corporation, established by the Law 17/2006
2013	Law 3/2013, 4th June, to Create the National Commission on Markets and Competence
2014	RD 805/2014- New National Technical Plan on Digital Terrestrial Television and Digital Dividend

Source: Own production

In 2004, the Popular Party pledged itself to develop a general law which would simplify the audiovisual space in order to adapt it to the digital and multimedia environment. Meanwhile, the Socialists demanded a regulation to differentiate between public and private media, to modify the concessions regime and ownership control and to create the Higher Council of Audiovisual Media, in the end replaced by a multi-regulator named National Commission of Markets and Competition. This measure was sharing the limelight with a debate about a statute for the journalistic profession, the creation of the Editorial Board and the Spanish left-wing coalitions demanding a Social Media Law that would counteract corporate concentration.

After the socialist victory in the General Elections on March the 14th 2004, the PSOE sets up the Council for the Reform of State-Owned Media, assuming that the renewal of the Spanish system should start with the regeneration of the state public agents RTVE and EFE Agency.

In June 2006, the Law on State-Owned Radio and Television was the starting point of the history of the Corporación Radiotelevisión Española and of a period during which TVE became audience leader and its news services obtained international recognition.

After the LSRT came the LFRTVE, catalyst of the current economic difficulties faced by the public Corporation, and the GLAC, which was finally not as ambitious as its draft bill and was insufficient, considering that it makes no reference to the autonomous community and local levels. The Royal Decree Law of 2012 added uncertainty to the future of the state public operator and has confirmed the swerve towards degradation (Peña Moya 2014: 363-364). For its part, the LSE, meant to be the 'ultimate change' in the Spanish economy towards competitiveness, innovation and sustainability, ended weakening the regional public media through a severe penalization of the deficit in the yearly reports (Díaz Estévez 2012).

Within the paradoxical transition to the digital technology, the Ruler decided to grant two aerial licences. The first was given to Sogecable in order to transform Canal+ on a broadcaster without pay wall: Cuatro (7th November 2005). The second, a new channel, La Sexta (27th March 2006), ideologically close to the Government. The failure of the public policies, which jeopardize consumption quality and media literacy, has also helped the economic crisis to terribly affect the media business, shown in the drop of sales revenues as well as the generalised impoverishment of the offer in the main media groups, and in the minimal relevance of the public television.

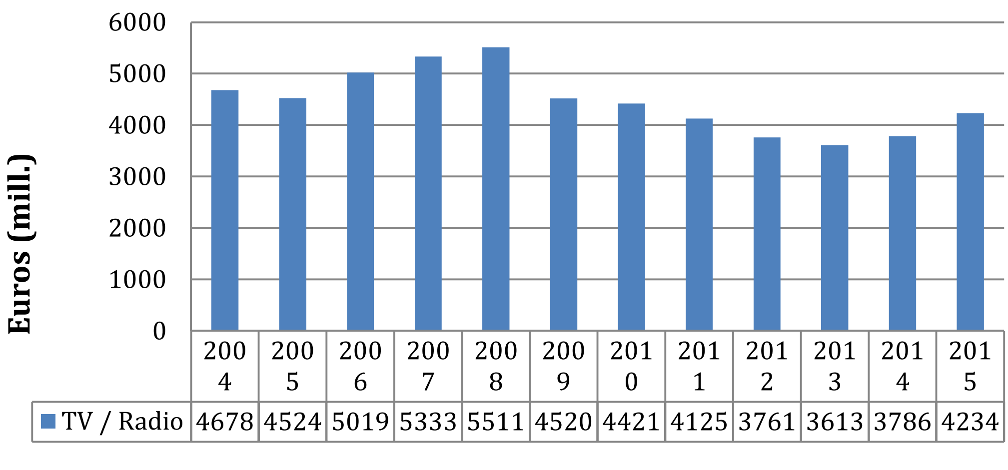
The DTTV offer has turned out to be out of tune with the social, economic and cultural panorama, as entertainment channels that reach the whole state are predominant. In a framework of not segmented- but- fragmented audiences, the large communication groups have kept up their participation in advertising investment by diversifying their concentration, thanks to a legislation that allowed them to have two full four-channel multiplexes. Thus, the concentration condemn minor operators to leave the scene.

In the conclusions of the book entitled Radio y televisión en España (2006 & 2012), professor Enrique Bustamante asserted that no Government had raised so many expectations about regenerating the public service and introducing new regulations in the audiovisual sector as Rodríguez Zapatero's; but the positivism of his first parliamentary term subsequently gave way to a counter-reform which has renewed the patronage system and has eliminated political and economic autonomy of the public media (Peña Moya 2014).

All of this is taking place in a context in which the whole telecommunications and audiovisual sector is experiencing a contraction in its turnover, even though it still represents the 2.85 (30,888.5 billion/€) per cent of the Spanish GDP: 1,091,090 b/€ in 2015 (CMT 2016).

In the radio-television market, the commercial income of the broadcasters is a 20% lower than in 2007, when the world financial crisis started, going from 5,768 to 4,234 b/€ (3,665.3 television; 568.7 radio), despite the retrieval in the last two years (15%), after facing in 2013 the worst figures during this century.

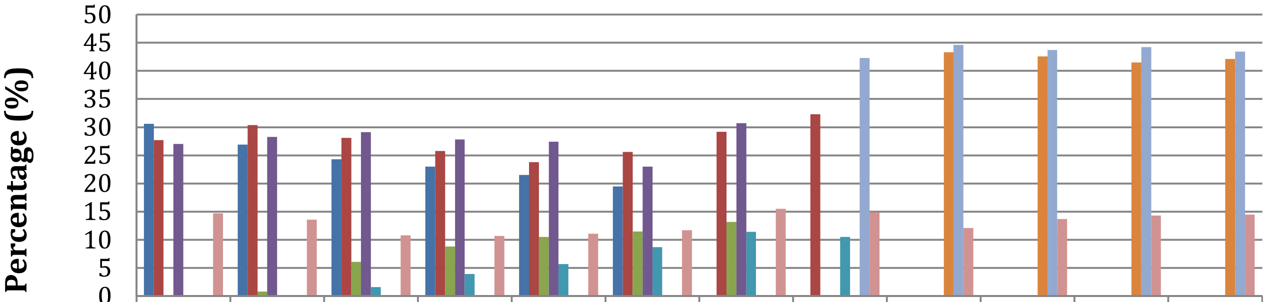
Graph 1. Commercial investment in the Spanish audiovisual sector 2004-2015



Own production. Source: CMT/CNMC (2005-2016).

Mediaset (Telecinco & Cuatro) and Atresmedia (Antena 3 & La Sexta) groups hold more than the 85% of the entire volume, assisted by the ban on advertising in the CRTVE. La1 owned a 21.5% of the total investment in 2008, just before the Law on Funding, and it was the first option (30.6) in 2004, when the audiovisual reform was launched. In the same period Telecinco and Antena 3 (Mediaset´s and Atresmedia´s main channels) got 27 (2004) and 27.4 (2008); and 27.7 (2004) and 23.8 (2008) respectively.

Graph 2. Advertising shares in the Spanish broadcasters 2004-2015



	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
TVE	30,6	26,9	24,3	23	21,5	19,5	0	0	0	0	0	0
Antena 3	27,7	30,4	28,1	25,8	23,8	25,6	29,2	32,3	0	0	0	0
Cuatro	0	0,8	6,1	8,8	10,5	11,5	13,2	0	0	0	0	0
Telecinco	27	28,3	29,1	27,8	27,4	23	30,7	0	0	0	0	0
La Sexta	0	0	1,6	3,9	5,7	8,7	11,4	10,5	0	0	0	0
Atresmedia	0	0	0	0	0	0	0	0	43,3	42,6	41,5	42,1
Mediaset	0	0	0	0	0	0	0	42,3	44,6	43,7	44,2	43,4
Others	14,7	13,6	10,8	10,7	11,1	11,7	15,5	14,9	12,1	13,7	14,3	14,5

Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

Nevertheless, the current control did not immediately translate into a major improvement in their figures. The explanation: it was a long-term strategy, which primarily focused on degrading TVE´s audience rates prior to build exclusion scheme.

Graph 3. Advertising investment in the Spanish broadcasters 2004-2015

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
TVE	729	709	693	715	597	422	0	0	0	0	0	0
Antena 3	660	800	804	802	660	555	690	682	639	0	0	0
Cuatro	0	20,1	174	273	293	249	295	0	0	0	0	0
Telecinco	643	745	831	864	760	499	0	0	0	0	0	0
La Sexta	0	0	45,3	120	157	189	277	255	115	0	0	0
Atresmedia	0	0	0	0	0	0	0	0	0	725	784	846
Mediaset	0	0	0	0	0	0	793	975	821	745	836	873

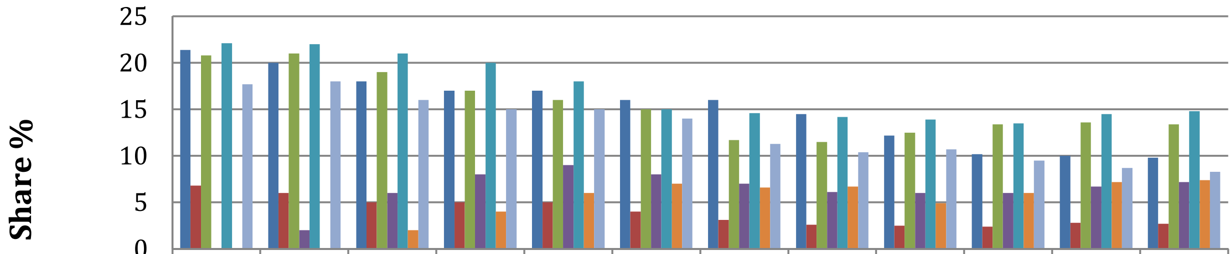
Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

Advertising is eliminated in TVE, not because there is a principle that says that «there can be no advertising in public television» – as in the British case, which raises no objections from a theoretical perspective as long as there is a solvent financing alternative –, but due to the pressure of the operators with market presence, which were eager to take TVE's share.

This brings about many problems, because there is not an immediate and permanent transfer, because the advertiser is ultimately advertising in order to reach a specific audience who, if it carries on watching TVE will not be impacted by the advertisements in Antena 3 or Telecinco. Therefore, advertisers will not redirect the advertising budget they invested in TVE to Telecinco, but will instead look for the other media consumed by that audience that watches TVE and not Telecinco.

The only way in which private televisions can benefit from the television market left behind by TVE is by depriving it of its audience. The dismantling of the budget is causing a drop in audience levels. Only when public television reaches a residual position will there be a transfer of publicity investment (interview to professor Emili Prado in Peña Moya 2014: 367).

Graph 4. Audience shares 2004-2015

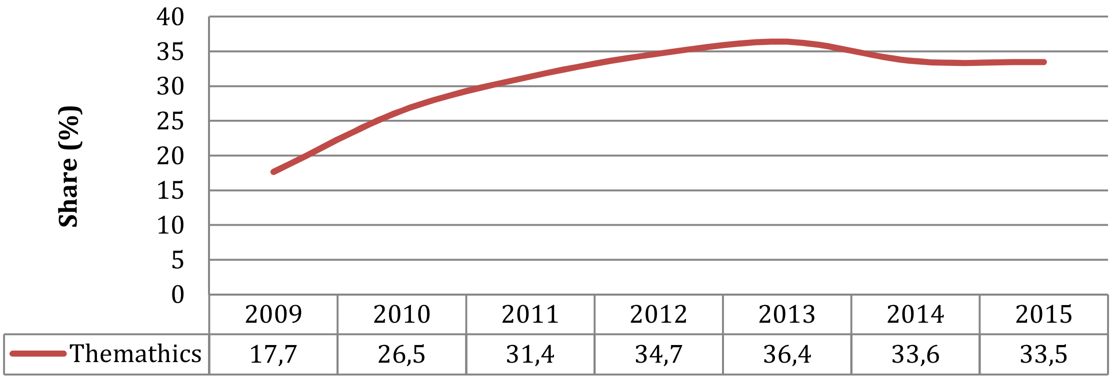


	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
La 1	21,4	20	18	17	17	16	16	14,5	12,2	10,2	10	9,8
La 2	6,8	6	5	5	5	4	3,1	2,6	2,5	2,4	2,8	2,7
Antena 3	20,8	21	19	17	16	15	11,7	11,5	12,5	13,4	13,6	13,4
Cuatro	0	2	6	8	9	8	7	6,1	6	6	6,7	7,2
Telecinco	22,1	22	21	20	18	15	14,6	14,2	13,9	13,5	14,5	14,8
La Sexta	0	0	2	4	6	7	6,6	6,7	4,9	6	7,2	7,4
Autonómicas	17,7	18	16	15	15	14	11,3	10,4	10,7	9,5	8,7	8,3

Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

In terms of audience levels, TVE is indeed advancing towards marginalisation. The sum of the shares of the first two channels just reached 12.5 per cent in 2015. In 1990, first year with commercial broadcasters, the audiometric rate was 74.6%, and in 2007, first year of the new Corporation and already within a segmented scenario: 22%, one point above Antena 3-La Sexta and six below the duo Telecinco & Cuatro, nowadays the difference is almost 10 points and La1 (9.8%) is closer to the second channel (Cuatro 7.2%), than to the first (Telecinco: 14.8%). And if we consider the groups, Mediaset (31) almost double the CRTVE (16.7). Mediaset and Atresmedia together reach the 57.8 per cent of the citizenship.

Graph 5. Audience in thematic channels 2009-2015



Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

Thematic channels, for their part, have recovered stability (33.5) after reaching their historical maximum in 2013 (36.4) and losing it in 2014 (33.6). However, the ones which broadcast free-to-air have lost 0.7 points, while the pay options have increased their share from 6.2 to 6.8 per cent, leaded by AXN, TNT and Canal+ Liga (Noticias de la Comunicación 2016).

Chart 3. Pay-tv broadcasters in Spain

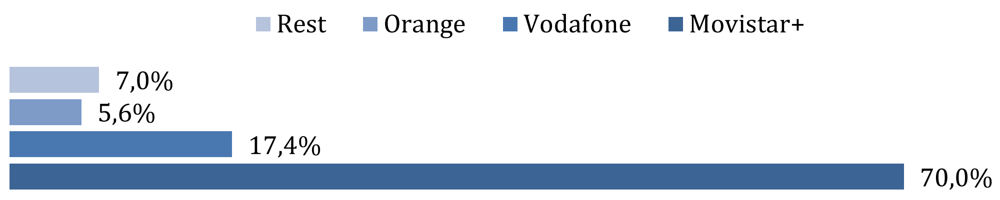
Operator	*Description*	*Users*	*Price (€)*
Movistar+	Largest platform with more than 15,000 programs; including prime sport rights (UEFA Champions League, La Liga, NBA, ACB, etc.). Canal + and Yomvi.	3,869,387	20-65
Vodafone TV	Television services also for Ono clients. Includes prime sport contents as UEFA Champions League, and Netflix.	964,299	31-63
Orange TV	Includes prime sport contents via beIN SPORTS.	308,335	8-34
Rest	-	391,510	-
Total	-	5,533,531	-

Own production. Source: CNMC (2016).

As happened in Italy during the second half of the 90s, the "war" for acquiring football broadcasting rights is defining many of the strategic movements –significant in regards to pay walls- since the digital television was re-thought, and we find in Gol TV its maximum indicator, which disrupted the national scenario in 2008 as a pay-terrestrial-channel with premium sports and in the summer of 2015 was reconverted to free-to-air after leaving its market space to Al Jazeera´s beIN SPORTS.

The subscription platforms are currently dominated by Movistar+, which bought Digital Plus, and currently controls the 70% of the total number of subscribers and more than the 88 per cent of the total income (486.61 million/€ out of 549.96), thanks to Yomvi, an on demand video platform with more than 4million users, 5.000 different programs and 40 live channels, and the highly successful history of Canal+, renamed #0, after the 1st of February 2016, as part of a campaign to gain new customers and make profitable the premium investments, especially in football rights: 2.400 billion/€ during three years.

Graph 6. Pay-tv broadcasters in Spain (%)



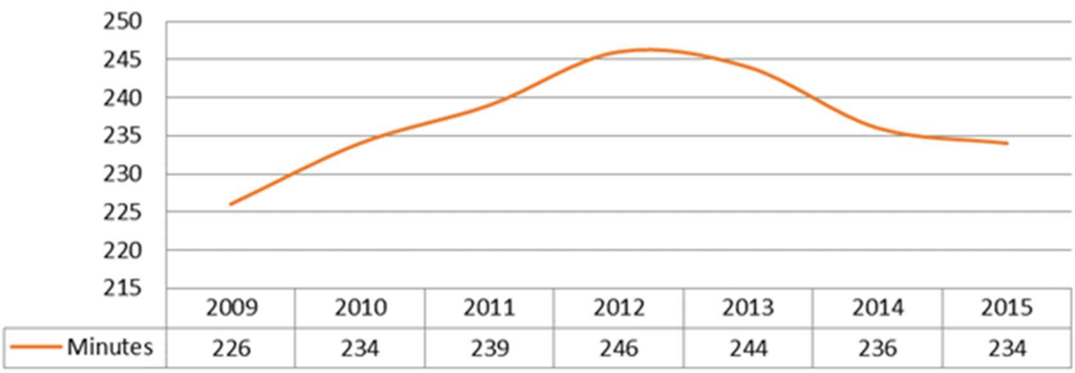
Own production. Source: CNMC (2016).

The second option, at a sidereal distance, is Vodafone, favoured by the fusion with the internet provider Ono, leader of the optical fibre technology in the country. The third place in the list is for Orange TV, which gained strength after the arrival of beIN SPORTS to Spain.

4. 'A LA CARTE' CONSUMPTION, THE FIRST TIME IN THE METRICS WHILE THE RELEASE OF THE DIGITAL DIVIDEND STARTS

Even though in 2015 television consumption experienced in Spain its third consecutive season of reductions , for the first time in the History the audiometrics has measured on- demand viewing, establishing it in three minutes per person and day; and although the 'guided' television still reach the 88% of the population, that small figure augurs an exciting future for both operators and viewers, especially thanks to the development of the mobile networks after the release of the Digital Dividend.

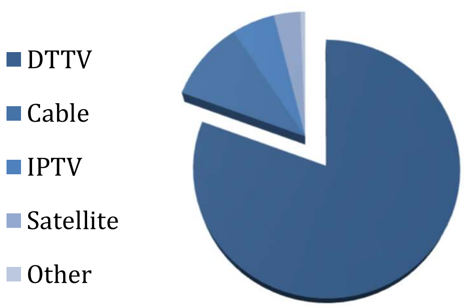
Graph 7. Television consumption figures 2009-2015



Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

Reinforcing this pattern, the IPTV viewing increased its figures from 3.8 per cent to 5.4; although the DTTV still represents the 80.6 (82% in 2014), followed by the Cable (10.1), with the broadcasting through satellites in fourth place (3.3).

Graph 8. Viewing via distribution channels



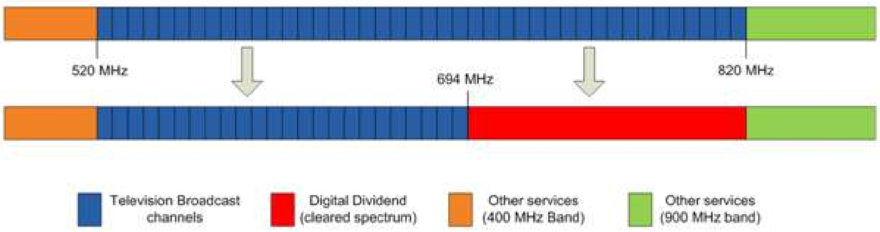
Own production. Source: Noticias de la Comunicación (nº 364).

After the adjustments in the Spring of 2015, the DTTV in Spain, as well as in the rest of the European Union, is facing the starting challenges of the 'Second Digital Dividend', which has to be completed by the 30rd of June in 2020 (Rosario G. Gómez: 2016b), but what do we mean when we talk about the Digital Dividend?

The analogue television has used since the beginning the frequencies VHF (47-230 MHz) and UHF (470-862 MHz) to broadcast its signals. Thanks to the digital technologies and new data compression systems the operators need approximately 1/6 of spectrum to transmit the same information with equal quality. The band released by the switchover could be potentially used to develop any service required by a specific community –local stations, for instance-, but it is primarily used to improve HD signals and mobile communications through LTE and 4G networks.

In the first stage of the Digital Dividend scheme, ended the 31st of March of 2015, the Spanish television released the 800 MHz band. With the second migration the broadcasters will move to the 470-694 MHz band, freeing the 700 MHz.

Figure 2. Band distribution



Source: Televisióndigital.gob.es

It is thought that the Digital Dividend potentially will aid the economic growth through the improvement of the productivity and the creation of employment , so the European Union has decided to actively support mobile data traffic reserving and harmonizing the location of the frequencies (Decision 2010/267/UE), in order to capitalise on wireless services.

Subsequently, in 2012 the Decision 243/202/UE settled that the Member States had to guarantee the liberation of the 800 MHZ band before the 1st of January of 2013 (First Stage) and the 700 MHZ by 2020 (Second Stage).

Spain argued complexity in the legal mechanisms and the Commission conceded an extension for the First Stage, in order to adapt the RD 944/2005 via the RDs 365/2010, 169/2011 and 805/2014, and the Law on Sustainable Economy. The greatest task was to release the contiguous frequencies that the 4G services required to operate.

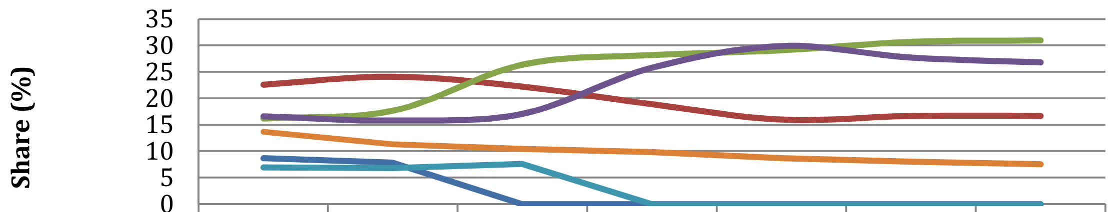
The segment was occupied by the DTTV channels from 61 to 69 (UHF), and the process implied broadcasting suspensions and a massive re-antennization, which compelled the citizenship to re-sync their decoders.

After Veo 7, La 10 and Marca TV, closed down in 2011, 2012 and 2014, the next significant changes in the national landscape arrived via a legal resolution at the Supreme Tribunal, which cancelled nine licences unfairly tendered: Xplora, La Sexta 3, Nitro (Atresmedia); La Siete, Nueve (Mediaset); La Tienda en Casa, AXN –moved to pay options- (Unidad Editorial); and two teleshopping channels ruled by the print group Vocento. As consequence, in 2015 a new bidding was scheduled and six new licences were conceded to the Spanish Episcopal Conference, Secuoya Group, Atresmedia, Mediaset, the Real Madrid CF, and to Radio Blanca. Currently, the map of the terrestrial television in Spain is as follows:

- Coporación RTVE (RGEs 1 and 2): La1, La2, 24h (news), Clan (children´s), Teledeporte (sports), La1 HD, Teledeporte HD.
- Atresmedia (MPEs 2,4 and 5): Antena 3, La Sexta, Neox (youth), Nova (leisure and life styles), Atres Series, Mega (documentaries and sports), Antena 3 HD and La Sexta HD
- Mediaset (MPEs 3, 4 and 5): Telecinco, Cuatro, FDF (movies and series), Boing (children´s), Divinity (leisure and life styles), Energy (youth), Be Mad (young and urban style), Telecinco HD and Cuatro HD.
- Net Televisión (MPE 1): Disney Channel and Paramount Channel.
- Veo Televisión (MPE 1): Discovery Max (leisure, documentaries, lifestyle) and Gol (sports).
- 13 Televisión (MPE 4): 13 TV (generic channel with catholic influences).
- Radio Blanca (RGE 2): DKiss (generic channel with young feminine influences).
- Grupo Secuoya (RGE 2): Ten (family).
- Real Madrid CF (MPE 5): Real Madrid TV.

In a regional level, the State proposal is completed by the FORTA, the federation of regional public broadcasters which historically has brought upon the distinctive social and cultural values of the autonomous communities, and not many private televisions without a wide and significant penetration.

Graph 9. FORTA´s share against media groups (2009-2015)



	2009	2010	2011	2012	2013	2014	2015
TVE	22,6	24,1	22,2	18,9	16	16,7	16,7
Mediaset (Gestevisión)	16,2	17,7	26,4	28,2	29,1	30,7	31
Atresmedia (Antena 3)	16,6	15,8	17,1	25,8	29,9	27,7	26,8
Sogecable	8,7	7,8	0	0	0	0	0
La Sexta	6,9	6,8	7,6	0	0	0	0
FORTA	13,7	11,3	10,4	9,8	8,7	8	7,5

Own production. Source: Peña Moya (2014) & Noticias de la comunicación (nº 342, 353, 364).

As seen in TVE´s figures, regional public broadcaster are also suffering citizens' rejection due to similar arguments, including political manipulation and debts. None has been able to accommodate either advertisers or viewers after the Televisión Española´s catastrophe, but budgets and audience rating have decreased yearly; from a share of 13.7 in 2009, to 7.5 in 2015.

The local stage is divided within cooperative demarcations in order to finalise its old 'alegality' and to build a proximity approach to the public interest, in order to be an effective tool to the daily basis. The lack of sustainability of the projects presented and the financial crisis in the public institutions lead very promising projects to bankruptcy, finding in the teleshopping, and esoteric and erotic contents an easy and already known way of making money, even though it is against the regulation and its ethical principles.

5. POST-REFORM SCENARIO

In 2004 the Spanish old window to the world was theoretically reborn as the ultimate evolution of public service media, integrated in the discourse of the digital communication and re-thought in an academic environment. The lack of reflection and sustainability, long time demanded from the University, was finally amended.

It was also a diversified structure developed to attend the hypermedia exigencies through hives exclusively dedicated to the online strategies. The goal was clear: to cut the financial pandemic off and to lead the digital audiovisual system towards ascenario culturally rich and economically profitable.

A decade later, all the reforms seem nothing but a forgotten document in a folder. A report recently published by the SEPI, group which owns the 95.7% of the share hold in the CRTVE, claims for an immediate strategic plan, financial and communicational, to avoid the forthcoming ostracism in the national public television, as a result of a severe political manipulation, which has progressively distanced broadcaster and citizenship. On top of this handicap in the reform of public television in Spain – and, by extension, of the whole of the Spanish audiovisual sector – there is the problem of a biased scope.

The broadcasting landscape has three levels, but the restructuring is only carried out at national level. At local level, the situation has gone from no regulation to no reality, and most operators, even if they have a broadcasting license, cannot launch their projects because of the inefficient distribution of territorial boundaries and the little margin left in a saturated system. The public-funded proposals failed dramatically and the private initiatives drifted back to esoteric and erotic contents, many times reported by the civic society but never severely punished because there is not a powerful regulator.

At the level of the autonomous communities, the General Law on Audiovisual Communication only pays attention to regional operators in order to facilitate externalisation and privatisation conditions. The regional public operators, private ones barely exist, have historically repeated the same vices as the national one, and nowadays go across a dark era, condemned by their enormous debts and their decreasing influence in constructing the common interest (Telemadrid, for instance). Few have already closed (Canal 9 in Valencia, or Canal Sur 2 Andalucía).

In the national stage, two main features can be identified: saturation and concentration (Díaz Nosty 2013 and 2011). The economic restrictions are avoiding any possibility for the small projects to survive in a laissez faire market only supported by advertising, where there is not a powerful industry, in terms of production, and which has not the referent of a trustworthy European Audiovisual Culture, as Emili Prado, profesor at the Universitat Autónoma de Barcelona, explained in Peña Moya 2014: We are not able to speak of the European industry because in the European market there is not an effective exchange of contents; just formats, such as Big Brother or X-Factor. In Europe, people like the Hollywood style.

And all the above is part of a major dysfunction: the General Law on Audiovisual Communication was passed (a generic law) after the LSRT and the Law on Funding (specific laws). Thus, the text that becomes official in 2010 differs in some fundamental aspects from the spirit that promoted the change.

6. CONCLUSIONS

What was meant to be pluralism, nowadays is the oligopoly of Mediaset, Atresmedia and Movistar+, who control every single action in the market and do not hesitate to erase references as important as Canal+, the most successful project in the Spanish private television ever, just to finance their particular war of football, which nowadays is not the finish lane, but the excuse to sell more subscriptions.

The interest in digitalising the terrestrial networks has inevitably been linked to the necessity of compelling the digital society, although on the field it represents an Ice Age in the history of television, travelling from the analogue signals to the on demand realities and their remediation patterns.

Communicational, economic and technological, the DTTV is a replacement shuttle; a time delusion where the 'international champions' are defining the features of integrated multi-Media in a context of premium bundles (Amazon, Netflix combined services 4G and Broadband, etc.) and free options located in servers surrounded by infinite pop-ups.

With the second release of the Digital Dividend in the horizon, the post-television era requires the definition of a new communicative space, where a dialogue regarding emerging specificities (communication, business and society) is needed, as well as giving shape to structures that can respond to the changing circumstances.

In any event, public media should operate as reference, once defined the position they should take within society and the way in which their social, cultural and political function can be guaranteed.

This brings over two important discussions. Firstly, it is a priority to install the protection of public in the core of democratic dialogue. Inside the European audiovisual tradition, the strength of public service media and their setting as a guide in the dual system has transformed the sector in a powerful industry, which is politically and socially influential and which provides direct employment for more than a million people.

Secondly, media literacy is the keyword. In a situation of product overabundance, the citizenship's capacity to differentiate high quality directly contributes to improve the system. The media must understand that news professionalism and the supply of contents of high journalistic and communicative standards is the main argument in defence of their presence in this scenario of convergence.

On its part, society must assume that the public service media – which are located in the field of public freedoms and fundamental rights – are a priority for the smooth operation of the democratic system and that guaranteeing their good health demands a direct commitment which, amongst other things, requires economic support. (Peña Moya 2014: 373-376).

Every notion written within the previous pages are not understandable but in the light of audiovisual communication as a preferential way of human dialogue in the 21st-Century societies, where local values must construct a political discourse able to fit in a world without physical frontiers.

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[i] "To promote an audiovisual system: sustainable, profitable and independent, which guarantees social and political pluralism and an organized transition to the digital technology" (Peña Moya 2014).

[ii] RD means Royal Decree, form of regulation used in the Spanish political system.