MONITORING MEDIA PLURALISM IN THE DIGITAL ERA


Country report: Spain

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

Authorship and review

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

In Spain the CMPF partnered with Pere Masip (School of Communication and International Relations, Ramon Llull University), Carlos Ruiz Caballero, Jaume Suau and Pablo Capilla García (Facultad de Comunicación y Relaciones Internacionales Blanquerna. Universidad Ramon Llull), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

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

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Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk
Scores between 34 to 66%: medium risk
Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: http://cmpf.eui.eu/media-pluralism-monitor/.
2. Introduction

- **Country overview.** Spain has a population of 47.3 million spread over an area of 504,030 km² (INE, 2020). The country is divided administratively into 17 autonomous communities and two cities with statutes of autonomy (Ceuta and Melilla).

- **Languages.** Spain has only one nationwide official language, i.e. Spanish (or Castilian). In addition, there are six autonomous regions with their own co-official languages: Catalan in Catalonia, the Balearic Islands and the Valencian Community (also called Valencian), Basque in the Basque Country and Navarra; and Galician in Galicia.

- **Minorities.** The country has 9.8 million immigrants, of which the three main groups are Moroccan (14.5%), Romanian (12.7%), and British (5.7%) (INE, 2019). The most significant ethnic minority - in terms of population - is Roma, who represents 1.5% of the population. Roma generally hold Spanish nationality and they are not officially recognised as being a specific minority.

- **Economic situation.** In terms of GDP, the Spanish economy remains the fourth-largest in the European Union (World Bank, 2019). The Spanish economy has consecutively grown for the last four years. However, in 2020, the GPD has registered a fall of 10.5% as a consequence of the pandemics, one of the most severe for the group of advanced economies.

- **Political situation.** Since the restoration of democracy after the Franco dictatorship, the political system has been a multi-party system. Nonetheless, just two parties have been predominant: The Spanish Socialist Workers’ Party (PSOE) and the People’s Party (PP). In the last few years, new parties have emerged, benefitting from the lack of trust in the two main parties. It’s the case of left-wing Podemos, which followed on from the Indignados Movement; centre-right Ciudadanos (Citizens); and the new far-right-wing Vox. After the last general elections in November 2019, PSOE and Podemos created the first coalition in power in the democratic history of Spain.

- **Media market.** The media system in Spain follows the Polarized Pluralist or Mediterranean model, as described by Hallin and Mancini (2004). Although there is a large number of news media, they are normally easily identified with political positions or parties. The media market is characterised by an overall dominance of television, which attracts about 33.6% of the total advertising expenditure in the country (Infoadex, 2021). Television also remains the most popular medium (85.9%), followed by the Internet (81.19%), radio (55.7%), magazines (27.0%), and newspapers (20.2%) (AIMC, 2020). Spain has a dual media system dominated by public broadcasters, both at the national and regional levels, and by two main private television groups (Atresmedia and Mediaset).

- **Covid-19.** Spain has been one of the countries in Europe most impacted by coronavirus, both in number of infected citizens and victims, establishing one of the longest and hardest confinements of its population. Since the first confirmed case was reported on January 31, 2020, there have been over 3,446,072 cases and 77,364 deaths in Spain (John Hopkins University, 2021). The pandemic has taken a significant toll on Spain’s people and economy. Besides, fighting against the pandemic and against disinformation also led to the debate on the limitation of freedom of expression and the possible violation of other fundamental rights.
The findings of the MPM2021 implementation indicate an overall medium risk to media pluralism. Fundamental Protection, Political Independence, and Social Inclusiveness score medium risk. Market Plurality however shows high risk according to the data collected, 10 points higher than the year before. These results need closer examination, but the increase can be explained by the change in the methodology and the increase in the weight of the online-related variables.

In the area of **Fundamental Protection**, all indicators show either a low risk or a medium risk, except Protection of right to information. One of the reasons for this are some legal reforms made since 2015, like the so-called “Gag Law” and the Penal Code, which have had a negative impact on freedom of expression and the right to information. Council of Europe has urged Spain to review the legislation to ensure upholding freedom of expression and freedom of peaceful assembly.

With regard to **Market Plurality** area, a high risk assessment is shown for four of the five indicators. Main changes are observed in those indicators related to transparency of media ownership and media viability. Although media laws provide ownership restrictions in the media sector, these restrictions are limited in scope and they mainly affect audio-visual communication service providers. While ownership data is theoretically publicly accessible, it is difficult even for experts to have a clear idea of who exactly is behind each company. The increase of risk in Media Viability indicator is due to the high impact of COVID-19 pandemic in the Spanish media sector.

In the area of **Political Independence**, all the indicators show medium risk except State regulation of resources and Support to media sector which scores low risk. Spain presents cases of political influence over news media. There is no regulation or law that might contribute to guarantee the autonomy in appointing and dismissing editors-in-chief. Regarding public service broadcasting, public broadcasters have traditionally been accused of lack of autonomy of editors-in-chief and pro-government bias both at the
national and regional level.

Finally, in the **Social Inclusiveness** area, the overall risk is medium. However, the indicator Protection against illegal and harmful speech scores high risk. Regarding this indicator, hate speech has increased in Spain throughout 2020, both due to the rise of political polarization and as a consequence of the pandemic. There is a legal framework to fight illegal hate speech, but it has been questioned by civil society organizations, as it may pose a risk to freedom of expression and information.

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

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

The overall result for the **Fundamental Protection** area in Spain is medium risk. The five indicators in this area show risk levels from 21% to 67%, with one of them at high risk and two low-risk. This is a situation similar to that of the previous year because the problems persist.

Regarding the **Protection of freedom of expression** (medium risk, 44%) and **Protection of right to information** (high risk, 67%), the assessment shows a worrisome situation. The Spanish Constitution of 1978 recognises, among the rights and freedoms of public communication, the right of freedom of expression as well as the right to information. However, some legal reforms have had a significant impact on the exercise of these rights such as the reform of the Spanish Penal Code (Organic Law No. 1/2015) as well as the Organic Law No. 4/2015 on the protection of public security. After the legal reforms, and under the umbrella of the protection of public security, there are several articles in which “the parameters of the UN are not being respected.” (PDLI et al., 2019), and two international reports, one from the United Nations (Human Rights Council (2020), and another from the European Commission (2020), indicate the existence
of unacceptable limits to freedom of expression in Spain.

The **Journalistic profession, standards, and protection indicator** shows a medium risk (42%). If a few years ago, the attacks or threats against journalists were very exceptional in Spain, there is a current trend towards the normalization of this type of behaviour. If last year the Catalan conflict concentrated the majority of cases, during 2020 violations of freedom of expression and attacks and harassment to journalists in Spain must be understood in a context of extreme political polarization. Attacks are fuelled by the attitude of some parties and political representatives and executed by protesters while journalists perform their reportorial duties (RSF, 2020)[1]. In 2020, the pandemic also hit the journalistic profession, which already suffered from a precarious employment situation before COVID-19. Two weeks after declaring the state of alarm in Spain, numerous media companies began to present temporary employment regulation files (ERTE) (PRnoticias, 2020)[2]. Many of the companies also proposed salary reductions that, in some cases, meant 50% of salary. Freelance journalists were the most affected (APM, 2020)[3].

The risks to the **Independence and effectiveness of the media authority** score a low risk (22%). The National Markets and Competition Commission (CNMC) is the regulatory body for the sectors subject to regulation, such as the audio-visual sector. There is no specific authority involved in regulating the press or any other media sector. In accordance with Law No. 3/2013, June 4th for the creation of the National Markets and Competition Commission, the CNMC is autonomous and fully independent of the government, public authorities, and all business and commercial interests. There have even been formal calls from the European Institutions to the Spanish government to preserve the independence of the regulatory authority (IRIS, 2019:53; Pérez, 2017).

Finally, the indicator **Universal reach of traditional media and access to the Internet** ranks at low risk (21%). Coverage of Public Service Media (PSM) and broadband is almost universal. However, with regards to Internet Service Providers, the market shows high levels of concentration that have increased in recent years, the top 4 IPS account 95% of market shares (CNMC, 2020).

### 3.2. Market Plurality (75% - high risk)

The **Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence**
This area shows on average a high risk according to the data collected (75%). Four indicators are at high risk, while one indicator which has been identified as medium risk is close to the high threshold.

Covid-19 has hit the media sector very hard, and the **Media viability** indicator notably worsens (79%, high risk) compared to previous year. The decrease of media income was higher than the decline of GDP (10.5%), especially due to the decrease in advertising income, which was 17.9% (Infoadex. 2021). Print media was the most affected, with a drop in advertising turnover of 30.8%, while digital media was the sector that has best withstood the crisis, with a decrease of 5.3%. Despite complaints from media sector associations, the Government has not taken specific measures to compensate for the decrease of news media revenue, except for a reduction in VAT on digital media (from 21% to 4%), that it equates this VAT with that of print media. On the other hand, the crisis has accelerated the process of seeking alternative income by digital media (both native digital and hybrid media), which partly explains his better performance.

Another indicator that worsens compared to previous year is **Transparency of media ownership**, which passed to high risk (78%). The increase of the level of risk in this indicator is mainly due to a methodological change in the MPM, since this year the digital media, whose transparency is very little regulated, has more prominence. There have been no legislative changes in transparency in 2020. News media ownership continues to be effectively provided only for radio and television, while ultimate ownership remains difficult to know due to lack of specific legislation.

**News media concentration** and **Online platforms concentration and competition enforcement** remain at high risk. In the first case, it worsens slightly compared to previous year. The Top 4 TV media have 79% of audience (Barlovento Comunicación, 2020), and the two main TV companies (Atresmedia and Mediaset) account for 80.5% of advertising revenue (CNMC, 2020). In radio, the Top 4 media have 75% of audience (AIMC, 2020), and in newspapers, the Top 4 media have 91% of audience (AIMC, 2020). In the digital sector, the concentration is lower, with 53% of the audience for 4 Top media (González, 2020). In online platforms concentration, the level of risk is similar to that of 2019, with the same problem of lack of transparency of the two main players, Google and Facebook, despite the Government passed the Certain Digital Services Tax bill, approved in 2020 ("Google tax") (Law 4/2020, October 15th), in order to tax
technology companies’ revenues as well as to require technology companies to provide information on all their activity in Spain. The CNMC (National Commission of Markets and Competition) also launched an investigation (without capacity to impose sanctions) on the conditions of competition in the online advertising sector, but the results have not yet been published.

Finally, the Commercial & owner influence over editorial content indicator remains at medium risk, at the same 60% of previous year: the status of journalists remains unregulated, and there are no regulatory prescriptions that guarantee the independence of editors-in-chief from commercial interests.

3.3. Political Independence (47% - medium risk)

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

The area of Political Independence presents an overall situation of medium risk of 47%. This area includes indicators with different levels of risk, although most of them are within the category of medium risk. Editorial autonomy, still scored as medium risk is the one that presents a relatively higher risk (63%), while State regulation of resources and support to the media sector is the one with the lowest level of risk (33%, low risk, close to medium). The situation is stable in this area, with few new developments since the last MPM editions. However, the pandemic has weakened the media sector, in which advertising spend and revenues have fallen, making media more vulnerable to political pressure.

As mentioned, Editorial Autonomy is the indicator that shows higher risk. This is mainly due to the fact that Spain presents cases of political influence over privately owned news media and that there is no regulation related to private news media that might contribute to ensure autonomy in the appointment or dismissing of
editors-in-chief. The indicator on **Political Independence of media** receives a 50% medium risk assessment. Although political and economic pressures and influence over news media are common, there are no relevant cases of direct political ownership and political control. Despite the fact that there are no specific regulations containing limitations to direct and indirect control of media by party, partisan group or politicians this situation is not occurring, in practice. The situation in Spain regarding these two indicators can be described as a strong connection or dependence of news media to political and economic elites. This reality is shown every year in the Annual Report of the Journalistic profession made by the Asociación de Prensa de Madrid (APM, 2020), in which the lack of political and economic independence of media, together with the lack of neutrality, are identified among the five main problems of journalism in Spain, according to journalists.

In regards to **Independence pf PSM governance and funding** (50%, medium risk), despite hopes of more political independence brought by new national and regional laws related to the election of the governing bodies of public service broadcasting, the renewal of such bodies is still paralysed due to a lack of political agreement. This situation is especially troublesome regarding the national PSB, Radio Televisión Española, and also in the Catalan PSB, Corporació Catalana de Mitjans Audiovisuals. Spain has a long history of government control over public media: the law requires qualified majorities for the election of the PSB board members (Law 5/2017, September 29th), but the reality is that political parties in national and regional parliaments are used to bargain positions on the board, making the composition of such bodies a mere reflection of parliamentary majorities.

Finally, **State regulation of resources and support to the media sector** scores 22%. Laws and regulations about subsidies to media outlets ensure that in general those are distributed in a fair and transparent manner, with the main exception of institutional advertisement. In this sense, the distribution of state advertising to media outlets has problems regarding transparency and alleged discrentional allocation practices have been reported (Dircomfidental, 2021).

### 3.4. Social Inclusiveness (62% - medium risk)

The **Social Inclusiveness** area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country’s media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges arising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.
The area of Social inclusiveness presents an overall result of 62%. Nevertheless, this area gathers indicators that show very different results. 4 out of 5 indicators score medium risk (Access to media for women (65%), Access to media for minorities (63%), Media literacy (50%), Access to media for local/regional communities and for community media (44%)), while Protection against illegal and harmful speech presents a high level of risk (90%).

The indicator **Access to media for women** reaches a medium risk. Data shows that women are underrepresented in most media companies’ leading positions. The share of women among members of management boards of private TV companies is 30%, while no woman is at the helm of the country's major media. Although PSM continues to implement gender equality policies, they are limited in scope and remain not effectively implemented. Hence, the share of women among executives of RTVE is 38% and internal reports confirm the presence of gender wage gap in Spanish PSM, both at national and regional level. Women are also underrepresented as interviewed experts on the news.

**Access to media for minorities** shows medium risk. This indicator has improved compared to previous year, but it is mainly due to changes in the methodology, particularly due to the integration of the variables concerning the access to media for people with disabilities for which Spain scores a low risk. Spanish law does not recognise any national minority. Although Spain confirmed in the 1995 the Framework Convention for the Protection of National Minorities, the application of the FCPNM has been very restrictive in Spain. In practice, Spain only applies the FCPNM to the Roma community but making it clear that this does not entail any recognition of minority status. Some minorities - particularly linguistic and religious minorities - have access to airtime on PSM, but never proportionally to the size of their population.

**Media literacy** remains at the same medium risk level (50%) as last year, although in 2020 some steps were taken that could improve the situation. In December 2020, the new Education Law was approved (Organic Law 3/2020, December 29th), which for the first time includes in the curricula a specific media literacy subject (not as a compulsory) for the development of “digital competence” among students aged 12 to 15 (article 24.3).
In regards to Access to media for local/regional communities and for community media (44%), the situation is similar to the previous year. While most of the local and regional communities have some sort of public service broadcaster, the situation for community media is still unsatisfactory as far as the law recognises to the non-profit community media the right to access to media platforms. The latter has never implemented effectively.

Finally, Protection against illegal and harmful speech is the most alarming indicator, it presents a high level of risk (90%). Hate speech and hate crimes has increased in Spain in recent years, mainly against minorities and women, but also for ideological reasons. Hate incidents have also risen since the start of the pandemic. The main problem, however, is that the existing legal framework to tackle hate crimes may involve a risk for freedom of expression and information. In this sense, civil society organisations like PDLI have been warning of the risks to freedom of expression posed by some articles included in the Criminal Code (PDLI et al, 2019). Similar concerns have been identified regarding the fight against disinformation (PLI, 2020).
4. Pluralism in the online environment: assessment of the risks

Pluralism in the online environment tends to be at similar risks compared to the overall risk assessment. Regarding pluralism in the online environment, Spain presents a higher risk in the areas of Market Plurality (72%) and Social Inclusiveness (70%), medium risk in Political Independence (57%) and lower risk in the area of Fundamental Protection (32%).

The area of **Fundamental Protection** contains six sub-indicators that measure digital risks, and their results are mixed. Although the overall risks’ results in Fundamental Protection in the digital environment might seem low, the indicators affected are of special relevance, as we highlight below. While the final score is low due to the excellent results for the online dimensions of the indicator Universal reach of traditional media and access to the Internet, there have been some worrisome developments in other areas. The same problems identified with freedom of expression offline Spain are reproduced and increased in the online environment. Organic Law No. 4/2015 and the Penal Code are applied both offline and online, as well as other laws like the Royal Decree-Law No.14/2019, which grants the government the power to intervene, lock, or shut down the electronic communication networks and services, without any judicial intervention.

The indicators on Journalistic profession, standards and protection and Journalism and data protection have worsened during 2020. Digital harassment of journalists in Spain has increased in the last years. The attacks, which occur preferentially through social media and the section of comments on news, are frequent and come from, but not limited to, the extreme right. Critical journalists and fact-checkers also have been under attack since the beginning of the coronavirus crisis (Reporters Without Borders, 2020). With regard to Journalism and data protection indicators, Spain has not yet transposed or communicated transposition measures regarding the Data Protection Law Enforcement Directive.

The indicators on the online dimension of **Market Plurality** indicate a high risk. Here, the main concerns are related to ownership concentration and the lack of available data of news media operating in the digital
realm. Although information about online news media ownership is public and available, information required does not include all the basic data needed to establish ownership and it is cumbersome for the average citizen. There is no special legislation focused on online media that takes into consideration the evolution of the media environment, neither it takes into account the specificities of digital news media. The absence of special legislation is complemented with a lack of data regarding key issues such as the market and advertisement shares of digital-native news media. In 2020, Spanish Senate passed a Digital Services Tax (DST) under which companies offering certain digital services will be taxed 3% on their income (Law 4/2020, October 15th). Spanish governement expects to collect more than €900 million per year.

The **Political independence** domain contains four sub-indicators on digital risks to media pluralism and it presents a medium risk (57%). Digital news media in Spain show a similar degree of political influence or control as their offline counterparts. Although control over media through direct ownership is virtually non-existent in Spain, it does not mean that news media outlets, and particularly, online native media outlets are free of political influence. Digital native media can be considered as the most easily influenced media. They are vulnerable to pressure because of their economic weakness, as well as because in a highly polarized media system, such as the Spanish one, most of the media are clearly partisan. In this sense, complaints about the unfair distribution of public expenditures (i.e. institutional advertising and subsidies) depending on the ideological alignment of digital news media are frequent. Existing legislation does not guarantee equal opportunities and transparency regarding online political advertising during election campaigns. There is no legal framework to limit political advertising online, nor is there an obligation for political parties to disclose these advertisement expenses.

Regarding **Social Inclusiveness**, it scores high risks in the digital environment. Spain presents around 57% of the population with basic or above digital skills, while 31% have low overall digital skills (Eurostat, 2019[9]). Furthermore, hate speech is a current issue, especially against women or minorities (Gobierno de España, 2020)[10]. Efforts to remove this kind of uncivil behaviour from social media or other online spaces like comments on the news are still in a very early stage of development.
5. Conclusions

The MPM 2021 confirms the results of previous years, with a progressive worsening of media pluralism in Spain. The pandemic has exacerbated existing problems and has brought to the surface others that until now had gone unnoticed. Political polarization has become more acute and this is evident in a deep division in Parliament, which prevents the necessary consensus for important legislative reforms. In addition, various initiatives aimed at fighting the pandemic have been considered attacks on fundamental rights.

Within this context, the area of **Fundamental Protection** maintains similar results, highlighting the worrying scores in the freedom of information indicators (high risk 67%) and freedom of expression (44%) to a lesser extent. As national and international organizations have recommended, repealing or amending certain laws is urgent, particularly the Criminal code, Organic Law 4/15, and Royal Decree-Law 14/2019. During the state of alarm, the transparency and accountability of national, regional and local governments have also been negatively affected. The protection of journalists is also a matter of concern (medium risk, 42%). The aggressions and threats to the journalists have increased and in some times encouraged by political parties and political leaders.

**Market Plurality** has deteriorated in all the variables. There is a strong media concentration, especially on television and on online platforms. However, crisis caused by the Covid-19 pandemic has served to highlight and intensify a contradiction that already existed in the media market in Spain: despite the fact that the main media outlets continue to concentrate market and audience shares, their economic viability decreases (in 2020, dramatically due to the fall in advertising revenues). Furthermore, despite the increasing importance of digital media, they are not yet an effective alternative to compensate for the shortcomings of traditional media.

In the area of **Political Independence**, the lack of safeguards for securing the independence of PSM is one of the most relevant issues for media pluralism. Private media are not shielded from political interference. In this sense, the media, in a polarised political system (Hallin & Mancini, 2004), have contributed to the radicalisation of Spanish public life.

Finally, with regard to **Social Inclusiveness**, threats to media pluralism are also present. However, it is Protection against illegal and harmful speech the worst scored indicator. Results in this issue are related to the polarization of the Spanish society, exacerbated during the pandemic. Women in media are still underrepresented.

**Recommendations:**

- To reform the legal framework to repealing or amending the laws that make it possible to restrict freedom of expression and information.
- To guarantee the protection and safety of journalists. Governments, political parties as well as civil and professional organizations must be actively involved in the defence of informants beyond their own ideological interests.
- To reform the legal framework in order to ensure political independence of public and private media. This would include reforms regarding transparency, state advertisements and subsidies, protection of whistleblowers, and the appointment of PSM boards, among others.
6. Notes


[5] Since 2012, RTVE has an Equality Plan that aims to achieve equal treatment and opportunities between women and men. In the introduction (1.5), it defines what is considered "balanced presence or composition": For the purposes of the Equality Act, the terms “balanced presence or composition” will mean that people of each sex would not exceed sixty percent nor less than forty percent*. The Plan details how the balanced presence should be sought through recruitment, promotion and access to the governing bodies. (Plan available at www.rtve.es/contenidos/corporacion/Plan_Igualdad_RTVE.pdf) In November 2020, the RTVE corporation approved an Equality Guide, which updates the Style Manual approved in 2010 ( available at http://extra.rtve.es/ugt/2020_guiaigualdadrtve.pdf). The Guide had the unanimous support of all members of RTVE's Equality Observatory, which was set up in 2018 and is made up of representatives of workers, management and women's associations. The Observatory has, among other objectives, "to promote the broadcasting of an equal, balanced and plural image of both sexes, outside the canons of beauty and sexist stereotypes, as well as an active participation of women in the roles they play in the different areas of life, with special emphasis on the content of programming aimed at children and young people".


[7] Article 32 of the Spanish Law 7/2010, March 31st, regarding Audiovisual Communication, recognises to the non-profit community media the right to access to media platforms, with previous authorisation and license (Art 32 (3)). The law, in its Article 32 (2) specifies that the “General State Administration” (Spanish Government) must guarantee the necessary frequency spectrum for the provision of these services (community media). The Law 7/2010 is available at: https://www.boe.es/buscar/pdf/2010/BOE-A-2010-5292-consolidado.pdf

[8] In the Spanish legal framework, hoaxes or false news as such are not contemplated in the Penal Code. However, in April 2020, the Technical Secretariat of the State Attorney General's Office prepared the report “Criminal treatment of ‘fake news’, which serves as a guide for the actions of prosecutors. The guide is available at: https://www.icab.es/export/sites/icab/.galleries/documents-noticies/tratamiento-penal-de-las-fake-news-fiscalia-general-del-estado.pdf


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Annexe I. Country Team

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<tr>
<th>First name</th>
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<th>MPM2021 CT Leader</th>
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<tbody>
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<td>Facultad de Comunicación y Relaciones Internacionales Blanquerna. Universidad Ramon Llull</td>
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Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflects the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

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<th>First name</th>
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<tbody>
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<td>Llorach</td>
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<tr>
<td>Alejandro Perales</td>
<td>Presidente</td>
<td>Asociación de Usuarios de la Comunicación</td>
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