

Note: The following is a faithful translation of the Law 11/2007, of 11th October, of the Catalan Broadcasting Corporation, and it is meant to convey the full sense of the original Law written in Catalan. In no sense can this translation be considered a legal translation.

PRESIDENTIAL DEPARTMENT

LAW

11/2007, of 11th October, of the Catalan Broadcasting Corporation.

The President of the Generalitat de Catalunya

Be it known to all citizens that the Parliament of Catalonia has passed, and I, on behalf of the King of Spain, and in accordance with what is laid down in Article 65 of the Statute of Autonomy of Catalonia, promulgate the following

LAW

Preamble

The creation of the Catalan Broadcasting Corporation (before *Corporació Catalana de Ràdio i Televisió*, CCRTV, and now *Corporació Catalana de Mitjans Audiovisuals*, CCMA), in 1983, and the deployment of it to date constitute one of the most important landmarks in recent history in the process of recovery of the institutions of self-government and of cultural and linguistic normalisation of Catalonia, and it has further played an important role in the impulse and the development of the Catalan audiovisual industry.

In the last two decades, the audiovisual sector has experienced profound changes. The overcoming of radio, television and telecommunications incumbencies, the arrival of new operators and the multiple technological advances, especially in the field of digitalisation, have modified substantially the sociocultural and competitive environment in which the new public media and services of audiovisual communication have to develop.

This new context requires a ample revision of the previous models and begs for a definition of the function and the duties of the public service. This function must also include the right measures to avoid the so-called *digital divide* in the transition towards the information society and guarantee universal access to the various modes of dissemination of knowledge, of information and of cultural expressions.

Similarly, the new context of the audiovisual sector in Catalonia also requires that a deep revision is carried out of what was laid down in the Law of the Creation of the Catalan Broadcasting Corporation. The Resolution 3/VI of the Catalan Parliament, adopted in the plenary session of 15th December 1999, established unanimously the bases of a new legal framework of the communications system, the main lines of promotion of the Catalan space of communication, and the general principles of the public and private communication media. According to this resolution, the new operations of the Catalan Broadcasting Corporation must follow the criteria of independence, of high professional standards and of economic feasibility; they must adapt to the new demands of the technological changes and to the emerging demands of society; they must grant more attributions to the board of directors regarding the management and business strategy, and must guarantee that the bodies in charge of the public media are made up of experts and managers that conform to a professional profile under a rigorous regime of incompatibilities. This resolution is also a reminder of the demands that must be met by the public media concerning programmes and content, and underlines the

need of promoting the cultural and educational function entrusted to them, and of disseminating the democratic, civic and ethical values, as well as the human rights.

The objective of this law is to replace the regulation laid down by Law 10/1983, of 30th May, of the Creation of the Public Body Catalan Broadcasting Corporation and of the regulation of the services of the radio and television broadcasting of the Generalitat de Catalunya, in order to adapt the Catalan Broadcasting Corporation to the new technological and sociocultural challenges. To reach these objectives, the following regulation has been laid down.

Firstly, it must be said that the Catalan Broadcasting Corporation has changed its name in Catalan, changing from *Corporació Catalana de Ràdio i Televisió*, CCRTV, to its present *Corporació Catalana de Mitjans Audiovisuals*, CCMA, as a result of the extension of its functions in accordance with the technological changes that have taken place since the promulgation of the Law 10/1983, and also as an anticipation of those that could take place in the future.

Chapter I is devoted to general provisions.

Chapter II lays down the nature and the legal status of the Catalan Broadcasting Corporation.

As for the organisation, fixed in Chapter III, the same structure of the Corporation is maintained as that laid down by Law 10/1983, but new functions are taken on by the Governing Council and its President, who undertakes the institutional representation of the Catalan Broadcasting Corporation. On the other hand, the participation of the Catalan Broadcasting Authority in the election of the members of the Governing Council chosen by the Parliament, to assess the suitability of the candidates, is introduced here. The duration of the mandate of the members of the Governing Council is accorded for a period longer than a term of office to guarantee its independence.

The Director-General takes on the highest executive position of the Catalan Broadcasting Corporation, which he or she runs by commission of the Governing Council. The Director-General is appointed by the Governing Council among professionals of prestige, after an open contest of merits.

Considering the valuation of the decisions on the programming of the public service channels, the Advisory Council for Content and Programmes is redefined as an body that assists the Governing Council and the Director-General for the definition and the evaluation of the programming policies and strategies.

Chapter IV relates to the ways of management, and it lays down that the management of the public service, and of the service of the of areas included in the activity of the Catalan Broadcasting Corporation, must be carried out through public companies, which must adopt the format of a corporation (joint-stock company).

Chapter V develops the concept and the content of the programme contract, which has already been singled out as the legal instrument in Chapter I.

Chapter VI deals with the principles, the objectives and the obligations of the programmes of the public service of the Catalan Broadcasting Corporation to carry out the directives of the framework mandate and the specific commitments agreed to in the programme contract.

Chapters VII, VIII and IX regulate the issues of budget and funding, capital and personnel.

Chapter X determines the three types of control to which the Catalan Broadcasting Corporation is subject, namely: the parliamentary control, the control of the fulfilment of the function of public service and the budgetary and financial control.

The final part of the Law includes three additional provisions, a transitory provision, a derogatory provision and two final provisions.

Chapter I

General Provisions

Article 1

Object

The object of this law is to regulate the offer of the public service of audiovisual communication of the Generalitat, in accordance with Article 23.1 of the Law 22/2005, of 29 December, of the audiovisual communication of Catalonia, and to lay down the legal status of the Catalan Broadcasting Corporation.

Article 2

A function of public service

The public service of audiovisual communication of the Generalitat consists, according to what is laid down in Article 23.2 of the Law 22/2005, in making available to the citizens of Catalonia of a number of audiovisual content and other services to be determined in the programme contract that the Catalan Broadcasting Corporation must underwrite with the Government of the Generalitat, and which is regulated by Chapter V, aimed at satisfying the democratic, social and cultural needs of the citizens; at guaranteeing universal access to information, culture and education; at disseminating and promoting the Catalan language; and at offering an entertainment of quality.

Chapter II

Nature and legal status of the Catalan Broadcasting Corporation

Article 3

Nature

1. The Catalan Broadcasting Corporation is a body of public law with its own legal personality and full capacity to operate.
2. The Catalan Broadcasting Corporation stays formally ascribed to the Administration of the Generalitat by means of the Ministry competent in audiovisual matters.
3. The Catalan Broadcasting Corporation acts with full functional autonomy with respect to the Administration to which it stays ascribed, in the terms laid down by this law and by the Law 22/2005.

Article 4

Legal status

1. The activity of the Catalan Broadcasting Corporation must adapt to the norms of private law, except in those cases in which the law lays down the application of public law and, in all cases, in the relations of the Corporation with the Administration to which it stays ascribed.

2. Contracting by the Catalan Broadcasting Corporation and its subsidiary companies rests subject to private law, except in those cases in which it has to be governed by the legislation on administrative hiring. In all cases, the general principles laid down by the legislation on hiring of public administrations shall be respected.

3. The agreements reached by the government bodies of the Catalan Broadcasting Corporation and the aspirations deriving from them are the competency of the corresponding jurisdiction for each case, without having to formulate any previous claim nor administrative recourse.

Chapter III

Structure of the Catalan Broadcasting Corporation

Section One

Bodies of the Catalan Broadcasting Corporation

Article 5

Bodies

The Catalan Broadcasting Corporation, with regard to its operations, general administration and management, structures itself into the following bodies:

- a) The Governing Council and the President.
- b) The Director-General.
- c) The Advisory Council for Content and Programmes.

Section Two

The Governing Council

Article 6

Nature of the Governing Council

1. The Governing Council is the highest body of government and administration of the Catalan Broadcasting Corporation, within the framework of the competencies attributed to it by the law.
2. The Governing Council must listen to the Advisory Council for Content and Programmes, before making decisions, in those cases in which this law determines it.
3. The Governing Council undertakes the competencies that this law does not attribute expressly to any other body.

Article 7

Composition of the Governing Council and election of the members that make it up and of the President

1. The Governing Council is made up of 12 members, who must be people with the relevant professional merits.
2. The members of the Governing Council are elected by Parliament, by a two-thirds majority, after the Catalan Broadcasting Authority has proposed them and verified their suitability. To this effect, it must be specially valued that they have carried out functions of administration, of high management, of control or of consultancy, or functions of similar responsibility, in public or private entities.
3. Parliament will forward to the Catalan Broadcasting Authority the list of candidates to form part of the Governing Council of the Catalan Broadcasting Corporation, in a number that can be higher than that of the existing vacancies. The Catalan Broadcasting Authority shall issue a report on each of the candidates that will deal on their ability and suitability to occupy the

position, and will send the said reports to Parliament, before the public appearance and examination of the candidates before the corresponding committee.

4. Parliament will elect by a two-thirds majority the President of the Governing Council among the twelve members that make it up.

Article 8

Personnel statute of the members of the Governing Council

1. The members of the Governing Council have full-time dedication to the position, they act with full independence and neutrality and are not subject to any instruction or indication in the exercise of their functions.

2. The members of the Governing Council have the status of high-management staff of the Generalitat and are subject to the legislation applicable to them.

3. The condition of member of the Governing Council is not compatible with the condition of member of Parliament or of the Government, with the exercise of any position politically chosen or designated, with the exercise of activities in the public administrations and with the exercise of managing or executive functions in political parties, trade union or employers' organisations.

4. The members of the Governing Council cannot have direct nor indirect interests in audiovisual, cinema, video, press, advertising, computing, telecommunications or Internet companies, nor in any other type of entity related to the provision or allotment of material or of programmes to the Catalan Broadcasting Corporation or to its subsidiary companies, nor with any type of provision of services or of working active relationship with public televisions or radios nor in their subsidiary companies.

5. If a member of the Governing Council finds himself or herself in any of the cases of incompatibility detailed in this article, he or she will have three months to adapt his or her situation to what is laid down by the Law. If he or she does not do it, he or she will be automatically dismissed.

Article 9

Term of office of the members of the Governing Council

1. The term of office of the members of the Council is six years. The said members cannot renew the term, unless they have come to the position within six months of the end of the term, except in the case of the President, who cannot renew in any event.

2. Every three years half of the members of the Governing Council must be renewed. The President will be renewed every six years, coinciding with the end of the mandate.

3. In the event that a vacancy of a member of the Governing Council takes place before twelve months of the end of the mandate, a new member will be appointed, as laid down in Article 7. The mandate of this new member will end on the date in which the mandate of the member he or she is replacing would have ended.

4. The members of the Governing Council step down when their mandate expires, but they carry on exercising the functions corresponding to them until the new Councillors are sworn in.

5. The members of the Governing Council may step down by resignation or demise, through permanent incapacity to discharge the duties of their position, when an incompatibility takes place, through disqualification for the exercise of public positions, or through a firm penal conviction out of harmful crime, without prejudice to what is laid down by Law 14/2005, of 27th December on the intervention of the Parliament of Catalonia in the appointment of the authorities and the positions of parliamentary designation, and on the criteria and the procedures to assess their suitability.

Article 10

Duration of the term of office of the President of the Governing Council

1. The term of office of the President of the Governing Council lasts for six years and cannot be renewed under any circumstance.
2. The President of the Governing Council can be removed from the position by the Plenary of Parliament, by a majority of two thirds and at the suggestion of the Governing Council agreed to by two thirds of its members, with the previous consideration of the Parliamentary Control Committee of the Catalan Broadcasting Corporation.

Article 11

Competencies of the Governing Council

The following are the functions of the Governing Council:

- a) To lay down the basic guidelines of the business organisation and action of the Catalan Broadcasting Corporation and its subsidiary companies.
- b) To propose to the Government of the Generalitat the creation of new subsidiary companies, the dissolution and the liquidation of existing subsidiary companies and the investment or de-investment in other mercantile societies.
- c) To appoint and discretionally remove the Director-General of the Catalan Broadcasting Corporation, in agreement with the procedure and the criteria laid down in Article 14.
- d) To appoint and remove, at the suggestion of the Director-General, the managing staff of the Catalan Broadcasting Corporation and of its subsidiary companies.
- e) To set up the mechanisms of participation in the elaboration of the programme contract, which must include a mandatory report by the staff's representatives and by the Advisory Council for Content and Programmes.
- f) To approve the proposal of programme contract elaborated jointly with the Director-General, and to ensure that it adapts to the framework mandate approved by Parliament.
- g) To lay down the relevant directives so that the programming fulfils the public service mission entrusted to it, in accordance with the programme contract.
- h) To approve, at the suggestion of the Director-General, the plan of activities of the Catalan Broadcasting Corporation, as well as the plan of action of its subsidiary companies.
- i) To approve the annual report about the development of the activities of the Catalan Broadcasting Corporation and of its subsidiary companies.
- j) To approve, at the suggestion of the Director-General, the distribution of personnel and the organisational chart of the Catalan Broadcasting Corporation and of its subsidiary companies, respecting equality criteria between men and women.
- k) To approve, at the suggestion of the Director-General, the salary scale of the personnel of the Catalan Broadcasting Corporation and of its subsidiary companies.
- l) To approve, at the suggestion of the Director-General, the accounts and the preliminary budgets of the Catalan Broadcasting Corporation and of its subsidiary companies.
- m) To approve, if necessary, the debt of the Catalan Broadcasting Corporation previous to the authorisation of the competent bodies of the Generalitat.
- n) To ask the Director-General, at any time, for detailed and complete information about any aspect of its management.
- o) To dictate norms regulating the broadcasting of advertising on the media of the Catalan Broadcasting Corporation.
- p) To approve, at the suggestion of the Director-General, the programming criteria of the communication media of the Catalan Broadcasting Corporation.
- q) To ensure the fulfilment of the production quotas, in accordance with the regulations in force and the programme contract.
- r) To get to know and in the last resort to solve any conflicts arising with relation to the right of rectification.

- s) To acquire, make use of, alienate and tax all kinds of material and immaterial assets, and to constitute, accept, modify and extinguish all kinds of personnel and real rights, in agreement with what is laid down in the regulations currently in force.
- t) To acquire, tax and alienate by any title, within the limits laid down by the law; to carry out any operation on shares, obligations or other value titles; to carry out acts resulting in the participation in other societies, with the concurrence at their constitution or with the subscription of shares in capital increases or other emissions of value titles.
- u) To authorise the granting of all types of acts, contracts or legal businesses, with the agreements, clauses and conditions that are seen fit, in agreement with what is laid down in the regulations currently in force.
- v) To approve, if necessary, the rates or the prices for services requiring an economic contribution by the users.
- w) To approve the reports that the Catalan Broadcasting Corporation should send to Parliament, to the Catalan Broadcasting Authority and, if need be, to the Government of the Generalitat.

Article 12

How the Governing Council works

1. The Governing Council holds ordinary meetings of the board at least four times a month and also in cases judged to be emergencies by the President or when requested by a third of its members.
2. Motions of the Governing Council are passed by a majority of the members of right, except for those referring to Article 11, points *c*, *d*, *e*, *f*, *g*, *k* and *l*, which will be passed by a qualified two-thirds majority of the members. With regard to Article 11, points *d*, *e*, *k* and *l*, if a qualified two-thirds majority is not reached in the first vote, a second vote will be taken after twenty-four hours have elapsed. If in the new vote the two-thirds majority is not reached either, a third vote will be taken, in which the agreement can be validly adopted by a simple majority of the members of right.
3. The Governing Council must approve an internal operating system to regulate the rights and duties of Councillors, the activities that correspond to them, the meetings they have to hold, the majorities required in order to adopt agreements, and all that relates to the operation of the Council not covered by this Law.

Article 13

Functions of the President of the Governing Council

The President of the Governing Council has the following functions:

- a) To represent the Catalan Broadcasting Corporation in all sorts of public events before Parliament, before the Government, and before the representative institutions.
- b) To represent the Governing Council and ensure the execution of the resolutions taken.
- c) To answer orally or in writing the questions put him or her by the Parliamentary Control Committee on the actions of the Catalan Broadcasting Corporation.
- d) To ask the Advisory Council for Content and Programmes for the mandatory reports, and for those that he or she may consider relevant to ask of it.
- e) To convene the ordinary and extraordinary sessions and to elaborate the agenda.
- f) To preside over the sessions.
- g) To moderate the development of the debates, adjourn them through justified causes and to close the sessions.
- h) To co-ordinate the work of the committees and the reports.

Section Three

The Director-General

Article 14

The Director-General

1. The Director-General of the Catalan Broadcasting Corporation is appointed by the Governing Council after an open contest of merits among professionals of recognised competence and prestige.
2. The Director-General's status is one of high management staff.
3. The Director-General is the executive body of the Catalan Broadcasting Corporation, and attends the sessions of the Governing Council where he or she has voice but no voting rights.
4. The same regime of incompatibilities that applies to the members of the Governing Council is applicable to the Director-General.
5. In the event that the position of Director-General stays vacant, its functions have to be taken over if only provisionally, for a term no greater than three months, by the President, or by the person whom he or she may appoint among the high management staff of the Catalan Broadcasting Corporation.

Article 15

Functions of the Director-General

1. The Director-General, to whom correspond the faculties of high management of the Catalan Broadcasting Corporation, has the following functions:
 - a) To fulfil and require fulfilment of the provisions which regulate the Corporation and the motions passed by the Governing Council in its areas of responsibility.
 - b) To elaborate, together with the Governing Council, the proposal for the programme contract.
 - c) To elaborate and submit to the approval of the Governing Council the plan of activities of the Corporation, the plans of action of its subsidiary companies and the annual report.
 - d) To submit to the Governing Council the appointment and the dismissal of the management staff, using criteria of professionalism, once the Governing Council may have ratified the proposal.
 - e) To sort programming in accordance with the guidelines approved by the Governing Council.
 - f) To propose to the Governing Council the staff distribution and organisational chart of the Corporation and its subsidiary companies, and the scale of retributions of the personnel.
 - g) To promote, guide, co-ordinate and inspect the services of the Corporation and of its subsidiary companies, and to lay down the provisions and the instructions relative to the internal operations and organisation, without prejudice to the competencies of the Governing Council.
 - h) To act as the hiring body of the Corporation and of its subsidiary companies, without prejudice, if necessary, to the mandatory authorisation of the Government.
 - i) To authorise the payments and expenses of the Corporation and of its subsidiary companies, without prejudice to what the statutes of these companies lay down and of the faculty of delegation.
 - j) To carry out the ordinary representation of the Corporation in trials and in all types of actions that do not correspond to the President of the Governing Council.
 - k) To ask, through the Governing Council, for the reports deemed necessary from the Advisory Council for Content and Programmes.
 - l) To make fulfil what is laid down by the organic Law about the right of rectification, with regard to the letters of rectification.
 - m) To grant, with the previous authorisation of the Governing Council, all types of acts, contracts and legal businesses in agreement with current legislation.
 - n) To fulfil the other functions that, if necessary, are delegated expressly to him or her by the Governing Council.

Section Four

The Advisory Council for Content and Programmes

Article 16

The Advisory Council for Content and Programmes

1. The Advisory Council for Content and Programmes is the advisory body of the Catalan Broadcasting Corporation in matters of programming and content. The Advisory Council assists the Governing Council and the Director-General for the definition and evaluation of the programming policies and strategies of the Corporation's various media and services.
2. The Advisory Council for Content and Programmes is made up of twenty-one members, elected by Parliament among people of recognised professional prestige, who represent the plurality of Catalan society. At least, the following professional sectors have to be represented in it: education; civil, cultural and users' associations; and the staff of the Catalan Broadcasting Corporation. The members of the Advisory Council for Content and Programmes must be elected by a two-thirds majority of the Plenary of Parliament.
3. The Advisory Council for Content and Programmes must be constituted within a period not longer than six months since the constitution of the Governing Council.
4. The mandate of the members of the Advisory Council for Content and Programmes must be renewed every four years.
5. The condition of member of the Advisory Council for Content and Programmes involves the right to the expenses accorded by the Governing Council.

Article 17

Functions of the Advisory Council for Content and Programmes

1. The Advisory Council for Content and Programmes, as an advisory body of the Catalan Broadcasting Corporation, has the following functions:
 - a) To inform mandatorily the Governing Council about the main lines of programming and the aspects relating to programming included in the programme contract.
 - b) To inform mandatorily the Governing Council on the programming of the communication media of the Catalan Broadcasting Corporation.
 - c) To issue a quarterly report on the development of the programming of the various media and services of the Catalan Broadcasting Corporation.
 - d) To elaborate the reports entrusted to it by the Governing Council and, especially, on the development of the programme contract in the aspects relative to programming, such as quality, the social and cultural impact and the figures of audience.
 - e) To study user demands and ensure they reach the Governing Council.
 - f) To suggest to the Governing Council all the measures or initiatives that contribute to improve the quality of programming.
2. In order to discharge the consulting functions that correspond to it, the Advisory Council for Content and Programmes must elaborate its internal operating system, which will regulate the procedure for the election of the President, the regime of the sessions and the procedure for the adoption of agreements.
3. The Catalan Broadcasting Corporation must guarantee the sufficient resources so that the Advisory Council for Content and Programmes may develop with efficiency the functions that correspond to it.
4. The Advisory Council for Content and Programmes must take special care so that the content of programmes conforms to Title I of the Statute of Autonomy of Catalonia, relating to the rights and duties of the citizens and the ruling principles.

Chapter IV

Management

Article 18

Management of service

1. The management of the public service of audiovisual communication object of this law corresponds to the Catalan Broadcasting Corporation through the public companies that have to adopt the form of a corporation (joint-stock company).
2. The capital of the public companies to which Clause 1 above refers has to be fully underwritten by the Generalitat through the Catalan Broadcasting Corporation and cannot be transferred nor ceded nor taxed either with or without payment.

Article 19

Other subsidiary societies and participation in mercantile societies

1. The Government of the Generalitat, at the request of the Governing Council, can agree to constitute other subsidiary public societies with a different object to that laid down in Article 18.1 to obtain a more efficacious management in the areas of its activity. These societies must fulfil the requirements laid down by Article 18.2.
2. The Government of the Generalitat can authorise, at the request of the Governing Council, the participation of the Catalan Broadcasting Corporation or of its subsidiary societies in the social capital of other mercantile societies, without prejudice to what is laid down in Article 31.6 of the Law 22/2005.

Article 20

Legal status of the subsidiary companies of the Catalan Broadcasting Corporation

1. The subsidiary companies of the Catalan Broadcasting Corporation are governed by private law, except in what is laid down by this law.
2. The statutes of the subsidiary companies of the Catalan Broadcasting Corporation shall appoint a sole administrator, who must be appointed and separated by the Governing Council.
3. The statutes of the subsidiary companies of the Catalan Broadcasting Corporation shall define the faculties of the sole administrator with relation to the authorisation of expenses, of ordering of payments and hiring. The said statutes should also determine the faculties reserved to the Director-General of the Corporation.
4. As for the subsidiary companies of the Catalan Broadcasting Corporation devoted to sound and television radiobroadcast, the position of sole administrator and that of Head of the medium can be occupied by the same person.
5. The position of Head of the medium has the same incompatibilities as those of Director-General of the Catalan Broadcasting Corporation.

Chapter V

Programme contract

Article 21

Content of the programme contract

1. The programme contract that the Catalan Broadcasting Corporation must underwrite with the Government of the Generalitat shall include the mandatory clauses of agreement with the legislation about public finances of Catalonia and also the content that derives from the rest of the legislation applicable to audiovisual communication. In all cases, it shall include the following clauses:

- a) To lay down the scope of the commission of services that the Government of the Generalitat makes to the Catalan Broadcasting Corporation and to its subsidiary companies, in agreement with the framework mandate passed by Parliament.
 - b) To specify the broadcasting of advertising, taking into account the quality control, the content of advertising messages and the adaptation of the times of advertising to programming and to the needs of the media.
 - c) To lay down the criteria to guarantee the right of access to the significant political and social groups, and the criteria of distribution among these groups.
 - d) To lay down the production quotas required by European legislation, by the Spanish state and by Catalonia to be filled by each media, as well as the selection criteria.
 - e) To determine the parameters of economic efficiency and of quality guarantee of the services.
 - f) To fix the criteria for the obtention of income resulting from advertising and other funds.
 - g) To fund the annual entries of the Generalitat's budget destined to compensate the cost of the agreed services of a public nature.
 - h) To ensure the transparency in management, with measures such as the justification of external investments and periodical reporting to Parliament.
 - i) To lay down the indicators to carry out the evaluation of the programme contract and the criteria of the composition of the monitoring committee of the said programme contract. This monitoring committee has to include two representatives of the staff of the Corporation and of its subsidiary companies.
2. The Government must send the programme contract, before approving it, to the Catalan Broadcasting Authority, who will issue a mandatory report, as is laid down in Article 31.2 of the Law 22/2005.

Chapter VI

Programming

Article 22

General principles of programming of the Catalan Broadcasting Corporation

1. The inspiring principles and the lines of action of the public service programming of the Catalan Broadcasting Corporation, in addition to what is laid down by the legislation applicable in matters of audiovisual communication, are those laid down by the framework mandate and the programme contract.
2. The public service programming of the channels of the Catalan Broadcasting Corporation must be plural, in order to try to satisfy the needs of the whole population. All channels and services considered to be of public service are of free access.
3. The institutional language in which to provide the public service of audiovisual communication of the Catalan Broadcasting Corporation is Catalan.

Article 23

Obligation of dissemination of European, Catalan and independent works

Concerning the dissemination of European, Catalan and independent works, the Catalan Broadcasting Corporation rests subject to what is laid down by the legislation applicable in matters of audiovisual communication.

Article 24

Obligation to fund European and Catalan films and animation series

1. The Catalan Broadcasting Corporation shall destine every year a minimum six per cent of the total income figures from the previous financial exercise, in agreement with its profit and

loss sheet, to the advanced funding of the production of long and short films, of TV films, of films of new directors, of experimental films, of documentaries, of pilot programmes, and of animation series.

2. The programme contract shall specify the proportion of funds to be destined to works in Catalan and, at least, it should lay down a specific percentage for works and animation series by independent Catalan producers.

Article 25

Social access

The rationalisation of the radio and of television space must be done in a way in which the most significant social and political groups may have access to it. To this end, the Catalan Broadcasting Corporation must take into account the objective criteria of parliamentary representation; the political, trade-union, social and cultural implantation, and the territorial sphere of action; the indications from the Advisory Council for Content and Programmes; and the recommendations that the Catalan Broadcasting Authority may have issued on this matter.

Article 26

Monitoring of the programming

The Director-General of the Catalan Broadcasting Corporation shall inform permanently the Governing Council and the Advisory Council for Content and Programmes about the fulfilment of the obligations relating to programming as laid down in the programme contract.

Chapter VII

Budget and funding

Article 27

Budget principles

1. The budget of the Catalan Broadcasting Corporation must conform to what is specified in the Budget Law, the Law of Public Funding of Catalonia, and to the specifications laid down by this Law.

2. The budget will be elaborated and managed in accordance with the principles of budget balance.

Article 28

Preliminary budget

The preliminary budget of the Catalan Broadcasting Corporation and of each of its subsidiary companies must be forwarded to the Government of the Generalitat to be integrated into the Bill of Budgets of the Generalitat de Catalunya.

Article 29

Budget

1. The Catalan Broadcasting Corporation is funded in accordance with what is laid down in Article 31 of the Law 22/2005.

2. Without prejudice to the budget of the Catalan Broadcasting Corporation and of the separate budget of each of its subsidiary companies, a consolidated budget will be established with the aim of avoiding temporary or definitive deficits of cash, and to enable a coverage through the superavit of the entities and the societies included in the integrated budget.

3. The present Law hereby authorizes the possibility of reducing income with regard to the budget of the Catalan Broadcasting Corporation.

Chapter VIII

Capital

Article 30

Capital

Both the capital of the Catalan Broadcasting Corporation and that of its subsidiary societies are considered to be in the public domain, as capital pertaining to a public service, and enjoy the corresponding exemptions with regard to taxation. No legal value or effect will be given to any agreements having the intention of changing the passive subject of the taxes.

Chapter IX

Personnel

Article 31

Status of the personnel

1. Labour relations within the Catalan Broadcasting Corporation and its subsidiary companies will be determined by ordinary labour legislation.
2. The position of belonging to the Advisory Council for Content and Programmes does not convey any labour rights.
3. The situation of employees of the Generalitat who join the staff of the Catalan Broadcasting Corporation or of its subsidiary companies will be regulated by the Statute of Public Function.
4. The hiring of personnel of the Catalan Broadcasting Corporation and of its subsidiary companies in a permanent capacity can only be done by means of the established admission tests, with the previous authorisation of the Governing Council, and respecting the principles of equality, concurrence, advertising, merit and capacity.

Article 32

Union representatives' committees

1. The relevant Union representatives' committee corresponding to the various subsidiary companies can be set up in accordance with what is laid down in labour legislation.
2. At the suggestion of the Union representatives' committee, an inter-companies committee can be set up.

Article 33

Professional committees

1. The subsidiary companies of the Catalan Broadcasting Corporation grant themselves a professional statute and the corresponding professional committees. It is the task of the Governing Council to approve them.
2. Elections to the professional committees must be called by the Governing Council, with the periodicity and the procedure laid down in its statute.

Chapter X

Control

Article 34

Parliamentary control

1. The provision of the public service of audiovisual communication is subject to the control of Parliament, without prejudice to the competencies that correspond to the Catalan Broadcasting Authority in this matter.
2. The Director-General of the Catalan Broadcasting Corporation, the Directors-General, the CEOs and the rest of management staff from the subsidiary companies are subject to the control of the corresponding parliamentary committee, through the procedures laid down in Articles 173 and following, of the Regulations of the Parliament of Catalonia, without prejudice to the direct control over the President of the Corporation as the person with the highest responsibility of the entity.
3. The bodies of the Catalan Broadcasting Corporation from which Parliament may ask for an answer or an information cannot refuse to provide it whenever it is of interest and relates to the function of control that Parliament has over the Corporation. In the event that providing a reply may mean a prejudice to the interests of the Corporation, the request will be replaced by an attendance at the Secret or Reserved Issues Committee.

Article 35

Budget and financial control

1. The Public Audit Office of Catalonia, in the terms laid down by the law that governs it, shall inform Parliament of the economic and budgetary management of the Catalan Broadcasting Corporation and of its subsidiary companies.
2. The financial control of the Catalan Broadcasting Corporation and of its subsidiary companies is carried out in accordance with what is laid down in Article 71 of the recast text of the Law of Public Finances of Catalonia, approved by the Legal Decree 3/2002, of 24th December.

First additional provision

Denomination of the Corporation

1. The *Corporació Catalana de Ràdio i Televisió* is now renamed *Corporació Catalana de Mitjans Audiovisuals*.
2. The references made by any provision to the *Corporació Catalana de Ràdio i Televisió* must be understood as attributed to the *Corporació Catalana de Mitjans Audiovisuals*.

Second additional provision

Reduction of advertising during broadcasts

The Catalan Broadcasting Corporation must lay down the necessary conditions to reduce in a progressive way the advertising in those broadcasts that form part of its structure, in agreement with the public interest and the characteristics of the audiovisual sector in Catalonia, with the will to favour free competition inside the Catalan audiovisual market.

Third additional provision

Framework mandate

1. Parliament shall approve a framework mandate every six years, which should lay down the objectives to be achieved by the whole audiovisual public system.
2. The content of the framework mandate referred to in Clause 1 above must be developed in the corresponding programme contract, which must establish in a specific and precise way the objectives for a period of four years that can be reviewed every two years.

Transitory provision

Renovation of the Governing Council

1. The procedure for the first partial renovation of the Governing Council shall be regulated by an internal operating system of the Council, except for the renovation of the President, which must be carried out in the third year after the constitution of the Council, according to the system laid down in Article 7.
2. The members of the Governing Council removed in application of this transitory provision can exceptionally be the object of a new election, for a new term of office and on a single occasion.

Derogatory provision

1. The Law 10/1983, of 30th of May, of the creation of the public entity Catalan Broadcasting Corporation (then *Corporació Catalana de Ràdio i Televisió*) and of the regulation of the radio and television broadcasting services of the Generalitat de Catalunya and any provision of equal or inferior rank that opposes what is laid down in this law, is hereby abolished.
2. Article 108 of the Law 22/2005 is also abolished.

First final provision

Modification of a section of the Law 22/2005

Article 109.3 of the Law 22/2005 is hereby modified and its final wording is as follows: “3. The Catalan Broadcasting Authority is the competent body to verify the fulfilment of what is laid down in Clause 2.”

Second final provision

Effect

This law shall come into force the day after having been published in the *Diari Oficial de la Generalitat de Catalunya*.

I therefore ask all citizens to whom this Law is applicable to co-operate in its fulfilment, and ask the relevant tribunals and authorities to enforce it.

Palau de la Generalitat, Barcelona, 11 October 2007

José Montilla i Aguilera
President of the Generalitat de Catalunya
(07.282.047)