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## Public regional television and the development of multilevel governance in Europe

**Abstract**

**The crisis in the public audiovisual sector has coincided in time with the legitimate crisis suffered by European governments and institutions. Efforts to overcome the political crisis have given rise to a number of documents on governance focusing on two issues: the need to re-define decision making and democratic action processes under principles of aperture, transparency, cooperation, inclusiveness and coherency; and, on the other hand, the urgency of fostering civic participation. The approval of the Charter for Multilevel Governance in Europe by the Committee of the Regions in April 2014 is an opportunity to analyse these objectives and study their connection to the future of public regional audiovisual entities. This study analyses said connection and, specifically, its reflection in current regional audiovisual laws in effect in: Catalonia, the Basque Country and Galicia.**

**Keywords**

**Public audiovisual service, governance, regional television, participation**

### **1. Introduction: the state of play, justification and methodology**

On April 2014 the European Committee of Regions (ECR), through the Council of Europe's Congress of Local and Regional Authorities, approved its support for the Charter for Multilevel Governance in Europe (MLG). As the CDR defines, the Charter is a political manifesto of the cities and regions of Europe in which all public authorities are invited to make multilevel governance a reality in the day-to-day preparation and application of policies. Firstly, this supposes collaborative work between the different levels of government (local, regional, national and European) and the application of a series of principles that must guide efficient policy-making, such as participation, cooperation, openness, transparency, inclusion y coherence, all essential conditions for guaranteeing the success of public policies in the interests of the citizens.

The MLG charter lacks legal enforceability but its signatories are committed to using the proposed system in managing public policy, launching projects in association with the public and private sectors, developing territorial cooperation and modernizing its administration.

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This initiative is another tool in the necessary democratic regeneration of European societies. As was evident over a decade ago and remains so today: "whereas it has become clear that the traditional models of governance no longer match the complex reality of today's society and political credibility and legitimacy everywhere are in a deep crisis" and "whereas institutions and systems that prove unable to adapt to changes in society make themselves redundant"<sup>1</sup>.

For its part, the future of Spanish regional public television (definition/mission, financing and management) is an issue that, today more than ever, is on the table. The serious economic crisis, fierce competition and the fragmentation of the market (by TDT and multi platform access) have had an impact on the justification for the continuation of these regional public entities. In the regulatory section, Law 6/2012, on Reform of the General Audiovisual Communication Act for More Flexible Forms of Management of Public Regional Audiovisual Services, requires other operators not to be a marginal communication operator within its ambit of coverage, to comply strictly with public service efficiency criteria and to extend and update local public service television by taking advantage of new multi-platform services. The rapid evolution of television toward a multi-screen distribution model requires new organizational, programming and distribution strategies and, therefore, accomplishment of the public service mission. Moreover, the current process of reform of the two major European texts on audiovisual regulation: the Audiovisual Media Services Directive (Directive EU/2010/13/) and the Communication on state aid to public broadcasting (2009/C 257/01) destabilize further the uncertain future of regional public operators.

In this context, the research carried out is based on the hypothesis of a connection between the commitment to the implementation of multilevel governance in Europe and the future of Spanish regional operators. The starting point of this connection is in two of the objectives marked by the MLG charter, which have a direct impact on the DNA of regional public operators. Firstly, multilevel governance requires modernising the administration: taking advantage of digital and innovative solutions, increasing transparency and aperture, and offering quality public services which are easily accessible to citizens. Secondly, it involves encouraging the participation of citizens and civil society in decision-making processes, developing a participatory democracy and active citizenship to a greater extent.

In order to develop this study, the first section offers a brief systematic review of the concept of multilevel governance and the direct background (governance and good governance) on a legislative and doctrinal level to later study the possible repercussions on the mission and objectives of regional public stations in the current context considering two ideas: defining the audiovisual public services and civic participation. Specifically analysed is the materialisation of said objectives in audiovisual legislation in three autonomous regions: the Basque Country (Law 5/1982, of 20 May, on the creation of the Basque Public Radio and Television Entity); Catalonia (Law 11/2007, of 11 October, on the Catalan Corporation of Audiovisual Media and Law 22/2005, of 29 December, on Audiovisual Communication in Catalonia); and Galicia (Law 6/1999, of 1 September, on Audiovisuals in Galicia and Law 9/2011, of 9 November, on public audiovisual communication media in Galicia).

## 2. Governance, good governance and multilevel governance

Deepening the knowledge of the concept of governance, as a new form of governance, arises from a reflection upon the shortages in today's current government systems and the very

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<sup>1</sup> Opinion of the Committee of the Regions on 'New Forms of Governance: Europe, a framework for citizens' initiative' DO C 144, 15.5.2001, p. 1.

inefficacy and limitations of the application of European laws and policies constituting the EU archives. Aware of said crisis, the European Commission presented the White Paper on European governance<sup>2</sup> more than a decade ago which was a text fostered by the need to improve the Union's governance mechanisms, including its laws. However, the questions and answers affect and are appropriately applicable to governance in the Member States or regions comprising it.

The European debate on governance systems and activities begins with the paradox that exists between the responsibility of political leaders in finding solutions to the major problems affecting society and their co-existence with the growing distrust by the same citizens in their institutions and in politicians responsible for finding such solutions. This perception is particularly apparent in the scope of European institutions but is common to all political institutions including in small geographic areas as are regional and local levels as reflected in the June 2015 Eurobarometer<sup>3</sup>.

Governance is a concept that generates great doctrinal debate with a marked polysemic nature; however, it refers in its different meanings or approaches to a new way of governing public affairs. As has been aptly indicated, governance is characterised: by the acceptance and inclusion of complexity as an inherent element in the political process; the changes in the position of the public powers in governing processes; the new governing tools used; as well as participation by various stakeholders in government, which is no longer perceived as something that is necessarily centralised. "Governance involves cooperation, network structures, decentralisation, complementarity between the public and private sector, and civic participation. This new form of understanding government has had a major impact on local governments" (Ramírez Nárdiz, 2010: 149).

In order to articulate a more systematic concept of governance, some recent studies attribute two meanings. On the one hand, it is a way of managing public policies as a network to empower a number of stakeholders to participate in variable degrees in defining, regulating, applying and evaluating public policies. And, on the other hand, in a broader sense, governance would be equal to good government<sup>4</sup>. Thus, whereas government is formal in nature, it is articulated from the top down and the foundation lies on representative democracy; however, governance is "informal, bottom up, heterarchical or in a network, more functional, it fosters diversity and it is based on participatory democracy" (Mariscal, 2011: 13).

The issues raised in the last decade on the topic of governance have given rise to a number of documents and studies, the content of which revolves around one key idea: the need to open up the decision-making and political action process to equip it with higher levels of integration, transparency and responsibility so these processes may become more friendly and effective. Based on these ideas, the European Commission identified five basic principles that characterise what has been called "good governance":

- Aperture, which requires changes in the way institutions work and the use of simple and friendly language that can be easily understood and is accessible to the public at large;
- Civic participation, from conception to the application of the various governance tasks;
- Responsibility, which requires clear commitments by all parties involved in any decision-making arena;

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<sup>2</sup> COM (2001) 428 end.

<sup>3</sup> [http://ec.europa.eu/public\\_opinion/archives/eb/eb83/eb83\\_first\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_first_en.pdf)

<sup>4</sup> <http://www.bizkailab.deusto.es/wp-content/uploads/2012/07/BIZKAILAB-Instrumentos-Innovadores-de-Gobernanza-de-la-UE.pdf>

- Efficacy, through the adoption of suitable, proportionate measures guided by clear and possible objectives as the result of cumulative experience;
- Coherency, which requires the involvement of regional and local authorities and an adequate approach to policies within a complex framework of action.

Under these principles of good governance, European institutions have articulated a series of guidelines for changing 21st century European democracies, two of which stand out because of their impact on both audiovisual policies as well as relations between administrations and the media on different scales (national, regional and local): on the one hand, improved policies and regulations and, on the other, increased participation by stakeholders.

In relation to the first objective, it is important to recognise that the growth of the markets and their operational structures generate in and of themselves more complex policies and laws that lead to excessive detailed rules, the effect of which is only temporary as they are unable to adapt to technical advances, market evolutions or, as already mentioned, the specific characteristics of each decision-making arena. In other words, a lack of flexibility inevitably triggers a high degree of inefficiency and breaches of the laws adopted and, as a result, a high degree of scepticism and distrust in how the system works. Thus, for example, the application of Directive 2010/13/EU on Audiovisual Media Services in the case of audiovisual regulation is set to be applied on a Spanish regional level when said standard has now become practically obsolete as, in fact, it is in the process of being updated<sup>5</sup>.

Linked to this endemic evil, the work of updating governance systems and regulatory instruments requires more and more participation from stakeholders with the conviction that democratic maturity depends on the capacity and possibility of citizens to participate in debates and the execution of public affairs. Therefore, the authorities have the obligation to create spaces where this participation is possible. In order to fulfil this objective, it is essential to strengthen regional and local democratic processes as most policies are applied on this scale.

However, the involvement of these stakeholders requires, on the one hand, greater efforts to provide citizens with information and educate them on the public affairs that affect them; and, on the other hand, a greater focus on regional and local authorities as concerns their responsibility and real power in applying policies and articulating regional and local democratic processes. The success of civic participation lies on getting civil society involved through structures that can offer them an organised way to channel their demands, reactions, criticisms and suggestions. This involvement must also come with responsibility and transparency in the processes.

These measures are included in the general objective of driving a reinforced culture of civic participation where establishing the means of structured dialogue in an "open, transparent and periodic" format is essential (Muñoz Saldaña & Gómez-Iglesias Rosón, 2013: 81).

As part of the process of reflecting upon the need to progress in the application of these objectives, the CDR publishes the White Paper on Multilevel Governance in 2009. Based on the concept of governance and the systematisation of the principles and objectives inherent to good governance, multilevel governance is defined as "coordinated institutional action by

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<sup>5</sup> This idea was outlined and debated at the 30th CICOM International Communication Conference "The Challenges of Regional Television: Structure, Funding, Content and Audiences", held on 12 and 13 November 2015. Available at: <http://congresocicom2015tvautonomicas.com/>

the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies”<sup>6</sup>.

The background to this Charter is found in the White Paper on Multilevel Governance signed in 2009. With this document, the CDR launched a consultation process aimed at integrating a common and shared understanding of European governance in the set of common Union values. Following the results of the public consultation, in 2012 the CDR renewed its commitment through the Opinion “Building a European Culture of Multilevel Governance: Follow-Up to the Committee of the Regions”. Since that time, it has been actively developing a method to supervise the use of multilevel governance, all while regularly presenting a table of indicators in relation thereto, and it is gathering best multilevel governance practices in cooperation with the European Commission.

In addition to the objectives of governance, the need to strengthen multilevel governance is consolidated by the urgency of attenuating two current risks in society: the risk of uniformity, in the face of which each State and their respective regions should foster their diversity; and the risk of inequality in Member States and among Member States, in the face of which there must be a response in the form of solidarity. In fact, the application of multilevel governance has become a requisite or condition of good governance.

Taking this reality into account, the objectives of the April 2014 Charter for Multilevel Governance responds to four areas:

- fostering a "European mindset" in each region or city, cooperating with the political and administrative bodies from the local to the European level, and vice versa;
- promoting cross-border collaboration with other regions and cities, overcoming administrative obstacles and geographic boundaries;
- modernising the administration by fully taking advantage of digital and innovative solutions, increasing transparency and aperture, and offering quality public services which are easily accessible to citizens;
- encouraging the participation of citizens and civil society in decision-making processes, developing a participatory democracy and active citizenship to a greater extent.

Of these four objectives, the last two: offering quality public services and encouraging civic participation question the existence, purpose and functioning of regional public operators.

### **3. The role of regional public television entities in the development of multilevel governance in Europe: a look at the Basque Country, Catalonia and Galicia**

An analysis of the concepts of governance, good governance and multilevel governance refers to objectives and principles that are especially present in the configuration of European public audiovisual services. Among the missions attributed to them: accessibility, aperture, transparency, institutional dialogue, pluralism, the promotion of diversity, cultural wealth and participation have become, among others, core arguments in justifying their permanence and purpose. For a number of reasons (of a democratic, political, historical, economic or technological nature), legislators have assumed -not without difficulty and opposition- the legitimacy of the privileged position granted to public operators in the European market as guarantors of the fulfilment of a series of missions of widespread interest in the European audiovisual arena.

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<sup>6</sup> This consideration is supported on the principle of subsidiarity which prevents political decisions and actions from being concentrated in a single level of power and supports their adoption on a more appropriate level in relation to the objective sought. Considering that "regional and local entities are responsible for the application of 70% of all EU legislation", they perform a fundamental role in the future of European democracy on all dimensions.

Multilevel governance assumes the need, on the one hand, to offer quality public services (under principles of good governance); and, on the other hand, to foster participatory democracy and active citizenship as necessary tools for democratic regeneration. What follows is an analysis of these objectives and the mission attributed to the public regional audiovisual entities to verify whether this relationship is reflected in the regional audiovisual laws of the three autonomous regions: the Basque Country, Catalonia and Galicia.

### 3.1. *Regional public audiovisual service and multilevel governance*

One of the scarce truths extracted from the history of European and regional audiovisual regulation is the difficulty of "accurately and stably defining a series of missions that are of exclusive competence of public operators or distinguishing between the services offered by the organisations that assume these obligations and all other companies" (Muñoz Saldaña, 2015: 462). Added to this difficulty is the controversy related to the extension of public services to the digital environment and the Internet (Miguel de Bustos, Galindo & Casado del Rio, 2012: 251).

The justification for the funding granted to public operators has been the touchstone in the debate on the continuity of the public audiovisual model. In an attempt to clarify the appropriateness of public funding for these entities under a free trade audiovisual market system in Europe, the European Commission emphasized in the two reference documents on this issue in 2001 and 2009<sup>7</sup>, that: these types of services, "although having a clear economic relevance, are not comparable to a public service in any other economic sector" as "there is no other service that at the same time has access to such a wide sector of the population, provides it with so much information and content, and by doing so conveys and influences both individual and public opinion", "furthermore, broadcasting is generally perceived as a very reliable source of information and represents, for a not inconsiderable proportion of the population, the main source of information" which ultimately "can ensure that all citizens participate to a fair degree in public life" (2001/C 320/04, points 6 and 7; 2009/C 257/01, points 9 and 10).

Moreover and even assuming that "the definition of the public service mission must be as specific as possible", "a qualitative definition entrusting a given broadcaster with the obligation to provide a wide range of programming and a balanced and varied broadcasting offer" may be considered legitimate<sup>8</sup>; and said definition may also reflect the development and diversification of activities in the digital age and include audiovisual services in all distribution platforms<sup>9</sup> "to the extent that they contribute to pluralism, enrich cultural and political debate and widen the choice of programmes"<sup>10</sup>. Thus, it is understood that in the case of television, "a 'wide' definition, entrusting a given broadcaster with the task of providing balanced and varied programming in accordance with the remit, while preserving a certain level of audience, may be considered legitimate under Article 86(2) [currently article 106 (2)]. Such a definition "would be consistent with the objective of fulfilling the democratic, social and cultural needs of a particular society and guaranteeing pluralism, including cultural and linguistic diversity"<sup>11</sup>.

In other words, it seems that, considering the role of public audiovisual services, on paper there is no doubt about the need to protect certain public services or related

<sup>7</sup> Communication from the Commission on the application of State aid rules to public service broadcasting (Text with EEA relevance) (2009/C 257/01), DO C 257 of 27.10.2009, p. 0001-0014. This document is currently being revised.

<sup>8</sup> 2001/C 320/04, points 33 and 34; 2009/C 257/01, point 47.

<sup>9</sup> 2001/C 320/04, point 34; 2009/C 257/01, point 47.

<sup>10</sup> 2001/C 320/04, point14; 2009/C 257/01, point16.

<sup>11</sup> 2001/C 320/04, point 33.

characteristics in the different mediums and platforms through different genres<sup>12</sup>. Under this premise and although there is no reference to regional entities but given the logical aim of the regulation, the Audiovisual Media Services Directive emphasizes the need to guarantee “optimal conditions of competitiveness and legal certainty for Europe’s information technologies and its media industries and services, as well as respect for cultural and linguistic diversity”<sup>13</sup>.

In fact, this standard refers eight times to the obligation on the part of the States to preserve diversity, in the different variables<sup>14</sup>, within the Member States. More explicitly, it recalls that:

In its resolutions of 1 December 2005 and 4 April 2006 on the Doha Round and on the WTO Ministerial Conference, the European Parliament called for basic public services, such as audiovisual services, to be excluded from liberalisation under the General Agreement on Trade in Services (GATS) negotiations. In its Resolution of 27 April 2006, the European Parliament supported the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which states in particular that ‘cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value’. Decision 2006/515/EC of the Council, of 18 May 2006, on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions approved said UNESCO Convention in the name of the Community. The Convention entered into force on 18 March 2007. This Directive respects the principles of said Convention<sup>15</sup>.

As can be observed and even from a general perspective, there is a relationship between the objectives provided for in the development of governance and multilevel governance and the mission assigned to public audiovisual services. Informational pluralism, the formation of a free public opinion, the right to access the media, communication and approximation between institutions and citizens, the dissemination of culture and preservation of cultural and linguistic pluralism are missions of general interest and an essential requirement of the proper functioning of a democratic system. Thus, it seems that fulfilment of the demands of multilevel governance for transparency, aperture, accessibility and participate require the involvement of regional public operators in compliance with the missions assigned to them now and in the future.

However, a review of current regional legislation does not find a more specific reference to the specific approach offered by studies and objectives on governance and multilevel governance. In the cases subject of analysis, the following can be highlighted:

- In the Basque Country: Law 5/1982, of 20 May on the creation of the Basque Public Radio and Television Entity does not mention issues related to aperture, transparency and accessibility in the sense of fostering a new relationship between citizens, institutions (public and private) and the administration in the governance of public affairs. In the case of accessibility, it is only raised in reference to the right of access to the media by significant social and political groups (art. 21). On the other

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<sup>12</sup> “This peculiarity of audiovisual services is otherwise proven by the exclusion of broadcasting services from the scope of Directive 2006/123 of the European Parliament and of the Council, of 12 December, on services in the internal market (...). This exclusion was literally assumed in Law 17/2009, of 3 November on free access to services and their exercise, in the transposition of the Directive”, M. LÓPEZ GARCÍA, *La oferta de contenidos audiovisuales: servicio público, libre competencia y derecho a la información*, p. 242, (Thomson Reuters, Pamplona, 2012)

<sup>13</sup> Recital 4.

<sup>14</sup> Recital 4, Recital 5, Recital 6, Recital 12, Recital 19, Recital 48, Recital 69 and Article 13, section 3.

<sup>15</sup> Recital 7.

hand, transparency is only associated with management of the public entity (art. 46). There is no mention of governance or multilevel governance.

- In the case of Catalonia: Law 11/2007, of 11 October, on the Catalan Corporation of Audiovisual Media, sustains that the public service is oriented towards "meeting the democratic, social and cultural needs of citizens, guaranteeing universal access to information, culture and education, to disseminating and promoting the Catalan language and offering quality entertainment" (art. 2); it refers to accessibility in the sense of the right of citizens to freely enjoy and use public audiovisual services (art. 22) and, just like in the Basque Country, social access is understood as the right of access to media by representative political and social groups (art. 25). Along the same lines, transparency refers to a characteristic that is required of public entity management (art. 21). The same occurs in Law 22/2005, of 29 December, on Audiovisual Communication in Catalonia. Although it offers an exhaustive list of the missions of public service (art. 26.3), this standard does not bind or commit its objectives with a new way of perceiving the management of the public arena involved. None of the two standards refers to matters relating to governance or multilevel governance.

- In the case of Galicia: Law 6/1999, of 1 September, on Audiovisuals in Galicia refers to access and accessibility in the same terms as in the two foregoing cases (Preamble and art. 4); there is no mention of transparency or aperture nor is there any reference to matters related to governance. Finally, Law 9/2011, of 9 November, on public audiovisual communication media in Galicia shows the same shortcomings as the other standards analysed although it does delve a bit further into the characteristic of accessibility, associating it even with digital offerings (art. 1). In any case, it does not have any specific objectives or approaches related to multilevel governance.

Regional audiovisual legislation is indebted as they provide for the missions of public service from an approach that is inherent to communication based on representative democracy and, therefore, one-way communication with scarce levels of access, aperture, interaction or proximity. For this reason and without undermining the importance of specific missions attributed to regional public operators to date (including the defence and promotion of civic values of co-existence, respect for pluralism, reinforcement of self-identities or the promotion of culture and native languages), an update to these objectives and principles in line with the needs raised concerning multilevel governance requirements would be expected.

### ***3.2. Regional public audiovisual services, participatory democracy and active citizenship***

The quality of democracy is a political affair that has been further emphasized in view of the deep economic crisis that began in 2008 and which is one of the main areas of reflection in the study on the future of liberal democracies. As aptly pointed out, the cornerstone supporting all democratic thought [and, thus, democracies] is the idea of citizens as civic agents and of their civic participation in democratic life. Democratic civil society is identified by "a space –that is not strictly political (in the institutional sense), or market-oriented –that is participatory, plural and differentiated, where the civic fabric of a society can be developed through organisations, groups, entities, informal groups, networks, movements, citizens" (Fernández-Llóbreg González, 2012: 40).

In fact, one of the main objectives of the Committee of the Regions in their White Paper on multilevel governance lies in fostering citizen participation which reflects two dimensions: representative democracy, which is the basis, and participatory democracy, which completes it. Participatory democracy is understood as an intermediate formula



between direct democracy and representative democracy. Direct democracy is an exception reserved for cases of particular importance or those where the decisions made by representatives are questioned. On the other hand, representative democracy constitutes the normal means of government in modern States and to date, there are no indications of practical alternatives for obvious reasons: the size of the States, the number of decisions to be made, their complex nature, etc. There is a third means of democratic expression between these two –a *participatory democracy*– which allows the intervention of the recipients of the decision in the decision process even though final decisions are made by representatives (Vizioli, 2014: 189).

Participatory democracy implies “using the participatory instruments comprising it to bring citizens closer to the decision making done by their governments, allowing them greater control over their representatives and thus improving the relationship of trust between those who govern and those who are governed and strengthening the democracy in view of possible degenerative processes” (Ramírez Nárdiz, 2014: 179).

Therefore, two essential objectives of a participatory democracy can be considered. On the one hand: the expansion of direct participation by citizens in their community governments and increased control by these citizens over their political representatives and governing forces. Some of the advantages of fostering a participatory democracy include the improved exchange of information between the administration and citizens; increased citizen participation in public affairs; the development of civic education among citizens; a more intense identification of citizens with the community they are a part of; and a reevaluation of democracy as a political model.

On the other hand, the concept of active citizenship or citizen participation is a broader concept that includes but does not exhaust, the instruments inherent to representative democracy. Among the criticisms of promoters of active citizenship are, on the one hand, the belief that they are anachronistic and inadequate for the characteristics of today's societies. This criticism sustains that their very size would impede citizen participation in public affairs which is only possible in small communities that allow for “face-to-face interaction among the members”. Critics also denounce the fact that said participation would demand a high level of civic virtue from citizens which can be seen by simply looking at the apathy of modern men and women towards involvement in public affairs or their communities. In response to these considerations, it is important to highlight the voices that warn that “exercising active citizenship is the means par excellence of individual self-realisation” and that there is a direct tie between civic life and a good life<sup>16</sup> (Guichot Reina, 2013: 30–31). Along these same lines, those who defend greater involvement by citizens in public life argue that said involvement is essential to the democratic regeneration of this century's democratic societies.

How can participatory democracy and active citizenship be stimulated? Some of the many measures to be adopted include a widespread consensus on the existing relationship between democratic health, active citizenship and quality in the use and consumption of media. On the one hand, both the development of participatory democracy as well as the promotion of active citizenship require that citizens have thorough and sufficient information on these issues in addition to needing a platform or meeting place for citizens and institutions. However, access to information involves effort and cost for citizens. As correctly warned, one of the main challenges for 21st century citizens lies in the extensiveness and uncertainty of information. At the same time, it also is not easy to find a platform or meeting place that seeks to establish dialogue and interaction between citizens,

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<sup>16</sup> This is the position held by civic humanism and philosophers like J.S. Mill and Hanna Arendt.

institutions and the administration with a vocation to neutrality and public service. Regional public service operators can actively collaborate in this process.

On the other hand, the need to improve the relationship between citizens and the digital world is becoming ever clearer in the active citizenship, democratic health and media consumption triangle. This is what is known as "digital literacy" and it has a direct influence on the development of democracy and will largely depend on the digital competence of the citizens (Silver, 2009: 19). The European Commission has defined this term as "ability to access the media, to understand and critically evaluate different aspects of the media and media content and to create communications in a variety of contexts". It has also expressly insisted, "citizens need to develop analytical skills that allow for better intellectual and emotional understanding of digital media" (Recommendation 2009/625/EC). In a 2009 measurement, Spain was ranked in an intermediate position in digital literacy of among the 27 countries analysed, coming far behind France, the United Kingdom, Ireland, Belgium, Holland and Germany<sup>17</sup>. Australia, New Zealand and Canada are nowadays the most advanced countries in the world in media literacy and the following stand out in Europe: Norway, Iceland, Luxembourg, Sweden, Finland, Holland, Denmark and the United Kingdom. Therefore, it seems that the existence of a relationship between citizen participation, media consumption and democratic development has been proven.

However, the regional arena is more adequate for fostering both active citizenship as well as participatory democracy because it is a smaller arena and, therefore, "the obvious proximity between those who govern and those who are governed fuse private interest with the general interest of the community" (Eberdhart, 2015: 87).

Thus, fostering participatory democracy and active citizenship is inevitably related to media consumption and use and, considering that it is in the regional arena where citizen participation is made possible, the significance of regional public services is inescapable due to the missions assigned to them.

Proof of this lies in the CDR's insistence upon the need to encourage greater coverage by local and regional media of the impact of public policies on the daily lives of citizens as well as the urgency to reinforce their communication, information and mediation potential with the support of new communication tools.

However and just as seen in the section above, regional audiovisual laws need to be updated; this is also the case as concerns citizen participation. A review of Spanish audiovisual laws that affect regional public entities in the three autonomous regions analysed reveals that:

- In the case of the Basque Country: the Preamble of Law 5/1982, of 20 May on the creation of the Basque Public Radio and Television Entity refers to the entity's role as an instrument of "political participation for Basque citizens". Nonetheless, it is interesting that the wording of said law does not again refer to this matter or specify any measures for participation or for promoting active citizenship or citizen participation.
- In the case of Catalonia: article 25 of Law 11/2007, of 11 October, on the Catalan Corporation of Audiovisual Media briefly refers to the traditional "social access of the most significant political groups". On the other hand, under the title "General definition and scope of the audiovisual communication public service", article 23 of Law 22/2005, of 29 December, on Audiovisual Communication in Catalonia proposes: to facilitate the participation of Catalan citizens in political, economic, cultural and social life: However, the article that develops the specific missions of public

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<sup>17</sup> "Testing and Refining Criteria to Assess Media Literacy Levels in Europe"

operators of the Generalitat, article 25, does not include any mention of citizen participation or fostering active citizenship.

- In the case of Galicia, Law 6/1999, of 1 September, on Audiovisuals in Galicia, only generally refers in the Introduction to the need citizens have to "express themselves with the proper resources within our audiovisual and cultural space". On the other hand, the Preamble of Law 9/2011, of 9 November, on public audiovisual communication media in Galicia generally indicates fostering principles such as accessibility which, along with pluralism and veracity, aim to "contribute to the formation of an informed public opinion". Yet, article 4 of said law on "Inspiring principles and scope" also does not make any specific objective mention of encouraging citizen participation. Finally, Chapter III of said law on Democratic Pluralism refers to the Right of access (article 39) in the traditional sense: the participation of representative social and political groups.

As can be seen, none of the three regional audiovisual laws analysed develops the section on fostering citizen participation as a specific mission of public service in the regional audiovisual arena even though there are general considerations of the issue of citizen participation. Despite that contributions on governance and multilevel governance link their objectives on participation to the role of regional and local media, they have still not been adequately reflected in the laws adopted.

## 5. Conclusions

Among the evidence extracted from the study completed, it is important to underline one line of argument:

1. The insistence of EU institutions on the need to progress in implementing governance and multilevel governance on the road to renewing 21st century European democracies.
2. Considering governance as a new way of understanding government and the management of public affairs characterised by: complex processes, changes in the position of the public powers and the entry of new and different stakeholders (public and private) in the decision making and implementation processes; a network structure; new regulation instruments; bottom up articulation; and citizen participation. Good governance is presided by the principles of aperture, accessibility, flexibility and efficacy.
3. The need to promote multilevel governance as understood by the involvement and collaboration of regional and local institutions in the development of governance under the principles of participation, cooperation, aperture, transparency, inclusivity and coherency.
4. The existing relationship and connection between two of the specific objectives of multilevel governance (the provision of quality public services and fostering active citizenship/citizen participation) and the existence and mission attributed historically to regional public service operators.
5. The need to update or complete the regional audiovisual laws studied (Basque Country, Catalonia and Galicia), specifically:
  - as regards the definition of their public service objectives and the inclusion of the objectives of multilevel governance in the missions attributed to regional operators which fulfil said objectives in terms of: participation, cooperation, aperture, transparency, inclusivity and coherency.

- as regards the objectives of fostering a participatory democracy and active citizenship by overcoming the traditional idea of participation as "access by significant political and social groups".

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