



## Country profile

# SPAIN

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# SPAIN

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## 1. Cultural policy system

### 1.1 Objectives, main features and background

*Objectives:* The main objectives of cultural policies implemented by any level of the Spanish public administration are the preservation of cultural heritage and the promotion of access to culture. The differences arise in what is considered cultural heritage (tangible versus intangible; of the state versus identities) and which types of cultural manifestations should be promoted and how access should be granted and financed.

If we analyse recent cultural policies in terms of the cultural policy principles defined by the Council of Europe, we see that promotion of national identity -- the main vehicle for articulating cultural policy in the regions, particularly in those having separate language environments -- has been exacerbated in the last years.

In terms of recognising diversity, the very way the Spanish state is organised territorially has been an admission of the cultural diversity of the country. Protection of diversity has been mainly interpreted by looking internally at the individual traits of the various cultures comprising modern-day Spain. Since 2000, as a result of the dramatic increase in immigration, recognition of another form of cultural diversity beyond national borders was included in the cultural policy agendas, as part of the social integration of immigrant groups.

Support for cultural creativity has been traditionally articulated as an aim of cultural policy along three main axes: statutory protection of intellectual property; the teaching of creative arts; and specific measures to promote the work of creative artists themselves.

Access to culture and participation in cultural life are among the prime objectives of recent Spanish cultural policy. However, generating demand outside the sphere of mass culture turned out to be a complex issue. Equally, the democratisation of culture, understood as the citizens' right to have their say about how the cultural life of their communities is defined, leaves considerable room for development in the search for a fully rounded Spanish cultural policy.

*Main features:* Spanish cultural policy has undergone profound and rapid changes since 1977. The cultural model of the democratic period has combined the recognition of cultural pluralism, the determination of the state to foster culture and a massive decentralisation of administrative tools, in accordance with the rules for the territorial government laid down in the Constitution of 1978.<sup>1</sup> This model has also tried to favour an increase in the involvement of private companies and civil society in running the country's culture. The relevance of one characteristic or another has depended on the political party in office and its relationships

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<sup>1</sup> Prieto de Pedro, J (2004) *Cultura, culturas y Constitución*. Editorial Centro de Estudios Políticos y Constitucionales. Madrid (second edition).

with regional governments. For instance, the role of public policies during the last decade has experienced profound changes in recent years, as a result of the economic crisis and of the re-centralising tendencies of the Popular Party's government.

Traditionally, the decentralised Spanish policy has favoured the adoption of different models for cultural management and for the support and promotion of artistic creation, though much of the funding is ultimately linked to public budgets. Thus, the economic and operational autonomy of the institutions could be somehow limited. Sometimes, the creation of arms-length bodies has been encouraged; sometimes, advisory councils have tried to connect cultural policy with relevant cultural stakeholders.

In this sense, the National Council for Culture and the Arts in Catalonia is a hybrid institution, an arms-length body that was the first instrument of its kind in the Spanish state. It was created by the *6/2008 Act* with the main objectives of ensuring the development of cultural activity and collaborating in drawing up both specific cultural policy and policy that supports and promotes artistic and cultural creation. The council was reformed in 2011, and it was given a new structure and configuration that sought to reinforce its supervision and advisory role for public cultural policies, while losing many of its executive functions (*11/2011 Act of restructuring of the public sector*).

Since 2000, the Community of the Basque Country has an advisory collegial body of participation, cooperation and advice in the field of culture, attached to the relevant department in the field of culture of the Basque government (*Decree 27/2008 that modifies the Decree 219/2000*). In the same vein, the Andalusian Agency of Cultural Institutions (*Act 1/2011 and Decree 103/2011*) was created in 2011 by merging some previous arms-length institutions. It is attached to the regional cultural department and has wide functions in the management, programming and promotion of cultural programmes. One year later, the autonomous community of Castile-Leon created the Council for Cultural Policies (*Decree 26/2012*) as a regional organ of participation, consultation, analysis and coordination in the field of culture, arts and cultural heritage.

### *Background*

1939-1975: The official culture of Francoism combined fervent nationalism with equally fervent Catholicism. Its artistic predilection was for traditional styles. From the 1960s onwards, rigid press and education policies began to soften.

1977-1982: In 1977, the Ministry of Culture was established and by means of international exhibitions, congresses, prizes and appointments, much of the cultural heritage silenced by Francoism was recovered, and the work of exiled artists and intellectuals recognised. The Constitution of 1978 and the charters of regional autonomy set up under its aegis, initiated a period of freedom of the press and artistic expression, combined with greater state activity

in disseminating culture and giving full recognition to the cultural and linguistic diversity of Spain.

1982-1996: Different Socialist governments stressed the need for the state to be present in those areas where private initiative was likely to be lacking. In the initial phase, up to 1986, the central goal was to preserve the much-deteriorated historic and artistic heritage, renovate theatres and auditoriums, and subsidise artistic expression. It was found that the political aims and the gradual transfer of responsibilities to the regional authorities required that the Ministry be slimmed down and reorganised.

In a second phase, from 1986 to 1996, the authorities staged a series of events that brought their cultural policies to the foreground of public attention. These were years of exuberant artistic activity and freedom of expression, in which Spanish artists brandished a dizzying array of political and cultural banners while their international colleagues were welcomed to join in. This cultural explosion coincided with, and to a certain extent masked, the lack of real resources. The decentralised structure of government often succeeded in recovering and strengthening regional cultural diversity but did not always bring about a broader participation in cultural events or improve the standards of artistic creation.

1996-2004: Under the liberal-conservative government of the Popular Party, the broad outlines of ministerial action remained the same: protection and dissemination of Spain's historic heritage; management of the great national museums, archives and libraries, and promotion and dissemination of film, theatre, dance and music. The deregulatory tendency of the Popular Party's government led to efforts to involve the private sector in major cultural initiatives.

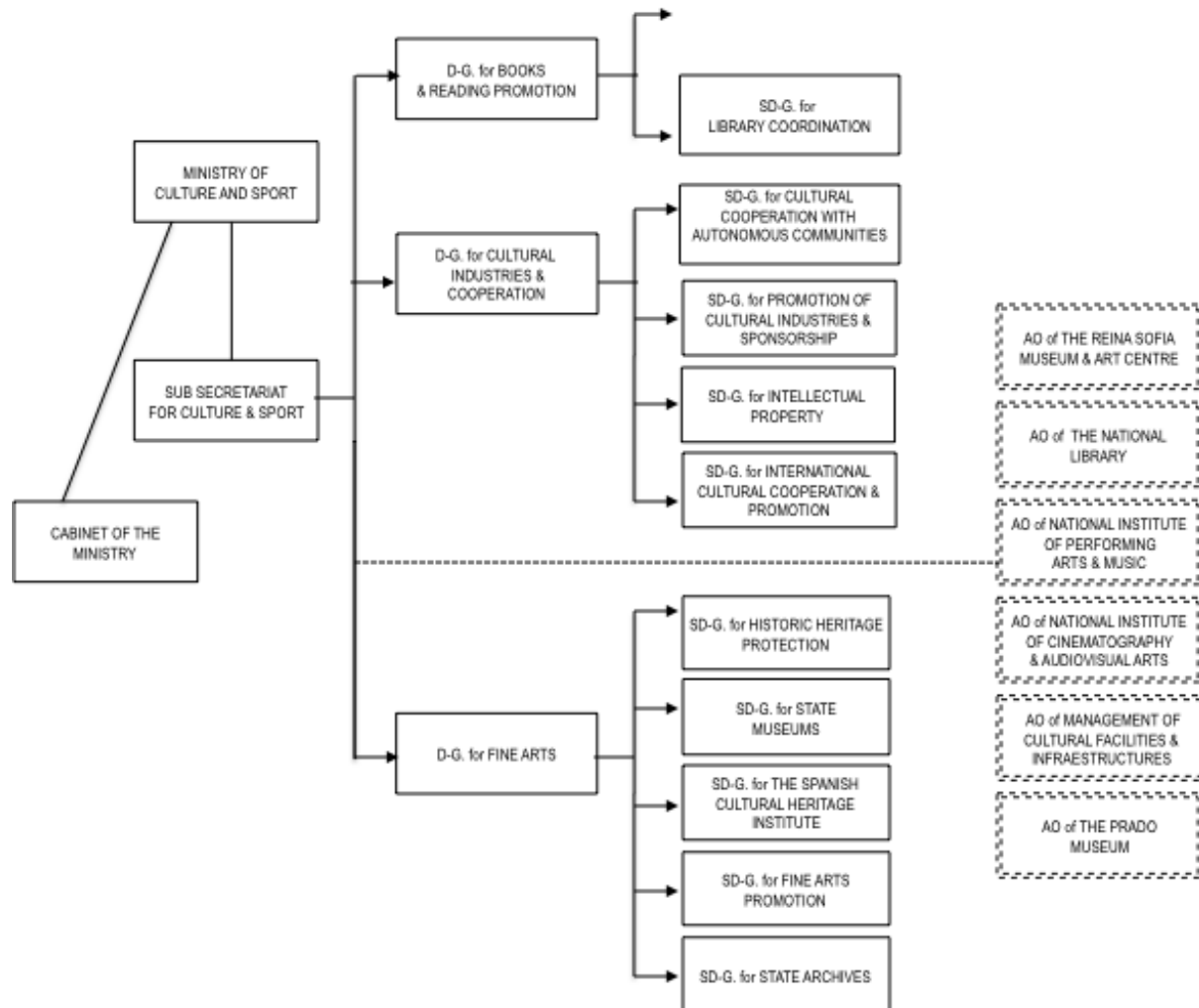
2004-2011: The Socialist Party restructured the departments of the Ministry of Culture on different occasions and made the cultural industries one of its main priorities. The economic crisis also had its effects on culture, resulting in a reorganisation of the Ministry of Culture and austere budgets as a key way of reducing the public deficit.

2011- June 2018: Besides structural changes and cuts in public budgets, culture and education were two of the subjects that caused greater disagreement between the central government (led by the Popular Party), the Autonomous Communities (in particular those with their own language) and the creative sector.

## 1.2 Domestic governance system

### 1.2.1 Organisational organigram

*Central level – Ministry of Culture and Sport*



DG: Directorate-General

SDG: Sub Directorate-General

AO: Autonomous Organisation (self-governing public bodies dependent on the Ministry, in which its director has the rank of General Director)

*Regional Level - Autonomous Communities*

<b>AUTONOMOUS GOVERNMENT</b>	<b>DEPARTMENT</b>	<b>VICE DEPARTMENT</b>	<b>DIRECTORATES</b>
ANDALUSIA	Culture and Historic Heritage	Vice Department of Culture	General Secretariat of Cultural Heritage General Secretariat of Cultural Innovation and Museums Secretariat for Technical Affairs
ARAGON	Education, Culture and Sport		Secretariat for Technical Affairs D-G. for Culture and Heritage
ASTURIAS	Education and Culture	Vice Department of Culture and Sport	Secretariat for Technical Affairs D-G. for Cultural Heritage
BALEARICS	Culture, Participation and Sports		General Secretariat D-G. for Culture
CANARIAS	Tourism, Culture and Sports	Vice Department of Culture and Sports	Secretariat for Technical Affairs D-G. for Cooperation and Cultural Heritage D-G. for Culture
CANTABRIA	Education, Culture, and Sport		General Secretariat for Education, Culture, and Sport D-G. for Culture
CASTILE-LEON	Culture and Tourism		General Secretariat for Culture and Tourism D-G. for Cultural Heritage D-G. for Cultural Policies
CASTILE-LA MANCHA	Education, Culture and Sports	Vice Department of Culture	General Secretariat for Education, Culture, and Sport
CATALONIA	Culture		General Secretariat for Culture D-G. for Cultural Cooperation D-G. for Cultural Heritage D-G. for Popular Culture and Cultural Associationism D-G. for Language Policy National Council for Culture and the Arts
CEUTA*	Education and Culture		D-G. for Education and Culture
VALENCIAN COMMUNITY	Education, Research, Culture and Sport	Secretary for Culture and Sport	Secretariat Sub-Secretariat D-G. for Culture and Heritage
EXTREMADURA	Culture and Equality		General Secretariat General Secretariat for Culture D-G. for Libraries, Museums and Cultural Heritage
GALICIA	Culture, Education and University Planning	General Secretariat for Culture General Secretariat for Linguistic Policy	Secretariat for Culture and Sport D-G. for Cultural Heritage



LA RIOJA	Economic Development and Innovation		Secretariat for Technical Affairs D-G. for Culture and Tourism
MADRID	Culture, Tourism and Sports	Vice Department of Culture, Tourism and Sports	Secretariat for Technical Affairs D-G. for Cultural Heritage D-G. for Cultural Promotion
MELILLA*	Culture and Celebrations	Vice Department of Celebrations	D-G. for Culture and Celebrations
MURCIA	Culture, Tourism and Environment		General Secretariat D-G. for Cultural Assets
NAVARRRE	Culture, Sport and Youth		D-G. for Culture - Príncipe de Viana Institution
BASQUE COUNTRY	Cultural and Linguistic Policy	Vice Department of Culture	Directorate for Cultural Heritage Directorate for Cultural Promotion

\* Cities with autonomous status

Source: Ministry of Culture and Sport

### 1.2.2 National authorities

The 1978 Constitution created a new administrative territorial division in Spain, with three administrative levels: central government, Autonomous Communities or Regions and local councils (municipalities and provinces). According to the areas of competence laid down in the Constitution, all three levels have general responsibilities for culture, although the majority of public cultural expenditure comes from regional and local governments, which together represent 86% of public cultural spending (see chapter 7.1.2).

The central government holds the exclusive responsibility for protecting cultural property against export, creating legislation to protect copyright, overseeing the basic rules on freedom of expression, creation and communication and regulating the means of communication (radio, television and the press) solely to the extent that such freedoms are threatened. At the same time, it retains the ownership of certain major cultural institutions, such as some museums, archives and libraries, even if their administration is sometimes delegated to the regions.

The rise to power of the Socialist Party (June 2018) established a new structure of the Ministry of Culture and Sport (*Royal Decree 817/2018*) with three Directorates General:

- Directorate-General for Books and Promotion of Reading
- Directorate-General for Fine Arts
- Directorate-General for Cultural Industries and Cooperation.

This lean organisational structure is also due to the fact that some cultural bodies (autonomous organisms) have an independent legal status (legal entities of public law) and

a certain degree of operating autonomy. Such is the case for e.g., the Prado Museum, the National Library of Spain, and the Film and Audiovisual Arts Institute.

### **1.2.3 Regional authorities**

At the regional level, Spain is divided into seventeen Autonomous Communities (and two cities with autonomous status), which have broad powers in matters of culture. In particular, the Constitution gives them both managing and normative control over those areas where public regulation of some kind is traditional: museums, libraries, performing arts, handcrafts, etc. National museums, libraries and archives remain under state control, although, in most cases, responsibility for operating them is delegated to the regions.

The involvement of regional governments in cultural matters has been traditionally greater in those communities that have their own language and in the so-called "historic nationalities", i.e., those that first obtained administrative autonomy: Andalusia, Basque Country, Catalonia and Galicia (article 151 of the 1978 Spanish Constitution). At present, only Andalusia and Catalonia have assigned the administration of cultural affairs to a specific Department, while the remaining regional governments have opted for mixed bodies in which culture is administered jointly with education, tourism, linguistic policy, innovation and / or sports.

The regions have been very active in caring for their heritage and building cultural infrastructures. In those regions with their own language, much cultural activity is directed at recovering and developing the sense of regional identity, particularly by means of statutory initiatives to protect these languages.

Similar to national cultural administration, regional cultural administrations have lightweight structures. The coexistence of administrative structures with autonomous organisms is also present in various regions that have autonomous bodies in their departmental structures, e.g.:

- regional policy on reading and literature promotion is entrusted to an autonomous government body, the Institute of Catalan Literature;
- in Andalusia, the management of cultural programmes is entrusted to the Andalusian Agency for Cultural Institutions, constituted as an entity of public law;
- Galicia has the Galician Cultural Industries Agency and the Galician Centre of Contemporary Art;
- Castile-Leon has a Council for Cultural Policies with an advisory character that informs about the state of culture, the arts and cultural heritage in the community;

- regional policy for the promotion, development, protection and dissemination of the arts and cultural industries in Murcia is entrusted to the Institute for Cultural Industries and the Arts; and
- the Valencian Community entrusted the development and implementation of cultural policy to the entity CulturArts Generalitat, which is governed by private law.

#### **1.2.4 Local authorities**

At the local level, the *Local Regime Act 1985* gave city and town councils administrative powers over local heritage, cultural activities and amenities, and "leisure activities". The law states that population centres of over 5 000 inhabitants are obliged to provide library services, and it allows the municipalities to promote "complementary activities to those provided by other government bodies and, in particular, those concerning culture". In practice, local authorities have almost unlimited power to promote cultural activities at the municipal level. Their proximity to the citizens and the political rewards of such activities explain the huge expansion of local cultural events up to the start of the 1990s. Today, the bulk of public cultural spending (over 50%) is carried out at the local level.

A distinction should be drawn between the bigger cities (Madrid, Barcelona, Valencia, Valladolid, Bilbao, Seville, Oviedo, Salamanca, La Coruña, Santiago de Compostela), capable of funding major projects and activities, and the medium-sized and smaller towns, that only provide the basics (libraries) and support patron-saint festivals and other strictly local events.

#### **1.2.5 Main non-governmental actors**

A key actor in the provision of cultural services is the non-profit sector, many times linked to big financial or industrial corporations. The financial crisis dramatically changed the funding of culture by the private sector, as many of the Cajas de Ahorro or saving banks disappeared. Still, institutions such as the Fundación Bancaria "la Caixa", Fundación BBVA, Fundación Mapfre, or the Fundación Ramón Areces have their funding programmes for the promotion of culture and sometimes run their own cultural centres.

There are currently eight collecting societies authorised by the Spanish Ministry to be in charge of the management of usage and other asset rights, on behalf of and in the interest of several authors or other holders of intellectual property rights: the *Spanish Society of Authors Composers and Publishers* (SGAE), the *Spanish Reproduction Rights Centre* (CEDRO), the *Association for the Management of Intellectual Rights* (AGEDI), the *Artists and Performers Society of Spain* (AIE), the *Visual Management Entity of Plastic Artists* (VEGAP), the *Audio-visual Producers' Rights Management Association* (EGEDA), the *Artists, Interprets, Management Society* (AISGE), and the *Audiovisual Media Author's Rights* (DAMA).

Professional institutions work for the promotion of the cultural industries and safeguard author's rights. Groups acting on issues related to artistic and cultural rights in recent years are for example:

- *Spanish Association of Women Filmmakers and Audiovisual Media Professionals*, founded in 2006, with the aim of promoting equal participation of women in the audiovisual media;
- *Coalition of Creators and Content Industries*, founded in 2008, with the aim to lobby for tightening of the intellectual property law and other measures against file sharing on P2P networks. It consists of several associations that are linked to authors and to the music and film industries in Spain;
- the *Spanish Federation of Associations of Cultural Managers*, created late 1999, aims to unify the efforts of cultural management associations to address problems at state level, especially those related to the consolidation of the figure of the cultural manager and his or her social and professional recognition. It has developed two Pacts for Culture (in 2010 and 2015) aimed at influencing cultural policies based on the consensus of the professional sector.

#### **1.2.6 Transversal co-operation**

With the aim of providing a cross-cutting element to the cultural field, there are a number of collegiate bodies in which different levels of the public administration or different areas of the same level cooperate. At present, the Sub-secretary of Culture and Sport (*Royal Decree 817/2018*) is responsible for overseeing inter-ministerial cooperation, particularly, with the Ministries of Industry, Trade and Tourism, Education and Vocational Training, Foreign Affairs, European Union and Cooperation and Finance.

Traditional *inter-ministerial cooperation* initiatives include programmes such as "One Per Cent for Culture", referred to the financing generated by public works (at least 1% of their budget, updated to 1.5% in 2013) that has to finance works of conservation or enrichment of the Spanish cultural heritage or to enhance artistic creativity (*Historical Heritage Act, 16/1985 Act*). The programme is coordinated by an inter-ministerial Committee composed of the Ministry for Culture and Sport and the Ministry of Development, which undertakes joint actions that promote the conservation and enrichment of Spanish historical heritage.

There are also numerous and diverse inter-ministerial bodies and initiatives, for example:<sup>2</sup>

- In relation to the protection of underwater archaeological heritage, the Ministries of Defence and Culture drew up a general protocol to cooperate and coordinate the protection of underwater archaeological heritage.
- In order to provide full accessibility to spaces, cultural activities and services, the Ministry of Culture and the Ministry of Health, Social Policy and Equality presented the document *A Comprehensive Strategy of culture for all*.
- To combat infringements of intellectual property rights, an inter-sector Commission on Intellectual Property was set up, whose members are proposed by the Sub-Secretariat of the Ministries of Justice, Education, Culture and Sport, and Economy and Competitiveness.

In terms of *intergovernmental co-operation*, the State is constitutionally mandated to arrange for cultural communication among the different regions "in collaboration with them". To do so, the central government set up a specific unit today titled the Sub-Directorate General for Cultural Cooperation with the Autonomous Communities under the wing of the Directorate-General for Cultural Industries and Cooperation of the Ministry of Culture and Sport. The unit's task is to cooperate with the regions in their cultural programmes; to foster interregional communication in the area; to disseminate the wealth and range of the regions' cultural heritages; and to exchange information about cultural policies. It is also responsible for ensuring that the cultural diversity of Spain's regions is fully appreciated abroad, a task that the unit carries out in co-operation with the Ministry of Foreign Affairs and Cooperation, and Spanish embassies and consulates around the world.

In practice, the mechanisms for coordinating central and regional government activities on cultural matters have operated with different degrees of success. The Plenary session of the Sectoral Conference on Culture was held once in the third legislature (1986-1989), twice in the fourth (1989-1993) and the fifth (1993-1996) legislatures, not once in the sixth and the seventh (1996-2004), eight times in the eighth (2004-2008), nine times in the ninth (2008-2011), seven times in the tenth (December 2011- December 2015), not once in the eleventh (December 2015 – July 2016), once in the twelfth (July 2016 – June 2018), and not once in the recent legislature (from June 2018).

The *Culture Plan 2020* of the State Secretariat for Culture, passed in 2017, incorporates, as one of its strategies related to the objective of promoting a social alliance for culture, the reinforcement of cultural cooperation with the Autonomous Communities. Among the

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<sup>2</sup> Examples of agreements signed by the Ministry of Education, Culture and Sport during 2017 can be found here: <http://www.mecd.gob.es/dms/mecd/portada-mecd/destacados-sin-pagina/Convenios-MECD-2017.pdf>. And here for 2018: <http://www.mecd.gob.es/dms/mecd/portada-mecd/destacados-sin-pagina/Convenios-MECD-2018.pdf>.

specific measures, there is the impetus for the Sectoral Conference on Culture, for supra-regional cultural projects, and the circulation of good practices among territories.

Recovering and preserving the national heritage is the area where the combined action by the different levels of government has proven most fruitful. Since the beginning of the 1990s, there has been a proliferation of cooperation agreements at different levels of government mainly for major urban developments associated with the construction of prestigious cultural monuments / sites. One example is the Council of St. James, which was created in 2001 as a co-operation entity to facilitate communication between the central administration and the participating Autonomous Communities (Aragon, Asturias, the Basque Country, Cantabria, Castile-Leon, Catalonia, Galicia, La Rioja and Navarre).

Beyond the heritage field, within the framework of the Sectoral Conference of Culture, different working groups composed of representatives of the central administration and Autonomous Communities were established with the aim of promoting communication and cooperation in various aspects related to the cinematography and audiovisual, videogames, musical heritage and more.

As for *relations among the regions themselves*, the level of information and technical exchange is extremely low, with the exception of the historic communities. Collaboration between Catalonia and the Basque Country has materialised over the years in numerous projects and the exchange of information and experiences on their cultural policies. In late 2007, the Departments of Culture of those communities and of Galicia agreed to create a joint programme and to collaborate regularly in the following fields: cultural heritage, the arts, cultural industries and popular culture.

Similarly, very little progress has been made in inter-regional and national-regional co-ordination to project Spanish culture internationally. The notable exception has been the Ramon Llull Institute, a public body to promote Catalan language and culture abroad.

In terms of *co-operation at the municipal level*, aside from the abovementioned examples involving central and regional government and the councils of certain cities, mention should also be made of the assistance provided by certain regional governments for local townships. For example, the Island Councils of the Canaries and the Provincial Councils of some regions, mainly the Basque Country and Catalonia, have contributed to the development of inter-municipal cultural activities through museums, libraries, archives and local theatre tours. Municipal culture departments have also worked together with their colleagues responsible for urban development, education or tourism.

Since the Agenda 21 for Culture was approved on 8 May 2004, a growing number of Spanish cities and municipalities have adopted it at local government level. To promote the principles enshrined in the document, the United Cities and Local Governments established a Working

Group on Culture, which is chaired by the Councillor for Culture of the Barcelona City Council. The Spanish Federation of Municipalities and Provinces also has a Commission on Culture to provide local governments with useful planning and evaluation tools.

### **1.3 Cultural institutions**

#### **1.3.1 Overview of cultural institutions**

Spain's leading cultural institutions can be divided into three groups depending on their origins: national institutions, institutions set up by civil society, and institutions that emerged during the period of restored democracy. National institutions have been linked to the central government from the outset and most of them are in Madrid (Prado Museum, Royal Theatre, National Library of Spain, etc.). The second type can usually be traced to the cultural aspirations of the cultural elites at specific moments in history, particularly in those cities having a strong industrial base, for example, Barcelona, Bilbao, Oviedo, etc. Lastly, there are numerous public initiatives undertaken over the last 30 years by various levels of government, such as the construction of several major cultural spaces, the majority outside Madrid, thereby promoting cultural decentralisation. Some of those cultural facilities, promoted before the deep financial crisis without any feasibility study, remain inconclusive or without cultural activity.

National institutions depend nearly entirely on the central government for funding, although boards of governors are allowed considerable leeway in decision-making. A significant number of the other cultural institutions in the country are financed and self-managed under agreements between different levels of government. This inter-institutional co-operation seeks to promote coherence in regional development strategies and, indirectly, encourages greater self-management in the day-to-day running of the institutions.

#### **1.3.2 Data on selected public and private cultural institutions**

Data on cultural institutions have been taken from the *Cultural Statistics Yearbook* published by the Ministry of Culture and Sport. Although it was not always possible to distinguish between public and private ownership, as shown in Table 1, the general trend in recent years has been the increase in cultural institutions. The most significant growth has occurred in privately owned scenic and stable spaces for theatre which increased by 20.6% in the period 2013-2017 (from 374 to 451). They were followed by publicly owned museums and museographic collections which grew by 9.5% (from 973 to 1 065) in the period 2013-2016, and scenic spaces for theatre which grew by 6.6% (from 1 110 to 1 183).

At the lower extreme, privately owned museums and museographic collections experienced a decrease of 10.8% between 2013 and 2016.

**Table 1: Cultural institutions, by sector and domain**

Domain	Cultural institutions (sub-domains)	Public sector		Private sector	
		Number (Year)	Trend last 5 years (%)	Number (Year)	Trend last 5 years (%)
<b>Cultural heritage</b>	Cultural heritage sites (historical) *	391 (2013) 514 (2017)	31.5%		
	Archaeological sites*	2 198 (2013) 2 257 (2017)	2.7%		
<b>Museums</b>	Museums institutions and museographic collections	973 (2013) 1.065 (2016)	9.5%	455 (2013) 406 (2016)	-10.8%
<b>Archives</b>	Archives	36 (2013) ** 36 (2017) **	0%		
<b>Visual arts</b>	Art galleries / exhibition halls	Na		Na	
<b>Performing arts</b>	Scenic and stable spaces for theatre	1 110 (2013) 1 183 (2017)	6.6%	374 (2013) 451 (2017)	20.6%
	Concert houses	396 (2017)		98 (2017)	
	Theatre companies*	3 227 (2013) 3 966 (2017)	22.9%		
	Dance and ballet companies*	913 (2013) 833 (2017)	-8.8%		
	Symphonic orchestras*	170 (2013) 204 (2017)	20%		
<b>Libraries</b>	Libraries	5 622 (2012) *** 5 450 (2016) ***	-3.1%	849 (2012) 842 (2016)	-0.8%
	Publishers	314 (2015) 312 (2017)	-0.6%	2 649 (2015) 2 721 (2017)	2.7%
<b>Audiovisual</b>	Cinemas*			777 (2013) 739 (2017)	-4.9%
	Recording music companies*			60 (2013) 60 (2017)	0%
	Broadcasting organisations	Na			
<b>Interdisciplinary</b>	Socio-cultural centres / cultural houses	Na			
<b>Other (please explain)</b>					

Source: Ministry of Culture and Sport (several years) *Cultural Statistics Yearbook*.

Notes: Na: not available.

\* No distinction between public and private.

\*\* It refers to central-owned archives (ownership of the Ministry of Culture and Sport and the Ministry of Defence)

\*\*\* Public central, regional and local libraries.



### 1.3.3 Public cultural institutions: trends and strategies

In recent years, the outsourcing of public services has spread to the direction and management of cultural organisations. Thus, the management of both new and existing cultural services, formerly under direct governmental control, is now gradually being assigned to external companies or groups. This public management delegation of a variety of services to external organisations is part of a wider trend.

In the specific area of culture, the process began with the creation of public contractors (public culture foundations or committees, as well as specialised public companies) to accelerate management processes and provide greater flexibility in subcontracting and management of income. At the same time, many secondary services with little cultural impact were outsourced (catering, security, cleaning and even the marketing of goods or services). As a result of the limits placed on staff costs, the interest in obtaining specialised services at competitive rates, or the erosion of internal structures linking public ownership and public management, more and more services forming part of the cultural administration have been outsourced.

During the first phase of this process, publicly owned cultural organisations subcontracted secondary services with a high degree of cultural content to external providers (almost all museums and exhibition centres now have external educational and monitoring services). This was followed by the definitive transfer of all management tasks. The process now extends as far as community centres, municipal arts centres, galleries and exhibition halls, archaeological sites, concert halls, theatres and even museums.

Various national and regional institutions have also introduced changes in the procedure for appointing directors as to improve the objectivity, professionalism and transparency of candidate selection. At the central level, the pilot experience of the Prado Museum was extended to other institutions, such as the National Library of Spain, the Reina Sofia National Museum and Art Centre or the National Library of Spain.

Firstly, under the framework of the *Cultural Institution Modernisation Plan*, approved in September 2007, and later on, within the *General Strategic Plan 2012-2015* of the State Secretariat for Culture, this process of greater autonomy in the management of the country's principal cultural institutions also sought to promote their financial sustainability through a greater public-private collaboration. The Prado Museum and the Reina Sofia National Museum and Art Centre are "special" public institutions, meaning that, under Spain's continental legal system, they can engage in transactions governed by "private law".

Sponsorship and fundraising, linked to the greater autonomy of cultural institutions, also encourages a much greater degree of co-operation with local business circles, and enables local administrators to gain experience with innovative and modern management

techniques. A good example in this regard is the Barcelona Contemporary Art Museum (MACBA).

In recent years, volunteerism has spread to all sorts of cultural facilities, using formulas such as associations and foundations of Friends of Museums, which are grouped in the Spanish Federation of Friends of Museums, a non-profit established in 1983. Other examples are the Foundation of Friends of the National Library, a private and non-profit institution created in November 2009, and the Foundation of Friends of the Prado Museum with more than 21 000 members. In this line, the benefactors' programme of the Prado Museum currently provides around 30% of its internal financing.

According to the data of the *Special Eurobarometer 466 on Cultural Heritage* (2017), 4% of the Spanish population donates money or other resources to an organisation active in the field of cultural heritage (average EU28 was 7%), and 3% does voluntary work for heritage organisations (average EU28: 5%).

## **1.4 International cooperation**

### **1.4.1 Public actors and cultural diplomacy**

The promotion of Spanish culture abroad is a joint endeavour between the Ministry responsible for cultural affairs, and the Ministry of Foreign Affairs, European Union and Cooperation. At present, the Directorate-General for Cultural Industries and Cooperation, through the Sub Directorate-General for Cultural Cooperation and Promotion Abroad, is responsible for the promotion of the Spanish cultural industries abroad.

In addition, the Ministry of Foreign Affairs, European Union and Cooperation is responsible for foreign cultural activities through its State Secretariat for International Development Cooperation and for Ibero-America and the Caribbean, which is part of the *Spanish Agency for International Co-operation and Development* (AECID). This unit also deals with cultural and scientific exchanges, including grants and scholarships, as well as Spain's international undertakings in this respect. It acts through Spanish embassies and consulates or through AECID centres on foreign soil.

The *Cervantes Institute*, the self-governing body set up in 1991, under the aegis of the Ministry of Foreign Affairs and Cooperation, is entrusted with promoting the Spanish language and culture internationally, for which it has 87 centres in 44 countries.

The *Spanish Public Agency for Cultural Action* (AC/E) was set up in 2010 to promote and disseminate the cultural realities of Spain inside and outside the country, to joint projects of different regions and cultural institutions throughout the country and support projects that involve artists, scientists and cultural and creative industries abroad. The AC/E runs the

Programme for the Internationalisation of Spanish Culture (PICE) since 2013.

Traditionally, the management of foreign cultural policy has been the subject of disputes between the Ministry of Culture and the Ministry of Foreign Affairs and Cooperation. These ended in July 2009 when, in an attempt to reorganise functions, both Ministers agreed to establish a *National Plan for Cultural Action Abroad* (PACE). At present, the *Culture Plan 2020* of the State Secretariat for Culture, passed in 2017, emphasizes the need for a unique strategy of cultural action abroad that reinforces the international image of Spain as cultural referent through the internationalisation of cultural and creative sectors and the promotion of cultural tourism.

In addition to the Culture Plan 2020, interministerial coordination, together with the Cervantes Institute, is embodied in the arts & culture SPAIN programme, which aims to disseminate and promote Spanish art and culture in the United States and serves as a space for dialogue and cooperation between Hispanic and American leaders.

Cultural activities abroad also rely on institutions such as:

- the Carolina Foundation, set up in 2000 to promote cultural relations (grants, research, visitor programmes), particularly with the Iberoamerican community of nations;
- the Casa de América in Madrid, set up in 1990 to promote exchange and mutual understanding between Latin American and Spanish cities);
- the Euro-Arab Foundation for Higher Studies in Granada, set up in 1995, to create a space for dialogue and cooperation between the countries of the European Union and those of the League of Arab States;
- the European Institute of the Mediterranean, set up in 1989, contributes to the promotion of Catalan and Spanish institutions in the Mediterranean area and promotes and participates in development cooperation projects;
- the Casa Asia in Barcelona, was established in 2001 with the priority objective of promoting and carrying out projects and activities that contribute towards greater mutual awareness, boosting relations between Spain and Asian and Pacific countries, particularly in institutional, economic, academic and cultural spheres. In the middle of 2007, and after its consolidation in Barcelona, Casa Asia opened a new seat in Madrid;
- the Casa África in Las Palmas, Canary Islands, set up in 2006, to provide a forum for fostering mutual understanding and strengthening links between the respective civil societies;
- the Casa Árabe and International Institute of Arab and Muslim World Studies has centres in Madrid and Córdoba and was established in 2006 with the aim of becoming an active instrument in strengthening and consolidating multifaceted relationships

with Arabic and Muslim countries and establishing itself as a nucleus for the study and understanding of the history and contemporary reality of these countries;

- the *Casa Sefarad-Israel*, was established in 2006 to study the legacy of Sephardic culture as part of Spanish culture, foster greater knowledge of Jewish culture and promote the development of links between Spanish and Israeli societies; and
- the *Casa Mediterráneo*, set up in 2009 with the goal of being a centre for debate and dissemination of the numerous Mediterranean expressions.

At regional level, cultural activities carried out abroad by the autonomous governments have increased significantly over recent years. In 1992, the government of Catalonia set up the Catalan Consortium of External Promotion of Culture, today part of the Institute of Cultural Companies, to promote a Catalan presence in foreign markets. In 2007, the Etxepare Basque Institute was created with the aim of disseminating Basque culture and language abroad. In general, those regions with significant numbers of overseas emigrants, notably Galicia, have encouraged exchanges, particularly in the area of music and dance. Communities bordering on Portugal or France often engage in cultural exchanges within the framework of European Union regional policies and programmes. Andalusia emphasises cultural cooperation with its southern neighbour, Morocco. More and more communities are using cultural diplomacy as spearheads for the promotion of trade and tourism.

From a budgetary perspective, state policy for cultural promotion abroad is mainly implemented through the budgetary programme entitled *Cultural diffusion abroad*. In 2017, this programme amounted to 119 447 000 EUR, which represents an increase of 0.7% on the previous year. After several years of drastic cuts in the funding of this programme, the negative trend changed in 2014 when the amount allocated to the programme (109 263 000 EUR) increased by nearly 16% compared to the previous year.

#### **1.4.2 European / international actors and programmes**

Spain is a member of the European Union since 1986. The Sub Directorate-General for Cultural Cooperation and Promotion Abroad of the Ministry performs the following tasks: coordination and follow-up of the actions of the Ministry related to the European Union and to other agencies and international authorities in the field of culture; participation in the elaboration of treaties, conventions and programmes of international cooperation (of bilateral or multilateral character) in those fields that affect the Ministry; and advice on Spanish participation in international organisations.

Spain participates actively in the Creative Europe (2014-2020) and Horizon 2020 Programmes. Spain is also an eligible country for the EEA-Grants in cultural and natural heritage, and diversity in culture and arts.

Regarding the Council of Europe, of which Spain has been a member since 1977, the Sub Directorate-General of International Cooperation, in conjunction with the Ministry of Foreign Affairs and Cooperation, is also responsible for the follow-up and organisation of Spain's participation in the events that the Council of Europe sponsors, either directly or indirectly. Spain joined the Faro Convention in December 2018.

Spanish institutions participate in 22 designated *Cultural Routes of the Council of Europe*: The Ways of Santiago de Compostela, Vikings and Normands, The Andalusian Legacy, The Phoenicians Route, The Iron Route of the Pyrenees, The European Routes of Jew Heritage, San Martín de Tours, The Sites of Cluny Network, the Routes of the Olive Tree, the Vía Regia, Transrománica, Iter Vitis, The Cister European Route, the European Route of Cemeteries, The Route of Prehistoric Rock Art Trail, Thermal Heritage, Casa Dei, The European Route of Ceramics, Megalithic Route, Art Nouveau Network, The Routes of Charles V, and Destination Napoleon.

Spain's cultural cooperation with UNESCO, the Organisation of Education, Science and Culture, of which Spain has been a member since 1953, involves the following tasks: coordination and liaison between the Ministry of Education, Culture and Sport, the Spanish Embassy at UNESCO and UNESCO itself, with regard to the development of UNESCO's Conventions and Recommendations; preparation of the participation of the Ministry in the General Conference and the Inter-governmental Conferences, expert committees and other meetings at UNESCO; coordination and liaison between the National Cooperation Commission and UNESCO, and participation in, and follow-up and dissemination of, UNESCO's activities. The Ministry of Culture and Sport is currently responsible for implementing the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. On 28 April 2006, the government approved the text of the Convention and presented it to the Parliament for ratification. The instrument of ratification was deposited on 18 December 2006. On the 25th October 2006, it was approved and ratified by the King of Spain, one month later of being approved by the Senate.

In the case of the *Organisation of Iberoamerican States for the Education, Science and Culture* (OEI), of which Spain has been a member since 1949, the Sub Secretariat for Education, Culture and Sport, through its Sub Directorate-General for International Cooperation, coordinates the participation of the Ministry at the Iberoamerican Conferences of the Ministers of Culture, in the framework of the Iberoamerican Summits.

The MARCO programmes organised by the current Ministry of Education, Culture and Sport and the OEI currently underway, cover practically all of the cultural sectors: in the area of books, archives and libraries, ABINIA, IBERARCHIVOS-ADAI and RILVI; in the cinema and audiovisual sector, IBERMEDIA; in the field of music, IBERORQUESTAS JUVENILES, IBERMÚSICAS; in the field of the area of fine arts and cultural assets, IBERMUSEOS; in the

sector of performing arts, IBERESCENA; in the area of intellectual property: FIPI; and in the area of libraries, IBERBIBLIOTECAS.

Since 1982, Spain has also been a signatory to the Andrés Bello Agreement, an intergovernmental organisation that works to achieve the educational, scientific and cultural integration of Argentina, Bolivia, Colombia, Cuba, Chile, Ecuador, Spain, Mexico, Panama, Paraguay, Peru, Dominican Republic and Venezuela. Spain is also a member of the Regional Centre for Book Development in Latin America and the Caribbean (CERLALC), an intergovernmental organisation of Ibero-America, under the auspices of UNESCO, which works towards the development and integration of the region through the construction of reading societies.

### **1.4.3 NGO's and direct professional cooperation**

During the last decade, probably as the result of the increasing professionalisation of the cultural sector and of the public finances crisis in Spain, Spanish cultural institutions got involved in more international cooperation networks and, in the European context, got awarded more European grants to get engaged in cooperation projects. The main funders have been Creative Europe, Horizon 2020 and Erasmus+ Programmes.

Regarding professional cooperation networks, the Sub Directorate-General for Museums of the Ministry of Culture and Sport and the Spanish Association of Cultural Heritage Managers take part in NEMO – Network of European Museum Organisations. The National Library of Spain, the Complutense University of Madrid, the University of Valencia, Dialnet, the University of Barcelona and the Basque Digital Library are members of *The European Library*. The Palau de la Música Catalana and the Auditorium of Barcelona are members of the *network ECHO - European Concert Hall Organisations*. Spanish entities and professionals are also represented in networks such as the EFA-European Festivals Association, Eurozine, RESEO, ENCATC, EBLIDA.

At the institutional level, the Reina Sofia National Museum and Art Centre, for example, is working on a new type of museum through its collaborations with networks that are not institutionalised in the conventional sense. The *Network Southern Conceptualisms*, comprised of a group of researchers and curators from all over Latin America, is collaborating with Reina Sofia to promote a new notion of shared heritage by generating a network of archives. The *Foundation of the Commons* brings together different political and cultural actors and groups and collaborates with Reina Sofia in the design of a new participative and transversal institutionality. *L'Internationale* proposes a new artistic, non-hierarchical and decentralized internationalism, based on the value of difference and horizontal interchange between a constellation of locally rooted and globally connected cultural agents. It is composed by six relevant European museums: Moderna galerija (MG, Ljubljana, Slovenia); Reina Sofia National Museum and Art Centre (MNCARS, Madrid, Spain);

Museum of Contemporary Art of Barcelona (MACBA, Barcelona, Spain); Museum of Contemporary Art Antwerp (M HKA, Antwerp, Belgium); SALT (Istanbul and Ankara, Turkey) and Van Abbemuseum (VAM, Eindhoven, the Netherlands). It also collaborates with academic institutions. *Midstream* is a collaborative project that seeks to analyse the role of audiences conceived not only as consumers but also as producers of content, in a context marked by the postmedia paradigm, the specificity of the production of contemporary artists and the new forms of cultural mediation.

Also at the institutional level, the *International Theatre Institute of the Mediterranean* (IITM) aims to promote the production of performing arts, and other cultural projects, that develop and represent Mediterranean culture, fostering cultural exchange and solidarity among Mediterranean peoples involving 24 countries: 15 in Europe, 6 in Africa and 3 in the Eastern Mediterranean.

## **2. Current cultural affairs**

### **2.1 Key developments**

The victory of the Popular Party in the 2011 elections led to the appointment of a single Minister for the areas of culture, education and sport. The basic lines of action for the period 2011-June 2018 were included in the *General Strategic Plan 2012-2015*, firstly, and the *Culture Plan 2020* of the State Secretariat for Culture, later on.

Both periods were mainly focused on giving new impetus to culture as a right and as an economic engine, and to promoting Spanish culture abroad. Priorities for the period 2017-2020, incorporated in the *Culture Plan 2020*, were specified in the following five general objectives:

- to promote a cultural offer of quality, articulating a state policy that guarantees the right of access to culture through the improvement of facilities and the technological modernisation of cultural management;
- to update the legal framework of cultural protection;
- to promote a social alliance for culture that encourages participation and the role of civil society in the support and promotion of culture;
- to promote culture as a critical tool to disseminate the "brand" Spain abroad; and
- to facilitate creation, improving the conditions for contemporary creation and intellectual innovation, as key elements for the social development.

These priorities do not differ to a great extent from those of the previous government during its two terms in government (2004-2011), although the context of a severe economic crisis led to further cuts in culture, as well as to greater requirements for effectiveness, efficiency and transparency. In addition to rationality in public spending, the government's discourse

became more centralist and some regions, particularly Catalonia, perceived this as an attack on the cultural plurality of the country.

The new *Culture Plan 2020*, passed in March 2017, in a less restrictive economic environment, has mainly focussed its first year on the promotion of reading and cinema, with new tax incentives, as well as on the adoption of measures to combat the high rates of piracy.

The unexpected rise to power of the Socialist Party in June 2018 has introduced some changes in policy discourses recognising the cultural diversity of Spain. Among the initiatives announced by the new Ministry (July 2018), we can highlight: the follow-up of the statute of artists' proposal; a new law for cultural heritage; the defence of the richness of co-official languages and the need of dialogue among them and the reform of the National Institute of Performing Arts and Music (INAEM).

Apart from cultural activity of the central administration, regional and local authorities hold many of the responsibilities for culture in Spain and execute the highest proportion of public expenditure (86% in 2016). The central government is, therefore, left with a limited scope of responsibility in terms of public policy making, though it has considerable weight in underlying policy through its constitutional mandate and its control of culture vis-à-vis foreign policy, not to mention its continued control over the best known and most influential cultural institutions.

The rise of social movements during the economic crisis prompted the establishment of new political parties and electoral alliances that entered into the political spectrum, especially since May 2015 when these coalitions (called "municipalist") won the local elections in some of the most important capital cities such as Madrid, Barcelona, Zaragoza, Valencia, Cádiz and A Coruña. Their cultural policy proposals have focused on a democratic regeneration of institutions and the increase of citizen participation in decision-making processes.

## 2.2 Cultural rights and ethics

At the national level, the *Culture Plan 2020* of the State Secretariat for Culture, passed in 2017, introduces among its general objectives:

- the *right of access to culture* through the modernisation of facilities and of cultural management practices, but also through the improvement of *social accessibility to culture*. Initiatives to promote social accessibility are the programme *Museos más sociales / Museums More Social* that seeks to improve the social accessibility to cultural heritage or the programme *Llega el cine / Cinema arrives* that promotes the access to cinema in rural or small urban areas, among others;
- an *adequate remuneration for authors' rights* given the great discomfort experienced by artists, authors and publishers because of the high rates of Internet piracy; and



- the *promotion of a citizen culture* through the establishment of networks on current cultural practices and policies, as well as on cultural innovation.

The interest, during the last years, for the access to culture in rural areas is noticeable. All Spanish regions face a deep ageing problem, which affects rural areas most. To this end, the Culture and Rural Environment Forum is part of the Culture and Citizenship Programme of the State Secretariat for Culture and constitutes a space for reflection and debate on the meaning and role of culture in rural areas. It also pursues to visualise projects and innovative practices and it promotes professional exchange and specific lines of work that foster access and cultural participation in rural areas. Culture is seen as the vehicle that can change prejudices about rural areas by means of the enhancement of collective identity, opportunities and quality of life (as identified in the conclusions of the 1<sup>st</sup> Forum held in June 2017).

Other initiatives the Ministry has recently undertaken in collaboration with the university are: the development of a study on the possible correlations between culture and demographic trends in localities of low population, the elaboration of a manual for the development of cultural projects in rural environments and a white paper for the creation and development of cultural audiences.

A number of incidents in February 2018 triggered a national debate on the limits of the freedom of expression and censorship: The director of the exhibition centre where ARCO (Madrid's Contemporary Art Fair) is held, ordered a participating gallery to remove its work titled "Political Prisoners in Contemporary Spain" featuring 24 pixelated mugshots, three of them depicting jailed Catalan separatist leaders. The Supreme Court upheld a 42-month prison sentence against a rapper for inappropriate content insulting the monarchy and glorifying terrorism in YouTube posts. And a lower-court judge decided to withdraw a book published in 2015 about the drug trade in Galicia after a local politician claimed it smeared his reputation. These events triggered the debate and the reaction of some professional collectives, such as the Spanish Federation of Association of Cultural Managers, who made a declaration against censorship.

### **2.3 Role of artists and cultural professionals**

Violation of intellectual property rights, labour, economic and social difficulties and, more recently, a decrease of artistic freedom are the main reasons of discomfort among Spanish artists and cultural professionals.

In order to improve this situation, at the national level, the Culture Plan 2020 of the State Secretariat for Culture, passed in 2017, introduces as specific strategies:

- to improve the application of legal criteria to adequately remunerate the economic value of authors' rights;
- to develop the Statute of Artists and Cultural Professionals, in line with the proposals suggested by a Subcommittee of the Congress of Deputies;
- to promote international mobility of artists and cultural professionals through specific training on mobility, the offer of residences for Spanish and international artists and cultural managers, and the consolidation and extension of current training programmes (such as "Culturex", "Iberex", "Hispanex" and "Fulbright").

Currently, the Statute of Artists and Cultural Professionals is under development and implementation. The Spanish Parliament created a Commission to adapt the labour, fiscal and intellectual property legislations to the specificities of the work of creators, artists and professionals of culture. The Commission was active during the period 2017-2018 and approved a report in June 2018. Among other things, this report made recommendations for the taxation of irregular incomes (typical for artists), for VAT reduction for artistic intermediate and final services, for training activities, social security measures and the right to receive income on copyrights.

In July 2018, the new Ministry of Culture and Sport announced its support of the report and declared that it would be applied gradually and with the commitment of other Ministries, such as the Ministry of Finance, Labour and Social Security and Equality, as well as with the support of labour unions and representative cultural associations. The Congress of Deputies unanimously approved the report in September and since then the government is slowly adopting the recommendations. For instance, a Royal Decree-Law was passed in December 2018 to modify the legislation on Income Tax, Corporate Tax, the Value Added Tax and Social Security Matters for performing arts and cinema professionals and firms (see chapters 4.1.3 and 4.1.4).

## **2.4 Digital policy and developments**

With a great impact on the cultural field, in 2013 the government launched the *Plan for the Promotion of the Digital Economy and Content Industry*. The plan covered three areas of action: the growth of the sector, with education and training initiatives in digital content, funding programmes and the impulse for increasing the dimension of companies and businesses; the protection of intellectual property; and the re-use of public sector information.

Despite all the progress made in recent years, some challenges remain to be addressed:

- achieving a better geographical balance for development by using specialised plans;

- increasing the level of cultural content within the new applications, which will require additional and targeted support; and
- improving coordination between the national strategies designed by the various ministries involved and those drawn up by regional communities and local councils.

Within the framework of the *Plan for the Promotion of the Cultural and Creative Industries 2018*, the government continues a system of capital grants to increase the legal supply of cultural content on the Internet. Also with the aim of supporting the legal supply of cultural content on the Internet, in June 2011, the Ministry of Culture presented the *Label Cultura en Positivo [Culture in Positive]*, which aims to identify companies and institutions in the fields of music, films, books, visual arts and video games that provide digital content, either paid or free, that respect intellectual property rights.

More recently, with the collaboration of the private sector (such as media and telecommunication companies), the Ministry has launched an awareness campaign in the media titled *No pirates tu futuro [Don't Pirate Your Future]*, with a series of online advertising spots aiming to reduce the high levels of piracy in Spain. In the library sector, the programme *eBiblio* provides free loans of e-books and audio-books and in the cinematographic sector, the government launched a new version of the portal *Filmotech.com*, as a new model for commercialising cultural products.

Important public and private initiatives for artists working with new technologies are:

- *ArtFutura*, the Festival of Digital Culture and Creativity was founded in 1990. The festival has become a point of reference in Spain for art, technology and digital culture, and offers an extensive programme of activities in museums and cultural centres in more than twelve different Spanish cities. Each year, ArtFutura presents the most outstanding and innovative international projects of the previous twelve months in digital art, interactive design, computer animation and video games;
- *OFFF* started in Barcelona in 2001 as a festival of post-digital culture, and today combines art, design and technology through different activities such as conferences, workshops and exhibitions;
- *Arts Santa Monica Creativity Centre*, under the Catalan government's Department of Culture, is a space for convergence and crossover between the different disciplines of contemporary artistic creation and science aimed at the diffusion of Catalan creativity, innovation, and reflection;
- *Meeting-Show Zinc Shower*, held for the first time in 2013, is an international meeting point for channelling investment, promotion, training and collaboration among the most innovative companies and projects in the sector.

There are two outstanding initiatives to support creators and artists working with new technologies: Hangar and LABoral. Hangar is a centre for arts production and research, set up in 1997. It provides support facilities for artists and designers and offers services adapted to production needs associated with the arts world. LABoral, Centre for Art and Industrial Creation, opened in 2007 in Gijón (Asturias) as an exhibition centre for art, science, technology and advanced visual industries. But it is also a venue for artistic and technological production, research investigation and training; and for the dissemination of new forms of art and industrial creation.

In recent years, new creative centres have opened their doors to the participation of social communities and citizen initiatives. For example, Medialab Prado in Madrid is conceived as a citizen lab for production, research and dissemination of cultural projects that explores new forms of experimentation and collaborative learning in digital networks. Hirikalabs in Donostia/San Sebastián (Basque Country) creates activities that combine the digital world with citizen empowerment and is now integrated in the wide project of Tabacalera.

The Spanish Public Agency for Cultural Action (AC/E) publishes an *Annual Report on Digital Culture* that analyses the development of digital trends in the world of culture and focuses on a specific sector or discipline each year. The first issue, 2014, collected the influence of digitization on performing arts; the second one, 2015, focused on the impact on museums; the third one, 2016, on cultural festivals and professional meetings; the fourth, 2017, on cultural heritage and the last one to date, 2018, on the general trends and readers in the digital world.

## **2.5 Cultural diversity**

### **2.5.1 National / international intercultural dialogue**

National intercultural dialogue is more or less present depending on the centralizing or decentralizing orientation of the national administration in office. Most of it is done, at the national level, by the coordination of the ministry with the autonomous communities.

During the last decades there has been a shift in the orientation of international intercultural dialogue from the concept of Alliance of Civilisations proposed in 2008 to the concept of cultural diplomacy.

At present, and especially at the local level, the third sector and the public sector (through cultural houses and civic centres) run numerous activities and projects designed to promote cultural dialogue and understanding, especially in those territories with many immigrants.

The programme *Museos más sociales* [More Social Museums] of the Spanish Ministry of Culture and Sport aims to improve the social accessibility. It also defines the concept of

"intercultural museum" as the one that promotes the relations between cultures and between social groups, enhancing the intercultural dimension of cultural heritage.

One of the most important actors in the dialogue between the European Union and the other Mediterranean countries is the European Institute of the Mediterranean. This institute, based in Barcelona (Catalonia), is a centre for reflection and debate on Mediterranean societies, a think-tank specialising in Euro-Mediterranean relations and a promoter of cooperation. The Institute promotes knowledge through research and study; carries out training and promotion activities; encourages the participation of civil society in the Euro-Mediterranean Partnership (also called the Barcelona Process, the main framework for political, economic, and social relations, as well as dialogue and regional co-operation in the Mediterranean).

The Institute was set up by the Ministry of Foreign Affairs and Cooperation as the Coordinator of the Spanish Network of the Anna Lindh Euro-Mediterranean Foundation. This Foundation is the first institution created by the 35 countries of the Euro-Mediterranean Partnership, with the objective of improving reciprocal understanding and the quality of cultural dialogue between the two sides of the Mediterranean. The Anna Lindh Euro-Mediterranean Foundation encourages cultural dialogue, supports exchanges, cooperation and mobility, particularly among the young, and organises activities within the framework of the Euro-Mediterranean Partnership. The Spanish network is formed by 82 members, representing organisations from civil society.

The Three Cultures Foundation is a non-profit foundation which, in recent years, has become the international benchmark for dialogue and respect for achieving peace and understanding amongst the people of the world, thanks to the exceptional nature of the patronage and its cultural activities. The Foundation was established under the aegis of the Andalusian Regional Government and the Kingdom of Morocco, who in 1998 broached the need to create a forum to bring together the people of the Mediterranean. This proposal was favourably received by the international community, with the support of the Peres Centre for Peace, the Palestinian National Authority, and multiple Israeli and Euro-Mediterranean individuals and institutions committed to dialogue and peace. Since March 1999, when the Three Cultures Foundation was established, the three main priorities in its day-to-day activity and cultural schedule have been: co-operation within the Mediterranean region, between Andalusia, Morocco and the Middle East, and between the European Union and the Mediterranean countries.

## **2.5.2 Education**

From the academic year 2007-2008 to 2014-2015, the subject "Education for citizenship and human rights" was part of the general school curricula. There was strong opposition from families with children in religious schools and from the Catholic Church, with the argument

that the state should not introduce a compulsory subject aimed at the moral upbringing of students. The subject, taught at the primary and secondary levels, focused on the improvement of reciprocal understanding and the promotion of tolerance. The *Organic Law for the Improvement of Educational Quality (8/2013 Organic Act)* replaced this subject with courses on "Social and Civic Values" and "Ethical Values" at primary level from the academic year 2014-2015 onwards.

Both subjects are an alternative to the compulsory subject of "Religion" in primary and secondary levels and are aimed at transmitting values that promote personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, as well as help to overcome any kind of discrimination. The development of that Act in 2014 has detailed the contents of the basic curriculum of primary education, and the basic competences to be acquired in the compulsory secondary education and upper secondary level.

Beyond the curricular framework, there are diversity education programmes at the national and regional levels. At the national level, the Ministry of Education and Vocational Training provides web resources designed to respond to the concerns of professionals in the educational and social spheres with regard to cultural diversity and all its implications. In addition, it runs or has run other intercultural education projects, such as:

- *The Portuguese Language and Culture Programme* aims to maintain the linguistic and cultural reference points of the children of Portuguese workers and immigrants, as well as promoting interest and respect among Spanish pupils for other cultures. In kindergarten and primary school, the teaching of Portuguese is part of the normal curriculum, via "integrated classes" in which Portuguese and Spanish teachers teach the whole class together, or in "simultaneous classes" (in which the Portuguese teacher teaches the members of the group who have chosen to participate in the programme). Furthermore, these schools organise other complementary activities such as exchanges and study visits, cultural weeks and Portuguese Clubs. In secondary education, Portuguese is a facultative subject and is taught by Spanish teachers. The programme only runs in several Autonomous Communities (those with large numbers of Portuguese students).
- *ACT*- This is a European initiative funded by Erasmus+ with the participation of several bodies of the Spanish Ministry of Education. Given that the EU promotes that pedagogical approaches should focus in social, civic, relational and intercultural skills, and that the transmission of democratic and civic values should be made on the basis of the democratic participation of children, the project empowers teachers to be better prepared to transmit these values and skills.
- The *International Foundation Yehudi Menuhin*, cooperating with public institutions, promotes a number of programmes. For instance, the "MUS-E Programme" aims to promote the arts, especially music, song, theatre, dance and the visual arts at school,

to favour the social and cultural integration of disadvantaged children, to prevent violence and racism, and to promote tolerance and harmony between different cultures.

At the regional level, where Autonomous Communities have important competences in the educational field, there are also numerous initiatives related to the intercultural focus of education, the reception of immigrant pupils, the implementation of organisational and curricular measures, linguistic and cultural support, attention to immigrant families and the training of teaching staff (for more details about regional initiatives see: <https://www.mecd.gob.es/educacion/mc/convivencia-escolar/recursos/centros-atencion-diversidad.html>).

### **2.5.3 Media pluralism and content diversity**

Since 1977, when the Ministry of Information and Tourism was replaced by that of Culture, the government's responsibility for the media was separated from its responsibilities for culture. As of 2000, the media are a responsibility of the Secretariat of Telecommunications and Information Society, titled State Secretariat of Information Society and Digital Agenda of the current Ministry of Economy and Business since July 2018. However, the Film and Audio-visual Arts Institute (ICAA) of the current Ministry Culture and Sport continues to develop strategies to foster the cinema and audiovisual industries by subsidising certain production and distribution costs, as well as the construction and renovation of cinemas.

At the regional level, the *Act 4/1980* allowed the Autonomous Communities to set up their own publicly funded radio and television broadcasting operations, which many of them proceeded to do, such as:

- Euskal Irrati Telebista/Basque Radio Television (1982);
- Catalan Broadcasting Corporation (1983);
- Galician Broadcasting Company (1984);
- Valencian Broadcasting Entity (1984), abolished at the end of 2013;
- Radio Television Entity of Madrid (1984);
- Radio Television Entity of the Canary Islands (created in 1984 and beginning of emissions in 1999);
- Radio Television Entity of the Balearic Islands (created in 1984, but it was not established as such until 2004);
- Aragon Broadcasting Corporation (1987);
- Public Enterprise Agency of Radio and Television of Andalusia (1987);
- Radio Television Entity of Castile-La Mancha (2000);
- Radio and Television Entity of Asturias (2003); and
- Radio and Television Entity of Murcia (2004).

At the same time, at the national level, the second TV channel of the Spanish Radio & Television Corporation (RTVE) broadcasts some of its programmes in the languages of the different bilingual regions.

The radio and television broadcasters that are owned and funded by the autonomous regions, though not always structurally linked to the regional departments of culture and language, have been one of the pillars of cultural policy, particularly in the bilingual regions. Growing immigration, especially since the beginning of the 2000s, led the public media to seek new formulas through which to make this new social reality more visible in broadcasting and to make television available and accessible to new citizens as a means of facilitating their integration.

State-funded Catalan television was the first Spanish broadcaster to create a Diversity Committee. Its main aims include the multilingual subtitling of emblematic programmes, the adaptation of its broadcasting language, coverage of the daily lives of new citizens on Catalan channels and the broadcasting of programmes that are of particular interest to new citizens. In 2005, also in Catalonia, the *Table for the Diversity of the Audiovisual* was created to foster coexistence, respect and interchanges among people with different cultural filiations, and to share the experience of recreation and renovation of Catalan culture.

Since the beginning of the 1990s, national and regional state-funded TV broadcasting coexists alongside private television. The proliferation of public and private channels, at national, regional and, more recently, local level, has generated fierce competition for available advertising revenue. The massive deficits accumulated by the controlled broadcasting of the government and Autonomous Communities, fuelled an ongoing debate on how publicly-owned broadcasting should be funded and about the privatisation of their management.

From a content perspective, the media owned and operated by the government are deemed to be public services that are obliged to respect the "political, religious, social, cultural and linguistic diversity [of Spain]". Among the aspirations of the state owned but independent RTVE are quality, plurality and cultural diversity. With the support of the Ministry of Culture, in April 2009, RTVE launched the Cultura.es channel to disseminate Spanish culture in Spain and worldwide. Budget cuts led to the disappearance of the cultural channel, although its contents became integrated into the programming of the second channel RTVE, which has now basically become a cultural channel.

The *Media Pluralism Monitor* carried out in 2017 indicates an overall medium risk to media pluralism in Spain. Although Spain has adopted progressive legislation and developed a comprehensive legal framework for ensuring media pluralism, implementation is often weak and ineffective. From the four areas included in the monitor, Social Inclusiveness is at risk the most (52%). In that area specifically, 'Access to media for minorities' is determined a high



risk (69%), since Spain does not recognise the concept of a minority. 'Access to media for women' (64%) is placed at the higher end of the medium risk range. The indicators on 'Access to media for local/regional communities' and on 'Media literacy' also scored a medium risk (44% and 55% respectively).

The indicator determined a low risk (although the highest within the Social Inclusiveness area) is 'Access to media for people with disabilities' (33%). On average, the indicators for Basic Protection area show a medium risk (43%) and those for Market Plurality show some important risk levels, especially regarding the 'Cross-media concentration of ownership and competition enforcement' (75%). Although media law provides ownership restrictions in the media sector, specific cross-media concentration limits have not been established. Medium risk has also been found with the 'Media ownership concentration (horizontal)' (54%) and 'Commercial & owner influence over media content' (50%). With regard to the Political Independence area, all indicators score as medium risk.

Within RTVE, the radio side of the organisation has remained on the side-lines; not dependent on advertising revenues, the public service offered by its various channels (RNE, Classical Radio, Radio 3, Radio 4 and Radio 5) is of good quality.

Regarding audiences, in 2018, the Mediaset España group was the audience leader again (with a 28.8% share), followed by the, also private, group Atresmedia (26.8%), RTVE, the national public organisation (16.5%), Forta, the Federation of regional Radio and Television organisations or entities (7.7%), Grupo Vocento (2.9%) and Unidad Editorial (2.6%). For more details see the [report](#).

#### **2.5.4 Language**

The language issue is an important one in Spain by virtue of the recognition both in the Constitution of 1978 and in the [regional charters](#) of 7 communities with own languages: Asturias, Catalonia, the Basque Country, Galicia, the Balearics, Valencia and Navarre. In these regions, the local language and Castilian coexist as official languages and a system of bilingual education operates or, at least, regional governments assure its protection and promotion. This recognition is the cornerstone of Spanish cultural diversity.

The challenges experienced since the initial recognition of "other Spanish languages" (Article 3.2 of the Spanish Constitution of 1978) fall into three broad categories. The first is in defining the borderline between linguistic and cultural policy, particularly with respect to intervention by the authorities in the culture industries of bilingual communities. The second challenge has arisen from the influx of immigrants, when deciding which language should be used to integrate them socially in the host country. A third challenge relates to exchange among the different cultures within the state and the thin line between protection of the regional language by regional authorities and intervention to the detriment of the national official

language.

With regard to this last point, the intention of the Popular Party to extend Castilian as a vehicular language in the Catalan educational system, included in the *Organic Law for the Improvement of Educational Quality*, clashed with the strong opposition of the Catalan government and society. Instead, the latter two defended the language immersion system implemented in the Catalan schools and, therefore, the centrality of the Catalan language and literature in the school curriculum.

To promote linguistic diversity, a pioneer initiative in Spain was the establishment, in 2011, of a committee of experts from different fields (education, audiovisual industry, culture, politics, consumers and users, social communication, etc.) with the task of giving advice to the government on measures to promote the original version both in cinema and television. At that time, the Senate passed a motion, with the support of all the parliamentary groups, except the Popular Party (that abstained), urging the government to adopt specific measures to guarantee the right of access to audiovisual content in its original language. This proposal sought to promote cultural diversity, to disseminate the official languages in Autonomous Communities and to ensure the right of citizens to access film and audiovisual content in its original language. At the end of 2011, the conclusions, recommendations and proposals of the committee were made public.

Since then, the government has not carried out any action in this direction, nor does it seem to be among its priorities. However, one of the priorities is that Spanish becomes the second most used language on the Internet (it is currently the third one). Although there has not been a proper development, some initiatives in the digital agenda of the public administration have been implemented to better analyse and promote the presence of Spanish languages and culture on the Internet. Namely, the *Plan to promote language technologies in the Internet by the Digital Agenda of the Spanish Government* and the cultural programs of *red.es*.

### **2.5.5 Gender**

Within the framework provided by the *3/2007 Act* for effective equality between women and men, the Institute for Women sponsors various cultural initiatives, such as the celebration of the section "Affirming the rights of women", in the framework of the Malaga Film Festival. Also within the audiovisual field, the Film and Audiovisual Arts Institute (ICAA) launched affirmative action measures for women's productions. Thus, projects with a female author or director receive more points in the evaluation process. Moreover, the category "Especially recommended for the promotion of gender equality" has been established for films and other audiovisual works. More recently and due to persistent inequalities in the sector, the Ministry of Education, Culture and Sport has announced the increase of points for projects with female filmmakers.

The Ministry of Culture has launched other initiatives in the field of culture and equality, such as museum itineraries around women and art in the 17 state museums or the festival *Ellas Crean [They Create]*. Nevertheless, with the extension of powers to the fields of education and sport during the government of the Popular Party, equality policies of the Ministry in the cultural field were drastically reduced.

More recently, and to great extent as a result of the international movement in defence of the role of women in the cultural and creative industries, gender equality has become an issue in the political agenda. Recent initiatives include the establishment of a *Gender Equality Committee on Cultural Affairs*, the requirement of a balanced representation of women and men as a transversal objective in the *Strategic Plan on Grants of the Ministry of Education, Culture and Sport 2018-2020* and solutions for the gender pay gap in the National Institute of Performing Arts and Music (INAEM).

The topic of gender equality and differences is specifically addressed in a micro-site of the Spanish Ministry of Culture and Sport: *Equality in Numbers*. The last indicators of gender for cultural participation, cultural workers, expenditure and intellectual property creation and management are available. Regarding the cultural labour market, in 2017, 39.3% of people employed in the cultural sector in Spain were women; this is smaller than the average proportion in the economy (45.5%). By economic activity, there is a clear predominance of women in libraries, archives, museums and other cultural institutions, and editing (representing 55.7% of the total) and a lower presence in the music industry (24.4%).

This is a longstanding trend resulting from the strong female presence in arts education and in specific training in cultural administration. Several studies carried out by associations of women in the fields of the audiovisual sector and the visual arts have highlighted that this majority of women in university degrees gets translated into the occupation of intermediate positions, but does not reach the boards of directors of institutions, the stages of creation and production, exhibitions or in granting of awards (for more details see *Spanish Association of Women Filmmakers and Audiovisual Media Professionals* and *Women Observatory in the Visual Arts*).

During 2018, several professional encounters debated about the gender perspective and about the role of women in the cultural sphere, such as: *2018 Workshop of the Spanish Ministry* in Madrid, *Encounter of Women Directors of Museums* in Valencia, *Archaeological Heritage and Women* in Baeza.

### 2.5.6 Disability

Only recently, the Ministry of Education, Culture and Sport has carried out initiatives aimed at the inclusion of other disadvantaged groups such as the disabled. Thus, in July 2011, the Ministry of Culture and the Ministry of Health, Social Policy and Equality presented the document *A Comprehensive Strategy of Culture for All*, that sought to provide full accessibility to spaces, cultural activities and services managed by the Ministry of Culture and National Heritage; to encourage artistic creation of people with disabilities, as well as their activity as direct cultural managers; and to promote research on technologies that facilitate accessibility to cultural content and spaces.

Also in 2011, an inter-ministerial body (*Inclusive Culture Forum*) was created for the follow-up of this initiative, which was composed of both Ministries, along with National Heritage, the largest organisation representing people with disabilities, public and private referral centres and various experts. In April 2018, the Council of Ministries approved to introduce the entitled *Marrakech Directive (2017/1564/UE Directive)* into the Spanish legal system aimed to improve the access of people with visual disability to printed works.

The current *Culture Plan 2020* of the State Secretariat for Culture for the period 2017-2020 gives further impetus to some of the previous initiatives, such as, those developed by the INAEM and related to the social accessibility to the heritage sector.

More specific institutional initiatives in this area include the participation of the National Institute of Performing Arts and Music (INAEM) in several projects, such as *Teatro Accesible* [*Accessible Theatre*], which includes audio description for people with disabilities, the organisation of the *A different look Festival* by the National Drama Centre that programmes shows made by artists with disabilities, and the organisation of the Conference on Social Inclusion and Education in Performing Arts. A *book* celebrating the 10<sup>th</sup> anniversary of the Workshops organized by INAEM was published at the end of 2018. The *Teatro Accesible* [*Accessible Theatre*] initiative, promoted by Vodafone Foundation, CRLnuevavida and APTENT, with the collaboration of the Ministry of Culture and Sport, provides theatres and cultural institutions with accessibility for communication solutions and systems of hearing assistance.

In the heritage and museum sector, the programme *Museos más sociales* [*Museums More Social*] of the Ministry aims to improve the social accessibility to cultural heritage. It also defines the concept of “*accessible museum*” as the one that eliminates physical, sensorial and intellectual barriers to ensure the optimal accessibility to venues and contents.

There are also international cooperation actions to train cultural managers. For instance, the *Accessible Culture & Training Project* (2015-2018) - funded by Erasmus+ with the participation of the Autonomous University of Barcelona, Transit Projectes and the Department of Culture of the Catalan government - provided training to cope with the needs

of cultural institutions to provide fully accessible events to guarantee cultural participation for every citizen.

## **2.6 Culture and social inclusion**

The consideration of culture as a tool for social inclusion has been one of the central objectives of the government led by the Popular Party. Firstly, the *General Strategic Plan 2012-2015*, and, at present, the *Culture Plan 2020* of the State Secretariat for Culture include the establishment of a state policy that ensures the right of access to culture and underpins citizenship and social inclusion as one of the five general goals for the next years. In its strategy of collaboration and cultural cooperation with private and public actors, particularly with Autonomous Communities, the government seeks to create a favourable environment for the development of a culture of excellence that contributes to social inclusion and territorial cohesion.

According to *Museos más sociales [Museums More Social]*, the “inclusive museum” is the one that promotes social cohesion and combats exclusion, discrimination and inequality. All in all, it works with and for the whole society, without exceptions.

In relation to minority groups, one of the projects undertaken by the central government was the creation of the *Roma Cultural Institute Foundation*, a state-owned public sector foundation that is associated with the Ministry of Education, Culture and Sport. Its creation was authorised by a Council of Ministers held on 9 March 2007 to support the community of gypsies, which has maintained its own identity in Spain since its entrance in the fifteenth century. At present, this community represents around 1.5% of the Spanish population.

The main aim of the Institute is to contribute to harmonious relations between the various groups and cultures present in Spanish culture, paying special attention to equality of opportunity and to combating discrimination on grounds of gender or race. The Institute also supports the development and promotion of gypsy history, culture and language in all its manifestations, and contributes to its dissemination through research, publications and the organisation of academic and cultural events. In 2012, in accordance with European regulations, the government approved the *Strategy for the Social Inclusion of the Gypsy Population in Spain 2012-2020*, which includes the promotion of culture as a complementary line of action.

Another cultural project in this field is the *Network of Spanish Jewish Quarters*, a non-profit public association with the goal of protecting all facets of Sephardic heritage in Spain. Its members promote cultural and academic projects, sharing their experiences and organising events in Spain and abroad, and designing policies of sustainable cultural tourism in their cities.

Given their greater proximity to citizens, local governments run most of the programmes aimed at promoting the social inclusion of immigrants and other vulnerable groups: increasing their access to libraries or civic centres; organising festivals, cultural workshops, etc., or participating in folk and traditional arts. For example, the Barcelona city council launched the Culture network for social inclusion in 2010, which is articulated as a common space of relations between organisations of the social sphere and of the cultural field. It addresses the actions and reflections on culture and social inclusion and published a map of inclusion-oriented cultural projects in 2011.

Beyond institutional initiatives, there are many actions that promote culture and artistic creation as an "instrument" for the social integration of immigrant communities and cultural minorities in Spain. They act as a "bridge" between these groups and the host population. Among their various objectives, the following are most important:

- intensifying the contacts between the associations and the NGOs: as done by the CEPAIM Foundation. Coexistence and Social Cohesion;
- exchanging good practices on intercultural community action: as done by the CEPAIM Foundation. Coexistence and Social Cohesion;
- increasing visibility through public celebrations and cultural events: the annual festival Murcia: three cultures (Arab, Jewish and Christian) organised by the Murcia City Council; Venagua, organised since 1991 by the Columbares Association in Beniajan (Murcia);
- fostering cultural mixture and respect for diversity: Columbares Association promotes the use of artistic and creative activities such as music, theatre, painting, sculpture or photography to facilitate the inclusion of the most socially vulnerable people;
- contributing to inclusive and intercultural education: the Columbares Association in Murcia organises the Diversity Educates project to promote diversity and mutual respect in the classroom and at home; and
- promoting intercultural coexistence and mutual respect for all cultures: since 1992, the Socio-Cultural Association for Cooperation and Development in Colombia and Latin America (ACULCO) coordinates different cultural projects (festivals, workshops, art exhibitions, etc.) that allow interaction between the autochthonous and immigrants; and Foundation Tot Raval (Barcelona) organises, since 2003, the Culture Festival Raval, which shows the various "Ravals" living in the neighbourhood.

## 2.7 Societal impacts of arts

The current *Culture Plan 2020* of the State Secretariat for Culture, for the period 2017-2020, only includes a general reference to culture as a major factor for development and welfare, but, at present, it has not carried out any specific strategy on that issue.

At the project level, in 2015 the Ministry launched *Culture and Citizenship* which organizes workshops and meetings to reflect and promote initiatives on social change with a special focus on rural culture and inclusion.

At the local level, different emblematic cultural institutions, such as museums and music halls, are developing programmes to show the positive impact of arts in vulnerable groups. For example, the Centre for Contemporary Culture of Barcelona (CCCB) has promoted a study on the impact of culture on the welfare and social inclusion of those affected by Alzheimer's disease, which has demonstrated the positive therapeutic effect that culture has when opening its doors to those affected by this disease and their caregivers. Similarly, the programme *Apropa Cultura / Approaches Culture* of L'Auditori in Barcelona organises music workshops for people with learning difficulties, as well as for those affected by Alzheimer's disease.

There are also a number of national programs funded and run by philanthropic entities linked to the impact of arts for social improvement (for example *Art for Change* by "la Caixa" Foundation) or more specifically to the impact of arts education (for example *Art in the Community* by Fundación Daniel and Nina Carasso, *Responsible Education* by Fundación Botín, and *Projects in Community* by Fundación Cerezales Antonino y Cinia).

## 2.8 Cultural sustainability

It is still a conceptual and practical challenge to fully incorporate culture in the sustainable development actions in Spain. A document that reflects on the different approaches is "Culture in, for, and as Sustainable Development", the Final Report with the Conclusions of the COST Action IS1007 – "Investigating Cultural Sustainability".

Cultural sustainability as a goal itself or a strategy to progress towards the Sustainable Development Goals is not fully incorporated in the cultural policy of the Spanish central government and the regional governments. However, there have been several initiatives at the national and local levels that have considered that culture is a pillar for any strategy of sustainable development. In this sense, the Spanish Council of Ministers approved the *Action Plan for the Implementation of the Agenda 2030: Towards the Spanish strategy for sustainable development* in June 2018. The sustainable management of cultural and natural resources is seen as a suitable approach as to fight depopulation of rural areas that are facing the problems associated with ageing populations.

In the analysis of the current situation, the Ministry of Culture and Sport appears to be one of the less engaged with any action or programme leading to the achievement of the 2030 Sustainable Development Goals. Actually, a single action is identified for Goal 11 (Make cities and human settlements inclusive, safe, resilient and sustainable) in the area of cultural heritage. The Action Plan designs some transformative actions to advance in the achievement of SDGs in Spain and proposes the promotion of culture as a key transformative element as one of those transversal actions (p. 119). Culture is seen as a powerful means to transmit values and change attitudes, so SDGs could be easily assumed by the population. As the local administrations are closest to the citizens, the Plan proposes that they should take a leading role (also because they spend most of the public expenditure on cultural activities in Spain). The coordination among all the Spanish Ministries is to be done by the Ministry of Culture and Sport, though no specific plans have been designed.

At the national level, the Spanish Ministry of Culture and Sport has promoted several forums where strategies related to cultural sustainability are regularly discussed. For example, there is an annual meeting on culture and citizenship and regular meetings to discuss the role of culture in the development of rural communities, *Foro Cultura y Medio Rural [Culture and Rural Environment Forum]*. In addition, the 2018 European Year of Cultural Heritage established the promotion of sustainable cultural tourism as one of its 10 priority actions.

According to *Museos más sociales [Museums More Social]* the “sustainable museum” is the one that is engaged with the environment, preserves cultural heritage for future generations and disseminates sustainable habits.

Most of the progress in Spain can be found at the local level, with local action groups and agencies incorporating the sustainable management of heritage resources to their strategies of economic and social development. Some interesting initiatives are the programs by the following private institutions: Fundación Cerezales, Fundación Santa María de Albarracín and Fundación Santa María la Real.

The Spanish Federation of Municipalities and Provinces has created working groups to raise awareness about cultural sustainability as a pillar to reach all the SDGs. This Federation calls to all local governments in Spain to contribute to SDGs by making sure that local public spaces, cultural policies and actions should be environmentally sustainable and socially inclusive (for more details see [here](#)).

At the international level, much of the activity for the promotion of cultural relations with developing countries is channelled through the Spanish Agency for International Co-operation and Development (AECID), created in 1988 to manage Spanish policy on international cooperation and development. The AECID is an autonomous body under the aegis of the Ministry of Foreign Affairs, European Union and Cooperation through the State



Secretariat for International Development Cooperation and for Ibero-America and the Caribbean.

The agency is responsible for the design, execution and management of projects and programmes of cooperation for development, either directly, using its own resources, or via cooperation with other domestic or international bodies and non-governmental development organisations. To this end, the Agency follows the guidelines of the *Fifth Master Plan for Spanish Cooperation (2018-2021)*, focusing on three cross-cutting elements: gender perspective, environmental quality, and respect for cultural diversity, in accordance with the new *2030 Agenda for Sustainable Development*, that was adopted in 2015.

## **2.9 Other main cultural policy issues**

Infringement of intellectual property rights is an issue of particular importance in Spain. In 2008, the *Coalition of Creators and Content Industries* was created with the aim to lobby for tightening the intellectual property law and other measures against file sharing on P2P networks. It consists of several associations that are linked to authors and to the music and film industries and it publishes an annual report on piracy and digital contents consumption habits. The latest results corresponding to 2017 show a decrease in piracy of 6% compared to 2016 (representing illegal accesses to illegal content with a total value of EUR 21 899 billion). Accumulatively, there was a decrease of 9% compared to 2015 (for more details see [here](#)). The Coalition also carries out a programme of awareness of intellectual property and piracy aimed at primary and secondary school pupils. The main results of the fourth edition of the programme can be found [here](#).

At the institutional level, the Ministry of Culture and Sport has proved its strong commitment to the defence of intellectual property rights. Until now, the Second Section of the Intellectual Property Committee of the Ministry of Culture has closed more than 100 pirate pages online. In 2018, the courts blocked 25 web pages and a total of 54 domains with illegal content (for more details see [here](#)).

## **3. Cultural and creative sectors**

### **3.1 Heritage**

At state level, the Sub Directorate-General for Historic Heritage Protection and the Spanish Cultural Heritage Institute are the organisms responsible for heritage policies. Both bodies are in charge of protecting cultural heritage, enriching the state-owned collections, promoting international cooperation related to heritage and restoring works of art and archaeological objects owned by the state, other public administrations or the Church. The National Heritage Plans are the instruments for heritage management and are shared by

different instances of the public administration with the participation of other public and private institutions. Its aim is the development of shared criteria, methods, and coordinated programs of activities, including actions of preservation, conservation, restoration, research, documentation, training and dissemination. There are currently 14 National Cultural Heritage Plans.

Also noteworthy is the task carried out by National Heritage, an organism attached to the Ministry of the Presidency, responsible for the assets of the Royal Sites (cultural and natural) and Royal Collections, which are currently State ownership derived from the legacy of the Spanish Crown. Among its strategic goals, contained in the Action Plan 2017-2021, are the development of a sponsorship policy, the increase in the total number of visitors and entrance revenues, the conservation of its heritage and the modernisation of the organisation.

In general terms, the current heritage policy is faced with three challenges, namely:

- updating national, regional and local legislation. There are new concepts and law figures to be included (intangible heritage) and there are controversial issues such as the right for private visits associated with the designation of movable and immovable material heritage under special categories (which poses technical problems in terms of access and conservation, as well as conflict of interest or troubles with the right to intimacy of the private owners);
- developing plans to foster comprehension and validation of cultural heritage sites and properties as a tool to promote local cultural identity; and
- differentiating, particularly at the local level, the intrinsic aims of conservation and protection and the extrinsic economic significance vis-à-vis tourism, within an overall regional policy.

Two other issues related to the current debate about Spain's cultural heritage are its diversity and the limits of its scope. This is part of an ongoing discussion about the term cultural heritage being extended to new fields, such as contemporary history, industrial properties and intangible heritage.

One of the goals of the Ministry of Culture during the past few years has been to improve the management of historical heritage and to allow its integration into the “society of knowledge”. Both aims are incorporated in the *Culture Plan 2020* through different initiatives, such as:

- the “Cultura inteligente 2020” [Intelligent Culture 2020] aimed to facilitate the digital transformation of cultural institutions, as well as the standardization, interoperability and reutilization of digital cultural contents;

- the updating of the web portal on assets of the Spanish historical heritage (PH.es);
- the establishment of a new audiovisual platform “Danzamedia” aimed at disseminating and studying the Spanish choreographic creation;
- the establishment of the Information Centre on the Spanish Cultural Heritage, and
- the design of new plans aimed to contribute to the conservation of digital heritage and the digitisation of bibliographic heritage.

More recently, the central government has also encouraged the social accessibility to cultural heritage through initiatives such as *Museos más sociales* [*Museums More Social*] (see chapter 2.2) and the development of new publics.

### 3.2 Archives and libraries

One of the goals of the Ministry of Culture during the past few years has been to improve the availability of cultural works to the general public via the Internet. With this goal, the Ministry has carried out various initiatives including the following:

- the *Portal of Spanish Archives*, a web-based database for the diffusion of national historical documentary heritage;
- the *Virtual Library of Bibliographical Heritage* that allows users to consult a wide range of online documents from Spain's bibliographical heritage;
- the *Virtual Library of Historical Newspapers* which participates in Europeana and EuropeanaLocal projects;
- the *Museum Libraries Network (BIMUS)* which allows access to the catalogues of libraries from 18 state-owned museums;
- *Hispana, the Digital Collections of Archives, Libraries and Museums* (with functions that are analogous to those of Europeana), and
- *CER.es*, the online catalogue of the Digital Network of Collections of 80 Museums located in 11 Autonomous Communities, which offers unified access to cultural assets of Spanish museums.

The *Culture Plan 2020*, passed in March 2017, also incorporates the improvement and technological modernisation of state archives, libraries and museums as a tool to promote a cultural offer of quality. Two outstanding initiatives are:

- the dissemination of the new version of the *Portal of Spanish Archives* (PARES 2.0 Beta), a web-based database for the diffusion of national historical documentary heritage and the possibility of consultation of the archival heritage through mobile devices;

- the promotion of a unique catalogue of Spanish authors in the National Library of Spain aimed at improving the knowledge and dissemination of Spanish authors in the public domain.

### 3.3 Performing arts

The promotion of culture by encouraging artistic creation has been one of the strategic aims of government throughout the democratic period. This relevance, referred in many policy discourses, has been translated, though not always at desirable levels, in budget allocations. The performing arts and music is the art sector to benefit most from central and regional administrations, and, after cultural heritage, is one of the main areas of cultural intervention.

Main priorities in the past few years have included: increasing demand; strengthening the collaboration and participation of cultural institutions and sectors; and the implementation of a new organisational and management model that takes into account the territorial organisation of the country.

The aim of increasing demand has had unremarkable results so far. The strengthening of institutional cooperation has focused primarily on the exchange of productions in the regions, as well as the improvement of dialogue with municipalities. To this end, the government has promoted networks of circulation and the marketing of theatre, circus, music and dance, with the aim that cultural companies can perform their productions beyond their regions of origin, correcting territorial imbalances and providing more quality to cultural programming at all levels of government.

Regarding organisational issues, the creation of the State Council for Performing Arts and Music (497/2010 Royal Decree) has been one of the major changes in structures supporting the arts. This body receives, in a formal and institutional manner, requests and proposals from different sectors of music, theatre, dance and circus, as well as from local and regional governments, and contributes to the setting of priorities for the cultural policy in this area. The Council has been conceived as one of the fundamental instruments for achieving communication and cultural cooperation among the different actors.

During the past few years, the INAEM has also supported the development of comprehensive plans of action, such as the *General Plan for Theatre*, published in 2007 and revised in 2011, the *General Plan for Dance 2010-2014*, approved in November 2009, and the *General Plan for Circus 2012-2015*, approved in November 2011. All of the plans have been the result of reflection and participation of the performing arts sector in the analysis of the situation, the assessment of needs and the establishment of strategic lines for public policies.

Also in the field of artistic creation, the INAEM has promoted the approval of the new statutes of the National Dance Company (CUL/1993/2010 Order), the National Ballet (CUL/3065/2010

Order), the National Classical Theatre Company (CUL/3355/2010 Order), the Zarzuela Theatre (CUL/451/2011Order), the National Drama Centre (CUL/2039/2011Order) and the National Music Dissemination Centre (CUL/3359/2011 Order). All of them represented a profound change in the performing arts and music sectors. Among the objectives of the new institutions and their regulation are the impetus for educational initiatives which facilitate the understanding of their artistic programming and the development of campaigns aimed at attracting new audiences. During these years, the legal structures have proved to be unsuitable to properly deal with their artists, performers and technicians, and to assure flexible and adequate funding.

More recently, the *Culture Plan 2020*, passed in 2017, incorporates the following specific strategies for the period 2017-2010:

- the reform of the National Institute of Performing Arts and Music (INAEM), as an institution responsible for supporting the music and performing arts and the establishment of strategic areas of intervention. In relation to this aim, 2018 was a year of great unrest in some of the national performing arts institutions. The Zarzuela Theatre and the National Foundation of the Royal Theatre were merged in April (for more details see [here](#)) and this decision was reversed in June (for more details see [here](#)). More recently, the Socialist government has created a Commission to propose how the INAEM should be reformed as to become a more flexible and suitable body of government for the performing arts (for more details see [here](#)). The conclusions of the Commission were presented in December 2018 and are now to be considered in the future reform of the Institute;
- the establishment of mechanisms aimed at increasing the visibility, diagnosis and monitoring of the sector;
- the reinforcement of the programme “[Platea 19](#)”, aimed at guaranteeing diverse and quality programming in spaces owned by local entities;
- the design of a new National Theatre for Dance, as a permanent venue for the National Dance Company and the National Ballet;
- the development of the programme “Con red” [With net] to promote the circus sector;
- the development of the programme “Educaescena” to facilitate the application of inclusive and pedagogical formulas that connect performing arts and music with social needs;
- the establishment of a *Training Plan for the Performing Arts* that complements formal education; and
- the reinforcement of the programming of the National Centre of Musical Dissemination in matters of contemporary music.

In order to visualise the scenic creation and facilitate communication between creators, the INAEM launched the portals [danza.es](http://danza.es) and [teatro.es](http://teatro.es), which are linked to the Centre of Theatre Documentation.

### 3.4 Visual arts and crafts

Regarding the visual arts sector, at the end of 2011 a *Strategy for the Visual Arts* was launched by the Ministry of Culture, via its Directorate for Fine Arts and Cultural Assets. The Strategy examines participation, contributions and the consensus of the main professional associations in the field. Some of its main lines were included later on in the *General Strategic Plan 2012-2015* of the State Secretariat for Culture and more recently in the *Culture Plan 2020*.

The voice of contemporary visual artists is represented by the *Institute of Contemporary Art*. It claims for better social recognition of contemporary art and a better access to public funding via the 1,5% of Cultural funding (for more details of the 1,5% Programme see [here](#), and [here](#) for the 2018 call).

Outstanding initiatives in this area are the following:

- the new project of Tabacalera, the art centre in Madrid, as a venue for artistic production, research investigation and training, and for the dissemination of new forms of art and industrial creation;
- [Tabacalera](#) which opened its doors in 2015 in San Sebastian (the Basque Country) as an International Centre for Contemporary Culture with the aim of fostering and disseminating creation. Besides the cultural project, Tabacalera is also a cultural ecosystem of private initiatives and institutions, as well as a public venue for citizen enjoyment; and
- [Medialab Prado](#) in Madrid is a citizens' laboratory that serves as a place of encounter for the production of open cultural projects. Activities are structured around work groups, open calls for the production of projects, collaborative research and learning communities that address a very wide range of topics.

The *Spanish Association of Restorers and Conservers of Cultural Goods (ACRE)* gathers professionals in charge of the preservation and restoration of cultural heritage. They claim that the professionals that make interventions over cultural goods should be highly and specifically trained.

Regarding the crafts sector, since 1981, Fundesarte is the organisation of reference in the promotion and development of Spanish craft companies. Currently, it is part of the EOI Foundation (School of Industrial Organization), an entity linked to the Ministry of Industry,

Commerce and Tourism (MINCOTUR) of the Spanish government. In July 2015, it published a report on the situation and competitiveness of the crafts sector in Spain.

### **3.5 Cultural arts and creative industries**

#### **3.5.1 General developments**

The government's commitment to promote the culture industries resulted in the creation of a new Directorate-General for Cultural Industries and Policy and the implementation, in December 2008, of the first *Plan for the Promotion of Cultural Industries*. In the 2018 edition, it still does not include a definition of "cultural / creative industries", but it mentions the sectors to be included in the "cultural and creative industries". Following the classification of the European Commission Green Paper: *Unlocking the Potential of Cultural and Creative Industries*, the Plan adds to the traditional sectors (film, visual arts, cultural heritage, performing arts, television, radio, music, books and newspapers) new sectors closely linked to innovation and creativity such as: design, fashion, architecture, advertising, new media, video games and interactive arts. For the period 2018-2020, the aims of the Plan, based on previous editions and strategies incorporated in the Culture Plan 2020 of the State Secretariat for Culture, are the following:

- to promote incorporation of technology in the activity of cultural and creative sectors, as well as the transversal effects of cultural creativity and innovation in the general economy;
- to promote companies and entities of the third sector to increase their efficiency and profitability in the global market;
- to cooperate with institutions to promote collaboration, alliances and the establishment of networks;
- to improve business training and contribute to the professionalization of the sector;
- to create and consolidate occupation in all cultural and creative sectors;
- to increase social participation and public recognition of the sector;
- to promote respect for the authors' rights and propose methodologies to estimate their value;
- to modernise and strengthen the functioning of the publishing sector editorial;
- to enrich the quality of the book offer; and
- to modernise bookshops and increase their cultural relevance.

In the particular context of small and medium enterprises (SME), the government, through the different plans for the promotion of cultural industries, has recognised SMEs as the core of the Spanish cultural and creative industry, and addressed one of the main problems faced by these companies: the financing of cultural and creative projects. To do this, the

government has implemented a system of capital grants, and access to credit together with the Sociedad de Garantía Recíproca Audiovisual [Mutual Guarantee Society]. This is meant to promote the modernisation, innovation and technological adaptation of cultural companies and to increase the legal supply of cultural content on the Internet. In January 2017, an agreement between the European Investment Fund and CERSA (Spanish re-guarantee company) was signed to facilitate the access to funding of cultural industries.

Other measures implemented by the Ministry Culture and Sport are the following (for more details see [here](#)):

- action and cultural promotion, which are primarily related to foundations and associations;
- HISPANEX Scholarships addressed to finance university research projects in the field of Hispanic studies with America, Asia Pacific, Europe and the Mediterranean;
- IBEREX Scholarships for training cultural professionals from Iberoamerica;
- FormArte Scholarships for training and specialisation in activities and subjects within the competence of cultural institutions under the Ministry of Education, Culture and Sport; and
- CULTUREX Scholarships for training and specialisation in cultural management in cultural institutions abroad.

According to the *Cultural Statistics Yearbook 2018*, published by the Ministry of Culture and Sport, which includes data from the Satellite Account on Culture in Spain for the period 2010-2016, the cultural industries sector represented almost 2.5% of GDP in 2016 (and 3.3% if one takes into account all activities related to intellectual property). This generated spill over effects in many other sectors of the Spanish economy, particularly in the field of information technologies, communication, innovation and tourism. The latest (provisional) data show that the Gross Value Added (GVA) of the Spanish culture industries in 2016 was 26 269 million EUR (and 34 491 million EUR if one takes into account all activities related to intellectual property). The most important sectors are publishing (8 494 million EUR) and audiovisual / multimedia (7 425 million EUR). The number of companies, whose main economic activity was defined as cultural, reached 118 407 in 2017, approximately 3.6% of all those recorded in the Central Companies Directory, published by the National Statistics Institute. In comparison to 2008, the number of cultural companies has increased with 6.1%.

Regarding employees within the cultural industry, 93.3% of cultural enterprises had between 0 and 5 employees in 2017, while 6% had between 6 and 49 employees and the remaining 0.7% had 50 or more. Data from the Labour Force Survey, published by the National Statistics Institute, shows that the number of employed people in the cultural field in 2017 was approximately 687 200, around 3.7% of total employment. The data on foreign trade in cultural goods show that the total value of exports of cultural goods stood at 1 932.9 million EUR in 2017, compared to imports of 2 319.5 million EUR, obtaining a trade deficit of 386.6



million. The strongest foreign trade is observed, as in other years, in books and press, with exports valued at 610 million EUR and a trade surplus of 244 million.

From a global perspective, there are four main challenges to be overcome by the culture industries in Spain:

- find a balance between the financial viability of the culture industries while, at the same time, adhering to rules preventing economic or cultural monopolies, particularly in the field of multimedia;
- reaffirm the independence of the culture industries, such as book publishing, film and the audiovisual arts in general;
- revise the approach to subsidising the culture industries (e.g. through grants, cheap loans, tax relief) to focus more on the creative side of the operation and improve the access to credit markets of small and medium firms; and
- persuade people to recognize that culture industries are a source of future economic growth as well as a mean of access to culture. Two possibilities for achieving this objective would be to foster "multimedia clusters" and to establish the application of new technologies to culture as one of the poles of regional development.

From a European comparative perspective, Eurostat data shows that the percentage of employed people in the cultural field in 2017 was 3.6%. The data on foreign trade in cultural goods show that, in 2016, exports and imports reached 0.63% and 0.59% of total exports and imports respectively. Regarding the contribution of the different Spanish cultural industries to the value added of total services in 2015, the most important are programming and broadcasting activities (0.41%), motion picture, video and television programme production, sound recording and music publishing activities (0.35%), followed by architectural activities (0.22%) and specialised design activities (0.16%).

### **3.5.2 Books and press**

Specifically in the case of books, the government priorities have been national and international promotion, as well as the promotion of reading and Spanish literature. In recent years, the government has supported the publishing industry in its adaptation to the digital environment. There are specific aids for the modernisation and digitisation of cultural industries and negotiations to achieve, within the framework of the European Community legislation, the same taxes for conventional books and digital books regardless of their form of commercialisation. In addition, the Ministry has continued supporting the internationalisation of the Spanish book industry through its presence in international book fairs and through the dissemination of Spanish books and literature). For this support, the Ministry collaborates with the network of the Cervantes Institute, cultural centres and universities in Latin America.

In the specific area of the promotion of reading, the Reader's House opened in Madrid in November 2012 as a cultural centre aimed at facilitating the meeting of the public in general and the professional world. In 2017, a new Plan for the promotion of reading 2017-2020 was launched by the Spanish Ministry. Also at the central level, the Maria Moliner Campaign (which has been organised by the Ministry since 1998) seeks to promote reading in towns of under 50 000 inhabitants.

Various schemes for encouraging book reading have also been explored at the regional level, such as the plans implemented in Andalusia (2000-2004, 2005-2010, 2012-2013), Extremadura (2002), Castile-La Mancha (2005), Murcia (2005, 2017-2019), Madrid (2006-2017) and Catalonia (2008, 2012-2016, 2017-2020).

At legislative level, the Spanish book industry benefits from the Ministry's "cultural exception" policy, with fixed book prices and the *Reading, Books and Libraries Act*, passed in 2007, which promoted the creation of a *Reading and Book Observatory* (see chapter 4.2.5).

The proposal of the Council of the European Union to reduce the VAT for electronic books and other electronic publication has not been incorporated to Spanish legislation, though the current government has included it in the Proposal for General Budget for the year 2019 (under negotiation).

A recent overview of the whole sector can be found in AC/E 2018 Yearbook which focuses on readers in the digital age.

### **3.5.3 Audiovisual and interactive media**

The cinema and audiovisual sector were especially touched by the economic crisis. In addition to the decrease in public resources allocated to film production, cinema was affected by an increase in VAT in 2012 which was finally reduced in July 2018 (see chapter 4.1.4). Among the initiatives of the new Culture Plan 2020 of the State Secretariat for Culture, passed in 2017, for the period 2017-2020 are:

- the establishing of fiscal benefits in the Corporation Tax for investments in the production of videogames aimed at favouring the national production and international investment;
- the clarification of criteria for tax deductions on film and audiovisual productions;
- attracting international productions to facilitate administrative procedures in Spain, contracting local personnel through grants, etc.;
- the updating of the funding model for the sector aimed to make it more transparent and sustainable;

- the inclusion of curricular subjects related to cinematography and audiovisual in formal education, as well as in business schools;

In addition to these measures, the government has also sought to foster new business models of distribution and exhibition of films and to promote the international dissemination of Spanish cinema, especially through presence in the major international festivals. In recent years, with the aim of promoting the presence of European films in Spanish cinemas, the government has placed the quota system under firmer control and is also providing support for independent distributors. In addition, television operators (public and private) are obliged to invest 6% (if public) or 5% (if private) of their annual income in the production of European cinema and TV films (3% reserved for Spanish production).

The reinforcement of this measure - which was already established under the 25/1994 Act but had low compliance rates - has been essential in recent years to finance production and increase stability in the audiovisual production sector, since one-third of the external funding comes from television. The new *Culture Plan 2020* extends this measure to the new platforms and introduces the new label “Es cine español” [It’s Spanish film] aimed at recognising Spanish films.

There are several public-private initiatives launched in Spain to promote the territorial reorganisation of the audiovisual sector and to build an internationally competitive industry. This is the case with the Ciudad de la Imagen, promoted in the nineties by the Autonomous Community of Madrid and Terrassa Audiovisual City, promoted in 2001 by the Catalan Government and Terrassa City Council. Both projects were established with the aim of making these cities the driving force behind the Spanish audiovisual industry both at home and abroad.

In 2009, Terrassa Audiovisual City was classified as a prime example of good practice in promoting creativity and innovation by the European Commission. The Catalan project is complemented by the project Parque Barcelona Media in the city's technological district - distrito 22@ - which was set up to reinforce the productive, cultural and research position of Barcelona and Catalonia. The Parque Barcelona Media, which is the result of collaboration between the Pompeu Fabra University, Barcelona City Council and the business group Mediapro, is a platform of audiovisual and communication facilities and services, in which private companies and the university work together in the same location.

In the specific case of the videogame industry, one of the most outstanding initiatives was the creation, in July 2017, of a permanent commission composed of central and regional governments and professionals from the videogame sector to channel the initiatives and needs that should be reflected in the design of a plan for the development of the sector. In January 2019, the White Paper of the Spanish Development of Videogames was presented. This fifth edition, produced and edited by the Spanish Association of Production and

Development Companies of Video games and Entertainment Software (DEV), with the support of ICEX Spain Export and Investment of the Ministry of Industry, Trade and Tourism, includes a wide panorama of the videogame industry in Spain.

#### **3.5.4 Music**

In the area of creation, with special repercussions for the music sector, the Ministry has worked on two lines of action: the first is to update the legislation on intellectual property, and the second is to draw society's attention to the need to respect both cultural creators and cultural products. In the first line of action, the *2011/77/UE Directive*, by which the period of protection of the rights of performers and sound recordings is extended in 20 years, has been introduced, and the *Intellectual Property Act* has been modified (*21/2014 Act*).

In the second line, the Comprehensive Plan for reducing and eliminating activities that infringe intellectual property (better known as the *Anti-piracy Plan*) was approved in 2005, to stop activities that infringe intellectual property rights. In December 2008, the Manual of Good Practices for the prosecution of crimes against intellectual property was presented by the Ministry of Culture. More recently, the government launched the label *Cultura en Positivo*, an initiative to support the legal supply of cultural content on the Internet, as well as some toolkits and handbooks on online security and intellectual property rights specially targeted at young people, parents, teachers, academic institutions and museums.

#### **3.5.5 Design and creative services**

Since June 2018, the Spanish Ministry of Science, Innovation and Universities is responsible for innovation and design. However, some aspects of intellectual property rights are the responsibility of the Ministry of Culture and the Ministry of Industry, Tourism and Commerce.

Initiatives in this area include the 2013 *Fashion Table*, in which the Ministries of Economy, Industry and Competitiveness and of Education, Culture and Sport participated with the main representatives of the fashion and design industries and with manufactures and distributors of products. The *Fashion Table* seeks to boost the growth and the external image of the sector; it joins forces to take advantage of the potential and the importance acquired by these industries both nationally and internationally.

As a result, the National Fashion Awards were founded in 2013, aimed at rewarding and recognising the sector in the form of different kind of prizes.

Other awards in this area are the National Awards of Innovation and Design which celebrated its 25<sup>th</sup> edition in 2018. They seek to promote the culture of design and innovation in Spain, both in the business world and in the whole society.

The Ministry of Culture and Sport also participates in the Madrid Design Festival (MDF) the first specific festival dedicated to design in Madrid. Among its events are exhibitions, interventions in public spaces, lessons and lectures by renowned international designers and programs for the dissemination of design in its various disciplines: industrial, interior, graphic, etc. In Barcelona, the OFFF Festival, after 18 years, has become the largest showcase and window of contemporary digital creativity in Spain.

### **3.5.6 Cultural and creative tourism**

In 2010, the Ministries of Culture, Industry, Tourism and Trade, and Foreign Affairs and Cooperation developed a *Plan for the International Promotion of Cultural Tourism 2010-2012* with the aim of promoting the destination "Cultural Spain". In this line, the Ministries of Industry, Energy and Tourism, and Education, Culture and Sport signed a protocol at the end of 2013 to promote Spain as a cultural tourism destination. The protocol, which ended in December 2015, sought to intensify the promotion of museums, performing arts and music events, thematic cultural routes, world heritage sites, manifestations of intangible cultural heritage, as well as the strategy "Study in Spain".

In addition, Spain as a cultural tourist destination is embedded in the objectives and purposes of two lines of grants of the Sub Directorate-General for the Promotion of Cultural Industries and Sponsorship: the action and cultural promotion grants and those addressed to incorporate technology in the activity of cultural and creative sectors

The new *Culture Plan 2020* of the Secretariat for Culture, for the period 2017-2020, includes a new protocol between the two Ministries to promote cultural tourism internationally as well as updating and disseminating the contents of the portal *España es Cultura* [Spain is Culture].

According to the *Cultural Statistics Yearbook 2018*, 12.8% of all trips made in 2017 for leisure, recreation or vacation by residents in Spain were mainly for cultural reasons, specifically 12.5 million of trips. To these trips we have to add the 12.8 million visits of international tourists in 2017 which were mainly for cultural reasons, representing 18.1% of total trips made for leisure, recreation or vacation of this group. The total spending associated with travels which are mainly for cultural reasons amounted to 6,747.7 million EUR for residents in Spain and 13,923.6 million EUR for visits of international tourists.

## **4. Law and legislation**

### **4.1 General legislation**

#### **4.1.1 Constitution**

The 1978 Constitution, which restored parliamentary democracy in Spain, gave considerable prominence to cultural affairs. The "constitutional culture" of the Magna Carta of 1978 is the result of a process lasting throughout the twentieth century in which cultural concerns gained wider and wider acceptance as matters susceptible to constitutional regulation. An obvious precedent was the Constitution introduced by the Second Republic (1931-1939), the first Spanish Constitution to include culture as one of the realms of government intervention and, as such, as a legitimate field in which to establish public and citizen rights.

In the 1978 Constitution, culture appears as one of the main spheres of government action. The importance attached to culture is made clear in the way various tasks are entrusted to the constituted authorities in guaranteeing cultural processes, i.e. the creation, transmission and protection of culture. The Constitution states that culture is a right of all citizens and is to form part of the presiding principles of social and economic policy. To that end, the Constitution entrusts the public authorities with specific tasks in the field of culture. In addition to access to culture (Articles 9 and 44), cultural democracy, that is, freedom of expression and creativity (Article 20), and protection of the historic, cultural and artistic heritage (Article 46) are other important mandates of the Constitution.

Linguistic and cultural plurality is expressly protected by the Constitution, both in the preamble and in its articles (Article 3.2). It is equally guaranteed in the charters of the Autonomous Communities.

#### **4.1.2 Allocation of public funds**

There is no legislation for the allocation of public funds for culture. This is a matter decided by the current Ministry of Culture and Sport.

The *817/2018 Royal Decree* establishes that the Sub-Secretariat of Culture and Sport is responsible for producing and processing the annual draft report of the departmental budget, determining the structure of the programmes and sub-programmes that specify the department's activities, coordinating the preparation of the budgets of public institutions and their consolidation with those of the department, analysing and processing modifications, and monitoring the budget. *40/2015 Act* lays down that the General Administration of the State, and therefore the current Ministry of Culture and Sport, is responsible for the effective allocation and use of public resources, and for the control of management and the results.

#### **4.1.3 Social security frameworks**

Initially, artists and creative workers were classified under a special category for the purposes of social security (*2133/1975 Decree*). Ten years later, by virtue of *Decree 26/1985*, they obtained the same rights and obligations as all other workers. Performing artists and bullfighters were then grouped together under a special heading within the general social security system. Another Royal Decree (*2621/1986*) made specific provisions for income averaging in view of the considerable monthly fluctuations in artists' income as well as a provision regarding the possibility of early retirement for performing artists (in an effort to compensate them when they can no longer perform due to ageing).

All these particular provisions were included in the *40/2007 Act* on Social Security related measures, which stipulated that the government would update the regulations governing the special employment relationship of artists in public shows. The aim was to modify the Social Security system that is applicable to these artists, in order for them to make regular financial contributions to their insurance fund. Finally, some of these claims have been included in the *26/2018 Royal Decree-Law* passed in December 2018, that implements partially the Statute of the Artist, giving artists maintained access to social protection in times of disability, pregnancy or inactivity. Another of the collective's great demands is still pending: the compatibility of the retirement pension with the remuneration of artistic creation and the collection of royalties.

The scheme for authors is different as they were considered self-employed workers (*2621/1986 Royal Decree*). Again, efforts were made to establish a fair level of disability insurance and a retirement plan, considering the fluctuations in the annual income of this group. The self-employed workers statute (*20/2007 Act*) indicates that competent public administrations can sign agreements with Social Security to reduce the contributions of individuals who are self-employed in craft or arts areas.

#### **4.1.4 Tax laws**

The severe economic crisis that affected the country led, in July 2012, to the increase of "general" and "reduced" VAT rates, from 18% (general) and 8% (reduced) to 21% and 10% respectively, together with new classifications of which goods were to be taxed at reduced rates.

Cultural goods got taxed at the "general" tax rate of 21%, VAT on admission tickets for the performing arts (cinema, theatres, music, circus, etc.) went from 8 to 21%, and tickets to libraries, archives, documentation centres, museums and art galleries stayed reduced with the new rate of 10%. Printed books, newspapers and magazines remained at 4%, while electronic books went to 21%. The services produced by individual artists, digital television services and the acquisition of works of art went from a 8% VAT rate to 21%.The services of

writers, composers or visual artists, which are linked to copyright, continue to be exempt from VAT.

Measures that deter cultural consumption were met with strong opposition from the cultural sector, already heavily affected by public cuts. The first reduction took place in January 2014, with VAT rates for the acquisition of works of art reduced from 21% to 10%, following constant pressure from the representatives of art galleries in Spain. During the following years, the rest of the cultural industries claimed that the rise in taxation was leading to a big audience crisis. In response to this, the *Culture Plan 2020*, passed in 2017, introduced as one of its strategies the reduction of indirect taxes to increase cultural consumption. To this end, the government reduced the tickets to live performances (theatre, dance and music) and the cinema from 21% to 10% in 2017 and 2018 respectively. The *26/2018 Royal Decree-Law*, passed in December 2018, also reduced the VAT rate for the services provided by performers, artists, directors and technicians from 21% to 10%.

There are tax exemptions available for institutions from the "third sector", i.e. foundations and associations considered to be of public interest, international development and aid agencies, and non-profit making bodies falling within the terms of the *49/2002 Act on Tax Exemptions for Non-profit making Organisations and on Sponsorship*, later on modified by the *62/2003 Act*. This piece of legislation establishes detailed exemptions on national and local taxes, including rates, local duties levied on businesses, and the municipal tax charged on capital gains from the sale of urban property (the latter refers to non-profit making bodies). Individuals and companies can also claim an income tax exemption on the amount of money donated to or invested in certain organisations such as those mentioned above and public administrations.

One of the great challenges and normative projects of the last years is a new Sponsorship Act that promotes greater participation both from individuals and companies in the financing and promotion of culture. Beyond the social debate, governments of the Popular Party included this strategic change in their programmes and it was one of the main objectives of the *General Strategic Plan 2012-2015* and the *Culture Plan 2020*. After several years of drafting a possible Act of Patronage and Sponsorship, during which the lack of coordination with the Ministry of Finance and Public Administration was remarkable, at the end of 2014 the government approved a fiscal reform that included some measures to foster patronage and other fiscal incentives to culture. Those measures were fully implemented in 2016.

More precisely, fiscal benefits for patronage and sponsorship were adopted in the Personal Income Tax (IRPF), and in the Corporation Tax (IS). In the IRPF, the percentages of general fiscal benefits increased from 25% to 30% in 2016. In the IS, the loyalty of private investors was acknowledged with an additional fiscal bonus of 5 points (up to 40% from the ordinary tax rate of 35%) if the contributions to the same beneficiaries increase or remain the same for at least 3 years (for 2016, the bonus was 2.5 points). All those fiscal benefits increased in



5 additional points if the expenditure is done in an activity that is a priority patronage activity, as defined each year in the Act of General State Budget.

For crowdfunding, the Spanish fiscal reform of 2014 established a special regime and defined two tiers for deductions in the Personal Income Tax (IRPF): the first EUR 150 are to receive a deduction of 75%, and the additional contribution a deduction of 30%. For contributors that fund the same beneficiary for three or more years with constant or increasing funding, there is an additional bonus of 5 points (reaching the 35% deduction to be applied to any quantity above EUR 150).

Apart from the fiscal benefits for patronage, the fiscal reform also established some additional benefits for performing arts, music and the audiovisual sector. Performing arts and music enjoyed a 20% deduction in expenditures on production and exhibition of live performances. For the audiovisual sector, there was an increase on deductions of 20% for the first invested million EUR, and 18% for quantities above that threshold (with a limit of three million EUR). In an attempt to attract shooting of films to Spain, there was a new deduction of 15% of the expenditure done in Spain by great foreign productions, with a minimum and a maximum expenditure of 1 and 2.5 million EUR respectively per production. The *26/2018 Royal Decree-Law*, passed in December 2018, has improved these conditions: increasing the maximum expenditure from 2.5 to 3 million EUR per production, as well as the deduction from 15% to 20%.

As a part of general strategy to promote the cinematographic sector, during 2017 deductions increased to 25% for the first invested million EUR and to 20% for the second and third million. Deductions to attract shooting of films to Spain also increased to 20% and the maximum expenditure to 3 million EUR.

During this period in which the central government appeared to be unable to design and pass the patronage and sponsorship national act, several Autonomous Communities took the challenge, and started debating or passing their own acts. Navarre (*8/2014 Act*) and Valencia (*9/2014 Act* recently modified by the *20/2018 Act*) approved their respective Acts in 2014 and Balearics, in 2015 (*3/2015 Act*).

In the field of culture, the Historical Heritage Act (*16/1985 Act*) establishes some exemptions for the temporary importation of certain cultural products, in particular, movable assets that are included in inventories or recognised as being of cultural interest.

#### **4.1.5 Labour laws**

Spain has no specific general labour law covering artists or cultural workers. A new Statute for Artists is being developed by a Commission in the Spanish Parliament. The preliminary report was presented in June 2018.

There are, however, a number of regulations affecting artists as producers of culture. These include labour regulations covering people working in public entertainment. The consolidated text of the Workers Charter passed in 2015 (*2/2015 Royal Legislative Decree*) contains special provisions for performing artists (Article 2.e), expanded upon in greater detail in a Decree of 1985 (*1435/1985 Royal Decree*). This Decree establishes a non-exhaustive regulation of the content of labour relations, considering only those aspects that can be treated equally in all artistic sectors and leaving the development of the rights and obligations to collective negotiation between the parties involved in this special relation. At the state level, there are also collective agreements referring to actors and film producers (since 1990), graphic arts and publishing-houses (since 1997), film distributors (since 1997), and audiovisual production. At the level of the Autonomous Communities, collective agreements have been signed in Catalonia, Madrid, Galicia, the Balearics, La Rioja and Navarre.

The 56/2003 Act on Employment (updated in July 2018) is also applicable to artists and cultural creators.

There is also no specific labour legislation for self-employed artists in Spain. There are, however, a few tax provisions available for self-employed artists related to income tax deductions, income averaging, company tax benefits and reduced levels of value-added tax.

Irregular labour situations in the artistic sector are very common, even in the public sector, leading to labour conflicts that have gone to court. For instance, the temporary contracts for the artistic staff of the National Institute of Performing Arts and Music (INAEM) -- which cannot exceed three years (*2/2015 Royal Legislative Decree*) -- don't match the duration of the artistic projects. This resulted in judicial disputes that ended in April 2018 when a new regulation was passed (Fifth additional disposition of the *2/2018 Royal Decree-Law*), adapting the temporary contracts' duration to the specific artistic projects.

#### **4.1.6 Copyright provisions**

The social and economic situation in Spain (especially the challenge of providing more effective protection to creators, permitting the peaceful dissemination of their creations by culture industries, and guaranteeing the whole of society's access to a plural cultural offer) led to the approval of the *23/2006 Act* that amends the text of the *Intellectual Property Act of 1996* (*1/1996 Legislative Decree*).

The growing discomfort of artists, authors and publishers over the high rates of Internet piracy led the government, after a broad political and social debate, to the adoption of the *2/2011 Act on Sustainable Economy*. It established the amendment of the *Act on Services of the Information Society* and the *Intellectual Property Act*. In the first Act, safeguarding intellectual property rights becomes a principle justifying the withdrawal of illegal content or

the interruption of certain services provided online. The second Act refers to the Commission on Intellectual Property, under the Ministry of Education, Culture and Sport, as the competent authority in mediation, arbitration and safeguarding intellectual property, whose functioning was regulated by the *1889/2011 Royal Decree*. The text enhances negotiated, extrajudicial and voluntary solution for conflicts, as well as protects the rights of both creators and citizens to have a legal, diverse and affordable supply of cultural products.

In order to deal with the most urgent matters, in 2014, a new partial reform was approved by the *21/2014 Act that modifies the refunded text of the Intellectual Property Act*, approved by the *1/1996 Legislative Decree Act*, and the *1/2000 Act on Civil Procedure*. The three main novelties were: new mechanisms for the supervision of copyright management societies; stronger instruments to react against intellectual property right infringements aimed at encouraging the legal supply of cultural contents in the digital environment; and a transitory revision of the concept of private copy.

Moreover, the Act introduces two European Directives into the Spanish legal system: the *2011/77/UE Directive*, by which the period of protection of the rights of performers and sound recordings is extended with 20 years (thus, adopting the 70 years limit), and the *2012/28/UE Directive* on orphan works that allow certain uses of cultural institutions and public service broadcasting organisations in the European Union. The Act also adapts the limit of citation or reference within the realm of content aggregators on the Internet, recognising the right of publishing companies and the authors of news to be economically compensated by the exploitation of their contents.

Another controversial aspect of the *Intellectual Property Act* has been, until recently, the establishment of a lump sum payment on analogue, first, and digital support, later, on behalf of rights holders. This fee was intended to compensate authors for private copying of work that had already been disclosed. The heated debate on the Spanish “digital canon” finished in December 2011, when it was abolished by the government (*20/2011 Royal Decree Act*). A year later, the government adopted the *1657/2012 Royal Decree*, which regulates the payment procedure of fair compensation to the rights holders for private copying with a charge to the General State Budget. This system, contrary to the European law, was reformed by the *12/2017 Royal Decree Act* that modifies the *Intellectual Property Act of 1996 (1/1996 Legislative Decree)* by which payment of private copying is the responsibility of the manufacturers and distributors of reproduction equipment. Natural and legal persons who justify the professional destiny of the equipment and media, in addition to public sector entities, are exempt from payment.

Also in matters of copyright and with the aim of introducing the *2001/84/CE Directive* into the Spanish legal system, the *3/2008 Act* on resale rights for the benefit of the author of an original artwork was passed in December 2008. This Act includes a series of measures that address specific problems: the fight against professional intrusion, the operation of the

Internet trade in works of art and the obligation of the Fund for Fine Arts to deliver an annual report on the effectiveness of the Act. More recently, the *624/2014 Royal Decree* has developed the right for authors to get paid for lending their works in certain public establishments.

The most recent reform, passed in April 2018 (*2/2018 Royal Decree-Law*), introduces into the Spanish legal system two European Directives: the *2014/26/UE Directive* on collective management of copyright, related rights and multi-territorial licensing of rights in musical works for online use in the internal market, and the *2017/1564 Directive* that promotes access to culture for people with visual disabilities.

Although copyright legislation is the exclusive domain of the central government, the Autonomous Communities of Andalusia, Aragon, Asturias, Catalonia, Extremadura, Galicia, La Rioja, Madrid, Murcia and Valencia have some local administrative powers to run their own registries under the aegis of the state-run coordinating committee of the central copyright register (Intellectual Property Register).

#### **4.1.7 Data protection laws**

Personal data protection is regulated by the *15/1999 Act on Personal Data Protection* and the *1720/2007 Royal Decree* which develops the Act. Both were partially amended by the *2/2011 Act on a Sustainable Economy* and, more recently, by the *5/2018 Royal Decree Law* of urgent measures for the adaptation of the Spanish law to the European Union's legislation on data protection (to abide by the decision of May 13<sup>th</sup>, 2014 by the European Union Court on the so-called "right to be forgotten").

The Spanish Data Protection Agency was created in 1993 to guarantee citizens the right to know who may have access to their personal data and for what purpose and to provide a platform for exercising the rights of access, alteration, cancellation and opposition.

The regional data protection agencies for Madrid, Catalonia and the Basque Country were created in 1997, 2002 and 2003 respectively, and institutional collaboration now takes place between the General Data Protection Register of the Agency and the regional registers. Regulations concerning data protection have a clear impact on the way cultural services (libraries, museums, theatres, etc.) market themselves to potential users / audiences through the type of data requested for membership or information about activities, etc.

In the opposite sense, in 2013 the *Act of transparency, access to public information and good government* recognised and guaranteed the access to public information. In 2014, the Spanish government launched a [transparency website](#).

#### 4.1.8 Language laws

Attempts to regulate multilingualism in Spain have generated many rules and regulations in the regional government level and on occasion in central government. The cornerstone of the entire structure rests on the 1978 Constitutional dictum (Article 3.1) that Castilian is the official language of the state but that the "other Spanish languages" share the same official status in their respective communities, as stated in their Charters (Article 3.2). This legal construct was designed based on the idea that Spain's linguistic diversity is a manifestation of "wealth" and an item of "cultural heritage" as a value in its entirety. This means that the 1978 Constitution was designed to respect and protect the diversity of the system as a whole, not merely its constituent parts.

The language in the 1978 Constitution and the various regional charters has opened the door to a flood of regional legislation on language, including that of the Basque Country (*10/1982 Act*), Galicia (*3/1983 Act*), Valencia (*4/1983 Act*), Navarre (*18/1996 Act*), Catalonia (*1/1998 Act*), Asturias (*1/1998 Act*) and Aragon (*3/2013 Act*). However, this has not prevented the central government, in the exercise of its powers, from regulating how the co-official status of regional languages works in such practical spheres as education and schools, access to public services, local administration, the courts, the health authorities and road signs.

These legal provisions and their implementation have generated numerous disputes taken first to the ordinary courts and then to the Constitutional Court which, by its jurisprudence, has slowly established a framework for how two languages co-exist as official. The relevant Constitutional jurisprudence (more than 25 sentences) are the Sentences 82, 83 and 84 of 26 June 1986, passed in response to Bills submitted to the central government on the normalisation of the Basque, Catalan and Galician languages. According to these Sentences, Castilian, as the official language of the country as a whole, cannot be cast as a rival to the regional languages given that both the regional and central governments are equally obliged to respect and protect the multiple languages of Spain.

More recently and due to the Sentence 31/2010 of the Constitutional Court that considers Castilian, together with Catalan, the languages of teaching in Catalonia, a legal battle has initiated around the language model at Catalan schools. Thus, several sentences of the Superior Court of Justice of Catalonia require compliance with previous rulings of the Supreme Court, which state that Castilian cannot desist from also being a vehicular language in education. This statement opens, therefore, a question about what should be the rate at which Castilian has to be used in the Catalan education system.

In the specific case of the cultural sector, Catalan legislation (*Act 1/1998 on Linguistic Policy*), for example, establishes language quotas for licensed radio and television broadcasting. In order to promote the composition, performance and production of Catalan music, radio and television broadcasting, companies also have to guarantee that music programmes will provide adequate exposure to songs performed by Catalan artists (which must account for

at least 25% of the broadcasted material).

#### **4.1.9 Other areas of general legislation**

The issue of gender equality is clearly a major challenge for Spanish society, addressed in the *3/2007 Act for effective equality between women and men*. It establishes special recommendations for cultural policy making, in recognising the duty of the authorities to implement the right of equal treatment and opportunities for women and men in all aspects related to the creation, the artistic and intellectual production, and their dissemination. The Act also provides for the implementation of active policies, translated into economic incentives, and for the promotion of balanced participation of men and women in artistic and cultural public offering. In the same vein, the *7/2010 Act on Audiovisual Communication* aims to prevent and eliminate gender discrimination in the context of the provisions on advertising and media included in the *1/2004 Act on Integrated Protection Measures against Gender Violence* and the *3/2007 Act*.

Recently, the *Act 14/2011 of Science* has recognised the central role of institutions of the current Ministry of Education, Culture and Sport in the dissemination of science. This consideration allows them to participate in research projects funded by state funds, which seek to promote scientific activity. The Act also attributes a main role to these agents in "public science communication" and, therefore, in the dissemination of scientific knowledge, a mission that fits with the social vocation of these cultural institutions.

## **4.2 Legislation on culture**

### **4.2.1 General legislation on culture**

The Spanish Constitution does not have a special chapter on culture. Articles 44.1, 45 and 46 establish the role of the State in the promotion and protection of the access to culture, in the protection of natural and cultural heritage. There are some other articles related to languages and media.

There is no overall legislation for culture in Spain. The only Act establishing the scope, operation and governing structure is the *817/2018 Royal Decree on the Basic Structure of the Ministry of Culture and Sport*.

**Table 2: International legal instruments implemented by Spain in the cultural field**

<b><i>Title of the international legal instrument</i></b>	<b><i>Year of adoption</i></b>
<i>Berne Convention for the Protection of Literary and Artistic Works</i>	<i>1887 (Spain became Member)</i>
<i>Constitution of the United Nations Educational, Scientific and Cultural Organisation (UNESCO)</i>	<i>Signed in 1945</i>
<i>Universal Copyright Convention</i>	<i>Ratified in 1954</i>
<i>Agreement on the Importation of Educational, Scientific and Cultural Materials</i>	<i>Acceded in 1955</i>
<i>European Cultural Convention</i>	<i>Ratified in 1957</i>
<i>Convention for the Protection of Cultural Property in the Event of Armed Conflict</i>	<i>Ratified in 1960</i>
<i>Convention concerning the international exchange of publications</i>	<i>Ratified in 1963</i>
<i>European Agreement on the Protection of Television Broadcasts</i>	<i>Acceded and entry into force in 1971</i>
<i>Agreement concerning Programme Exchanges by means of Television Films</i>	<i>Acceded in 1973 and entry into force in 1974</i>
<i>Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms</i>	<i>Ratified in 1974</i>
<i>Universal Copyright Convention as revised at Paris on 24 July 1971</i>	<i>Ratified in 1974</i>
<i>European Convention on the Protection of the Archaeological Heritage</i>	<i>Acceded in 1975</i>
<i>Convention concerning the Protection of the World Cultural and Natural Heritage</i>	<i>Accepted in 1982</i>
<i>Convention for the Protection of the Architectural Heritage of Europe</i>	<i>Signed in 1985. Ratified and entry into force in 1989.</i>
<i>Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</i>	<i>Ratified in 1986</i>
<i>Ibero-American Film Integration Agreement</i>	<i>Signed in 1989 and entry into force in 1991</i>
<i>Latin American Film Coproduction Agreement</i>	<i>Signed in 1989 and entry into force in 1992</i>
<i>European Convention on Transfrontier Television</i>	<i>Signed in 1989. Ratified and entry into force in 1998.</i>
<i>International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations</i>	<i>Acceded in 1991</i>
<i>European Charter for Regional or Minority Languages</i>	<i>Signed in 1992. Ratified and entry into force in 2001</i>
<i>European Convention on Cinematographic Co-Production</i>	<i>Signed in 1994. Ratified in 1996 and entry into force in 1997</i>
<i>European Convention relating to Questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite</i>	<i>Signed in 1994</i>
<i>WIPO Performances and Phonograms Treaty</i>	<i>Signed in 1996. Ratified in 2009 and entry into force in 2010</i>
<i>European Landscape Convention</i>	<i>Signed in 2000. Ratified in 2007 and entry into force in 2008</i>
<i>Convention on Cybercrime</i>	<i>Signed in 2001. Ratified and entry into force in 2010</i>
<i>Convention on the Protection of the Underwater Cultural Heritage</i>	<i>Signed in 2011. Ratified in 2005 and entry into force in 2009</i>
<i>Convention for the Safeguarding of the Intangible Cultural Heritage</i>	<i>Ratified in 2006</i>

<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions</i>	<i>Ratified in 2006</i>
<i>WIPO Copyright Treaty</i>	<i>Ratified in 2009 and entry into force in 2010</i>
<i>Beijing Treaty on Audiovisual Performances</i>	<i>Spain became a Member in 2012</i>
<i>Faro Convention</i>	<i>Spain ratified 2018</i>

#### 4.2.2 Legislation on culture and natural heritage

Article 46 of the 1978 Constitution directs the authorities to "guarantee the preservation and to promote the enrichment of the historic, cultural and artistic heritage of the people of Spain and of the assets of which that heritage consists". The text goes beyond "conservation" to include the "enrichment" of cultural heritage. Acting upon this principle, the Parliament approved the Historical Heritage Act of 1985 and later on the *111/1986 Royal Decree* of partial development of the Historical Heritage Act (modified by the *162/2002 Royal Decree*).

The dual purpose of the *1985 Historical Heritage Act* was to ensure compliance by the central government with the 1978 Constitutional mandate and enable the Autonomous Communities to pass their own regional laws on the same subject, as mandated by their own Charters. All Autonomous Communities introduced their own legislation: Basque Country (*7/1990 Act* and *2/2007 Legislative Decree*); Castile-La Mancha (*4/1990 Act*); Catalonia (*9/1993 Act*); Galicia (*8/1995 Act*); Valencian Community (*4/1998 Act*); Madrid (*3/2001* that modifies the *10/1998 Act*); Cantabria (*11/1998 Act*); Balearic Islands (*12/1998 Act*); Canary Islands (*11/2002 Act* that modifies the *4/1999 Act*); Extremadura (*2/1999 Act*); Aragon (*3/1999 Act*); Asturias (*1/2011 Act* that modifies the *1/2001 Act*); Castile-Leon (*12/2002 Act*); La Rioja (*7/2004 Act*); Murcia (*4/2007 Act*); Navarre (*14/2007 Act*) and Andalusia (*14/2007 Act*). Currently, some communities have already modified their acts (Castile-La Mancha, *4/2013 Act*; Madrid, *3/2013 Act*; Galicia, *5/2016 Act*, and Valencia, *9/2017 Act*) or are in the process (Basque Country, Canarias) of reforming the existing ones in order to adapt them to new times.

These laws follow a more "anthropological" interpretation of cultural heritage, leaving the traditional architectural canons employed in the nineteenth and part of the twentieth centuries behind. The protective system employed by these laws is implemented via a series of administrative measures (listing, prohibitions, fines, conservation orders, bans on sale or export, etc.), combined with incentives, such as the so-called "cultural one per cent", a levy on the cost of all public works which is used to help defray the cost of conservation. Legislation of both the central government and the regional authorities establishes various ways of defining heritage, usually based on two categories. On the one hand, this includes the assets of cultural interest, and on the other hand, those properties included on a general inventory list of national interest. An important element of both the national and regional



laws is the link made between cultural heritage Acts and legislation for urban development.

Cultural institutions such as museums and archives are regulated by the *1985 Historical Heritage Act*, which gives a brief definition of such bodies and the terms under which they are set up, administered and coordinated, together with how people can use their services. The *1985 Historical Heritage Act* is complemented by a series of nationwide enabling regulations governing such matters as specialist arm's length institutions. Only recently, and with the main objective of overcoming an eminently historical perspective in the treatment of public archives, the government has approved the *1708/2011 Royal Decree* that establishes the Spanish Archives System and regulates the Archives System of the General Administration of the State and its public organisms, as well as its access regime. The new regulation also seeks to give local authorities management tools sufficiently flexible to permit archival communication within a dynamic framework of inter-administrative cooperation.

The radical changes in the field of cultural heritage in the last 20 years have highlighted the need to reform the *1985 Historical Heritage Act*. Different commissions to work on a *draft Act on Cultural Heritage* have been established in different times in the last 10 years. To this end, in May 2015, the government approved the *Act on Protection of Intangible Cultural Heritage* that aims to provide the central administration with tools to protect manifestations constituting the common intangible cultural heritage in different Autonomous Communities. The new Ministry of Culture and Sport, which took office in June 2018, has already announced his willingness to reform the 1985 Historical Heritage Act.

Also in the field of intangible cultural heritage, and as a result of a popular legislative initiative, the government approved the *18/2013 Act for the Regulation of Bullfighting as Cultural Heritage* in 2013. Thus, public authorities must guarantee the preservation of bullfighting and promote its valorisation. The approval of this act, at the national level, took place after the Catalan government, also as a result of a popular legislative initiative, abolished bullfighting in Catalonia.

Regarding natural heritage, in December 2007, the *42/2007 Act on Natural Heritage and Biodiversity* was passed with the aim of establishing the legal regime of conservation, sustainable use and improvement of Spanish natural heritage and biodiversity.

As far as regional legislation is concerned, the dominant trend is to approve individual laws for museums and archives independently of national heritage legislation. Regions which have their own museum legislation include: Andalusia (*2/1984 Act* repealed by the *8/2007 Act*), Aragon (*7/1986 Act*), Catalonia (*17/1990 Act*), Castile-Leon (*10/1994 Act*), Murcia (*5/1996 Act*), Madrid (*9/1999 Act*), Cantabria (*5/2001 Act*), Balearic Islands (*4/2003 Act*); Basque Country (*7/2006 Act*) and Navarre (*10/2009 Act*). Regions with their own laws for public archives are: Andalusia (*3/1984 Act* repealed by the *7/2011 Act*, later on modified by the

6/2013 Act), Aragon (6/1986 Act), Canary Islands (3/1990 Act), Murcia (6/1990 Act), Castile-Leon (6/1991 Act modified by the 7/2004 Act), Madrid (4/1993 Act), La Rioja (4/1994 Act), Catalonia (10/2001 Act), Cantabria (3/2002 Act), Castile-La Mancha (19/2002 Act), the Valencian Community (3/2005 Act), Balearic Islands (15/2006 Act), Extremadura (2/2007 Act) and Navarre (12/2007 Act).

#### **4.2.3 Legislation on performance and celebration**

Music and the performing arts comprise a cultural sector that has long been the subject of official sponsorship (funding and intervention) of one sort or another. Responsibility for this support is now held by a self-governing public body set up in 1984 on an arm's-length basis, the National Institute of Performing Arts and Music (INAEM), whose activities are governed by a Decree issued in 1996. It is responsible for fostering the performing arts and the activities of the following institutions: the Zarzuela Theatre, the National Ballet, the National Dance Company, the National Music Dissemination Centre, the National Concert Hall in Madrid, the Spanish National Orchestra and Choir, the Spanish National Youth Orchestra, the Documentation Centre of Music and Dance, the National Classical Theatre Company, the Centre of Theatre Documentation, the National Drama Centre and the Technological Centre of Performing Arts.

In 2010, the *497/2010 Royal Decree* regulated the new structure and functions of the State Council of the Performing Arts and Music and the Sectoral Councils of Music, Dance, Theatre and Circus. With this regulation, the INAEM sought to increase the involvement of the performing arts and music sectors in the analysis of artistic creation in Spain, through an active role in advising the management and production centres. Also with the aim of advising the INAEM, the Artistic Council of the National Music Auditorium (*64/2008 Order*) was established. This body also provides a major channel for civil society participation in the management of the Auditorium and proposes candidates for the post of Artistic Director of the Auditorium. To complete the package of measures to modernise the INAEM, the Ministry of Culture approved the Code of Good Practices for INAEM (*3520/2008 Order*). The measures provided for in the Code are based on a series of basic principles of performance, such as the protection, promotion and dissemination at national and international level of music, dance, theatre and circus, and the development and dissemination of culture as a tool for social cohesion and integration. After almost ten years of these reforms, the new Ministry (July 2018) has announced the reform of the INAEM as one of its priorities for the current term.

In the field of artistic creation, the INAEM has promoted the approval of the new statutes of the National Dance Company (*CUL/1993/2010 Order*), the National Ballet (*CUL/3065/2010 Order*), the National Classical Theatre Company (*CUL/3355/2010 Order*), the Zarzuela Theatre (*CUL/451/2011 Order*), the National Drama Centre (*CUL/2039/2011 Order*) and the National Music Dissemination Centre (*CUL/3359/2011 Order*). All represent a profound

change in the performing arts and music sectors, as well as their adaptation to the *497/2010 Royal Decree*.

The Autonomous Communities also pursue policies designed to foster music and theatre. They include the *2/1998 Valencian Act of Music* aimed at the promotion, protection, coordination, and dissemination of music in Valencia, which led to the creation of the Valencian Institute, and the *4/2008 Act that created the Galician Agency of Cultural Industries*, which replaced the former Galician Institute of Performing Arts and Music.

#### **4.2.4 Legislation on visual arts and crafts**

The *Historical Heritage Act of 1985 (16/1985 Act)* introduced two significant means of supporting the visual arts. One was handing over artworks to the Treasury in lieu of taxes, a form of taxpaying which has since gained some popularity. Although regional cultural institutions did not initially benefit from this measure, the same system of tax collection is being slowly introduced at the regional and municipal levels. The second measure is the so-called "cultural one per cent", a reference to the one per cent of all public works budgets to be paid to the state to finance the conservation and enhancement of the country's heritage or to "foster artistic creativity". So far, however, the bulk of this money has been spent on the heritage and very little on artistic creation. With the aim of giving further impetus to the preservation and enrichment of historical heritage, in October 2013, the Ministry of Development decided to expand the contribution to the scheme from 1% to 1.5%.

#### **4.2.5 Legislation on books and press**

Libraries are regulated by the *1985 Historical Heritage Act*, which gives a brief definition of these bodies and the terms under which they are set up, administered and coordinated, together with indications on how people can use their services. The *1985 Historical Heritage Act* is complemented by a series of nationwide regulations governing such matters as specialist arm's length institutions, with specific details on, for example, state-owned libraries and how books are to be loaned. With the objective of providing the National Library of Spain with the financial autonomy and the capacity to generate revenues that other national institutions enjoyed, the *1/2015 Act* which regulates its functioning was approved and later on, in December 2016, its new statute (*640/2016 Royal Decree*).

As far as regional legislation is concerned, the dominant trend is to approve individual laws for libraries independently of national heritage legislation. The Communities with their own library laws are: Andalusia (*8/1983 Act repealed by the 16/2003 Act*), the Valencian Community (*10/1986 Act annulled by the 4/2011 Act*), Aragon (*8/1986 Act repealed by the 7/2015 Act*), Castile-Leon (*9/1989 Act*), Castile-La Mancha (*1/1989 Act repealed by the 3/2011 Act*), Galicia (*14/1989 Act repealed by the 5/2012 Act*), Madrid (*10/1989 Act*), La Rioja (*Act 4/1990 Act*), Murcia (*7/1990 Act*), Catalonia (*4/1993 Act*), Extremadura (*6/1997 Act*), Cantabria

(*3/2001 Act*), Navarre (*32/2002*), Balearic Islands (*19/2006 Act*) and Basque Country (*11/2007 Act*).

Book publishing had been the subject of a specific piece of legislation in 1975, the so-called *Book Act*. Among other things, it introduced the fixed book price. This was partly relaxed in 1998, when booksellers were entitled to offer a discount of as much as 12% on the official retail price of primary and secondary schoolbooks and related teaching aids. In 2000, all price controls on schoolbooks were lifted. This double system of fixing book prices and making schoolbooks free of charge was included in the *Act for Reading, Books and Libraries*, which passed in June 2007. Besides the establishment of this double system of prices, the Act, which replaced all previous regulations, created a Reading and Book Observatory and included royalties for library loans, following the rules of the European Union. The aims of the Act are threefold: to promote reading, to defend cultural diversity in order to provide mechanisms which guarantee a plural supply of publishing companies and bookshops, and to adapt the book concept to changes facilitated by new technological changes.

Subsequently, *Royal Decree 2063/2008* adapted the ISBN rules to the new concept of books established in the *10/2007 Act*. For the first time, this Decree enabled editors, through their associations and appropriate agreement with the Ministry of Culture, to make an ISBN allocation by adopting the management model used in almost all European countries. More recently, the government approved the *23/2011 Legal Deposit Act* aimed to adapt the current legislation to the reality of the State of autonomies, the emergence of new media, as well as to the changes in the publishing sector.

Some Autonomous Communities also have their own laws for books and reading. This is the case in Madrid (*5/1999 Act*), Valencia (*3/2002 Act*), Galicia (*17/2006 Act*) and Castile-La Mancha (*3/2011 Act*).

#### **4.2.6 Legislation on audiovisual and interactive media**

A new Cinema Act was produced at the end of 2007 (*Act 55/2007*) with the aims of promoting and developing the production, distribution and exhibition of cinematographic and audiovisual works. This Act establishes the conditions that favour creation, dissemination and implementing measures for the preservation of film and audiovisual heritage - all within the context of the defence and promotion of cultural identity and diversity.

The Act also introduced the integration of cinematography in the audiovisual sector, considering cinematography as a whole with its specificities. Film and audiovisual production are devised as the core content of television and this is an important element for disseminating, promoting and financing the cinema industry.

The dynamic nature of the sector, its permanent adaptation to technological and social

changes and the need to adapt its economic dimension to the market rules have led to recent legal changes in some of the fundamental aspects that were regulated in the original wording of the *Act 55/2007*. In particular, two modifications are noteworthy. The first, introduced by the *18/2014 Act*, guarantees the unity of the market, following the exigencies of the *20/2013 Act*. The second, most recent, represented by the *6/2015 Royal Decree-Law*, adapts the system of subsidies for the film sector, included in the *2062/2008 Royal Decree*, to the "Communication from the Commission on State aid for films and other audiovisual works".

Subsequently, the *1084/2015 Royal Decree*, that repealed the previous *2062/2008 Royal Decree*, develops some of the legislative changes introduced and improves some technical and procedural aspects which required their modernization to increase their effectiveness. More recently, and with the participation of the sector, the Order that develops the system of subsidies for the film audiovisual sector (*CUD/769/2018*) has been passed.

At the organisational level, central government cultural policy on film is the responsibility of the National Institute of Film and Audiovisual Arts (ICAA), a body set up in 1984 and governed by a Decree passed in 1997. Some of the regions have adopted legislation of their own designed to encourage the film industry. This is the case in Catalonia (*20/2010 Act*), which has a law governing the film and audiovisual industry in terms of production, distribution, marketing, promotion, international dissemination and exhibition of films and audiovisual material besides regulating aspects related to the preservation of film heritage. The *Catalan Linguistic Policy Act of 1998*, for its part, sets out measures designed to promote Catalan-language films, and provides the possibility for the regional government to introduce screen and distribution quotas to ensure such films are exhibited to the public. To the same end, the Galician Audiovisual Act was passed in 1999 (*6/1999 Act*) and the Galician Audiovisual Consortium was created. The Valencian community has also its own Audiovisual Act (*1/2006 Act*) and the "Ricardo Muñoz Suay" Valencian Audiovisual and Cinema Institute (*58/1998 Act*), today integrated in CulturArts Generalitat (*5/2013 Decree* modified by the *124/2016 Decree*). In 2000, the Andalusian government adopted a programme to encourage and protect the audiovisual arts and created the Andalusian Audiovisual Council (*52/2000 Decree*). In 2011, as a result of the economic crisis and the need to rationalise public administration, the *15/2011 Act* abolished the Navarre Audiovisual Council that was created by the *18/2001 Act* on audiovisual activities in Navarre. More recently, the Balearic Islands have passed the *5/2013 Act* aimed at promoting the audiovisual sector in its community.

With a broader spectrum, which includes the media, Catalonia and Andalusia have their Audiovisual Councils (the Catalan Audiovisual Council is regulated by the *2/2000 Act* and the Andalusian Audiovisual Council by the *1/2004 Act*), which seek to encourage and protect the audiovisual arts. More recently, the Balearic Islands have created the Balearic Audiovisual Council (*2/2010 Act*) and the *9/2011 Act on Public Media of Galicia* foresees the creation of the Galician Audiovisual Council.

Regarding the mass media, in 1980, the Radio and Television Statute (*4/1980 Act*) was passed, which defined the fundamental role of the State Radio and Television networks and the presence of Spanish Television with its two channels. Legislation passed in 1983 (*46/1983 Third Channel Act*), allowed the Autonomous Communities to set up their own publicly funded radio and television broadcasting operations. Later on, in 1988, through the *10/1988 Private Television Act*, the audiovisual spectrum was opened up to private initiatives with a basically commercial aim.

With respect to the organisation of state media, under the State Radio and Television Act (*17/2006 Act*), the RTVE public institution was replaced by the RTVE Corporation, a state corporation with special autonomy. The new Act aimed, on the one hand, to provide a legal framework for public radio and television that guarantees their independence, neutrality and objectivity, and establishes organisational structures and a model of funding that enables them to carry out their mission as a public service.

On the other hand, it aimed to reinforce the role of the Parliament and foresaw the supervision of the Corporation's activity by an independent audiovisual authority. The Corporation must promote territorial cohesion and Spain's linguistic and cultural diversity; broadcast international radio and TV channels that disseminate the languages and cultures of Spain in other countries; support the social integration of minorities and cater for social groups with specific needs; promote knowledge of the arts, science, history and culture; and produce audiovisual digital and multimedia material in the languages of Spain, as a contribution to the development of Spanish and European culture industries.

In order to ensure a more effective and efficient functioning of the Board of Directors of the RTVE Corporation, in April 2012, the Parliament approved a modification of the RTVE Corporation's Regime (*15/2012 Royal Decree-Law*), included in the *17/2006 Act*. In addition to introducing some changes in the composition and the appointment of its members, the new regulation removed the fixed compensation of the members of the Board, with the exception of its President. In 2017, the *5/2017 Act* amended the *17/2006 Act* to regain the independence of the RTVE Corporation and the pluralism in the parliamentary election of its organ. The lack of regulatory development has led to the approval, urgently and with a temporary character, of a legal regime applicable to the appointment of the Board of Directors and its president (*4/2018 Royal Decree-Law*).

In March 2010, a *General Act on Audiovisual Communication (7/2010 Act)* was approved in order to satisfy a longstanding demand of the audiovisual sector and consumers. The Act regulates the state audiovisual media and establishes the basic rules in this field, summarising the current regulations still in force, updating those aspects which have changed and regulating new situations lacking legal framework. The main points of the Act are, on the one hand, the recognition and guarantee of the citizens' rights to receive audiovisual communication that reflects cultural and linguistic diversity (Article 5), which

implies the protection of the European and Spanish works in their various languages.

To this end, television service providers shall reserve at least 51% of their annual broadcasting time for European works, and at least 50% of these works shall be in any of the Spanish languages. On the other hand, it obliges television service providers to allocate at least 5% (if the provider is private) or 6% (if the provider is public) of the total revenue obtained in the previous financial year to pre-financing the production of European feature films and shorts, television films, films by new producers, experimental films, documentaries, pilot programmes and animation series.

Finally, another relevant aspect of the Act was the creation of the State Commission of Audiovisual Media (CEMA), an independent authority, with regulatory and sanctioning powers over content in the audiovisual sector under state competence. In 2013, the CEMA was integrated in the National Commission of Markets and Competition, the regulatory affairs institution of the national government.

With the aim of making the management of media in the Autonomous Communities more flexible, the Popular government approved the *6/2012 Act that modifies the General Act on Audiovisual Communication (7/2010 Act)*. According to the crisis influenced austerity policies, the new act also introduced changes in the financing of autonomous media corporations, prohibiting public bodies from the possibility of going into debt, so that any deficit generated should be incorporated in next year's budget as a reduction of the available capital.

#### **4.2.7 Legislation on design and creative service**

The Spanish legislation considers that property rights are to be protected by legislation and by other actions. These are not only exploitation rights, but also moral ones. The main bodies involved are the Ministry of Industry, Tourism and Commerce and the Ministry of Culture.

The legal protection of design is included in the Spanish industrial property protection. There are four types of industrial property right, each of them protecting different content:

1. Industrial designs (protecting the external appearance of products), which is regulated by Law 20/2003 (July 7<sup>th</sup>) on the Legal Protection of Industrial Design.
2. Trademarks and trade names - distinctive signs (protecting graphic and/or denominative combinations), which is regulated by Law 21/2001 (December 7<sup>th</sup>) on Trademarks. The new Trademarks Act (in accordance with the Royal Decree Law 23/2018) came into force in January 2019. This legal reform wanted to adapt the Spanish regulations to the Directive of the European Union.
3. Patents and utility model (protecting inventions consisting of products and procedures susceptible to reproduction and reiteration), which is regulated by Law 24/2015 (July 24<sup>th</sup>) on Invention Patents.
4. Semiconductor topographies (protecting the pathways making up an integrated

circuit), which is regulated by Law 11/1988 (May 3<sup>rd</sup>) on the Legal Protection of the Topographies of Semiconductor Products.

The Spanish Patent and Trademark Office supervises the procedure and the protection granted by intellectual property rights across the country. The Strategic Plan 2017-2020 for Industrial Property recognises the importance of design and intellectual property within the knowledge economy and claims that intangible assets are to be a competitive factor for Spanish firms. The Plan proposes 27 measures to enhance the differentiation and economic return of the Spanish productive system based in the protection of intellectual property. The Plan was framed within the Strategy Europe 2020 for a new and sustainable economic model. The Plan involves the industry, commerce, education, promotion, training, research, justice and foreign affairs departments. The Office also promotes and collects educational and research initiatives for secondary and higher education students and for the industry.

There is an Intersectoral Commission in charge of acting against activities that violate intellectual property rights. The Ministry of Interior and the Ministry of Fiscal Affairs are responsible for prosecuting these cases. The Fiscal Agency (AT) reported that during 2017 the Department of Customs and Special Taxes intervened EU 3.1 million of counterfeits and fake products. If they would have reached the market, the value would be around EU 60 million (an estimated 24 million in jewellery, 12 million in watches, 6 million in clothes and 4 million in sports shoes).

The European Union Intellectual Property Office is located in Alicante (Spain).

## **5. Arts and cultural education**

### **5.1 Policy and institutional overview**

During the governance of the Popular Party (2011- June 2018), education, culture and sport were the responsibility of a single Ministry. Thus, arts education in Spain has been, for the last eight years, the responsibility of the Ministry of Education, Culture and Sport, though the Autonomous Communities could also develop basic legislation and were in charge of implementing it.

One of the traditional problems in Spain has been the lack of integration of arts education into the general education system, which has affected the training of professionals and also the general population as potential audience.

The approval, in November 2013, of the *Organic Law for the Improvement of Educational Quality (8/2013 Organic Act)* involved changes in the organisation of artistic education in the academic year 2014-2015, initially at primary level. The act introduced a differentiation between core subjects (common to the whole territory, with a minimum weight in terms of



teaching hours of 50%, and with contents set by the central administration) and specific subjects - whereby Autonomous Communities and educational administrations and schools have greater autonomy to set schedules, content and final programming of artistic disciplines. The act also introduced audiovisual education at the levels of compulsory secondary and upper secondary education and removed the possibility of studying performing arts at upper secondary education.

Nevertheless, the effectiveness of regulations depends on how such plans are put into practice in terms of time allocation, permeability between academic subjects and artistic disciplines, progress between the various cycles, and on the specific regulations implemented by the Autonomous Communities beyond the minimum national core curriculum.

For an updated vision of the Spanish education system, read the *OECD Education Policy Outlook for Spain* (2015).

## **5.2 Arts in schools**

Arts education in Spain is a complex field. At compulsory education level, students come into contact with arts education through areas of the curriculum or through projects that involve different levels of government.

At the primary education level, the *8/2013 Organic Act* considered arts education as a specific subject and the implementation depends on the regulation and programming of educational administrations and schools.

Regarding Compulsory Secondary Education (ESO), the *8/2013 Organic Act* considers all artistic subjects as specific and includes the following topics in the first three courses: Music, Visual Arts and Audiovisual Education, and Classical Culture. The course Performing Arts and Dance is added in the fourth course.

At the upper secondary level, there is a modality in arts, which is a prerequisite for higher education courses. With the *8/2013 Organic Act*, the first course of this modality includes two compulsory core subjects (Arts Fundamentals I and Spanish Language and Literature I); three optional core subjects (Contemporary World History; Universal Literature and Audiovisual Culture I); and six specific optional subjects (Technical Drawing I; Artistic Drawing I; Volume; Applied Anatomy; Musical Analysis I; Music Language and Practice). The second course has three compulsory core subjects (Arts Fundamentals II; Spanish Language and Literature II and History of Spain); three optional core subjects (Audiovisual Culture II; Performing Arts and Design); and six specific optional subjects (Technical Drawing II; Artistic Drawing II; Musical Analysis II; History of Music and Dance; Picture and Sound and Techniques of Visual Expression).

According to the *Cultural Statistics Yearbook 2018* published by the Ministry of Culture and Sport, in the academic year 2017-2018, a total of 398 474 students were enrolled in arts education (special schemes). This figure represents an increase of 1.2% compared to last year – the increase observed in previous years continues. With 82.5% of all arts education enrolments, Music Education proved to be most popular, followed by Dance Education (9.4%), Visual Arts and Design (7.3%), Drama (0.6%) and Master's in Arts Education (0,1%). During the academic year 2016-2017, 34 196 bachelor students were enrolled in arts education, which represents 5.3% of all bachelor students in Spain.

Beyond the curriculum framework there exist diverse institutional initiatives aimed at promoting artistic activity in the education system. For example:

- the *National Plan of Education and Heritage*, approved in April 2013, promotes programmes in the area of formal education through the implementation of cultural heritage contents in the curricula, the improvement of learning material related to students' competences in heritage matters and the promotion of teachers' training on the social, cultural, economic and identity values of cultural assets;
- the programme *Educación para el cine. Cine para la educación / Education for Cinema. Cinema for Education*, included in the *Culture Plan 2020* of the Secretariat for Culture, promotes the inclusion of curricular subjects related to cinematography and audiovisual in formal education, as well as in business schools;
- the programme *EducaFilmoteca / Educa Spanish Film Archive* promoted by the Spanish Film Archive and AulaFilm aims to approach cinema to young population;
- the programme *Hefesto Scholarships* promotes access and progress in the academic and professional training of students with disabilities;
- the incorporation of *the Hora diaria de lectura / Daily Reading Hour* in schools under the territorial competence of the Ministry of Education, Culture and Sport;
- the programmes *Encuentros Literarios / Literary Meetings* and *Por qué Leer a los Clásicos / Why to read the classics?* draw authors to secondary schools.

Most co-operation between schools, cultural institutions and the third sector, however, takes place outside the formal curricular framework. Some philanthropic institutions fund those initiatives, as the *Art in the Community Programme* by the Daniel and Nina Carasso Foundation or *Edu Caixa* by "la Caixa" Foundation.

Partnerships between cultural organisations (public and private) generated new initiatives related to the mediating role of cultural institutions. A format that is gaining popularity in Spain is the residency of artists in schools with the objective of permeating all the teaching-learning processes. These initiatives are sometimes promoted by cultural institutions with a cultural mediation role. For instance, the TEA in Tenerife promotes *Un/a Artista Viene a Vernos [An artist comes to see us]*, a programme for creators-educators to incorporate

contemporary art and creation in the whole processes of teaching and learning in primary education. The private sector also tries to promote innovative actions in formal education, with the development of a model for resident artists at schools like the initiative *Exprimento Limón* in Madrid.

### 5.3 Higher arts and cultural education

With respect to higher education, arts courses are offered within and outside of universities, as university qualifications or higher-level arts education. Almost all of the students who take arts courses at university level, studied arts at secondary school. In this respect, fine arts is the only university degree in Spain that has a specific secondary school qualification.

University studies are organised into undergraduate courses (bachelor's degrees) and postgraduate courses (master's degrees, postgraduate programmes, doctoral programmes, etc.). The qualifications that can be obtained are officially recognised in the entire Spanish state as University-specific degrees. The so-called "Bologna Process", that started in 2005 with pilot schemes in some areas and in both university cycles, officialised these undergraduate and postgraduate courses in 2010. In terms of fine arts courses, the Spanish universities offer degrees in fine arts, design and conservation and restoration.

In 2011, the Ministry of Education approved the *Royal Decree 707/2011* that creates the specialty of Flamenco in the higher training cycle of Music, within the scheme of arts education. With this new specialty, the Ministry sought to ensure the preservation of an art traditionally linked to oral transmission.

According to the *Cultural Statistics Yearbook 2018*, students enrolled in university courses related to cultural professions increased to 18.362 in the academic year 2016-2017, which is 12% of university education.

In the last ten years, there have been many higher education programmes for professionals employed in the cultural industries. Catalonia was one of the first Autonomous Communities to cater for the sector. For many years now, the Pompeu Fabra University has offered Master's programmes in animation, design, film and audiovisual, publishing and editing, sound and music computing. Also, it provides several postgraduate diplomas, for example, in editing and creating video games and global music business.

The University of Barcelona offers Master's programmes in cultural management, artistic mediation, management of cultural institutions and companies, world heritage and cultural projects for development. For many years, it has been providing postgraduate diplomas in international cooperation and cultural management, performing arts, festivals production and management, creative territories, cultural tourism and the design of cultural projects.

The Open University of Catalonia, in collaboration with the University of Girona, offers a Master programme in cultural management. The International University of Catalonia offers

several Master programmes in arts and cultural management, as well as postgraduate programmes in cultural management and creative cultural industries.

The Carlos III University of Madrid offers a Master's degree in film and television and in tourism management of cultural and natural resources. The University of Valladolid has a Master's degree in economics of culture and cultural management. At graduate level, the University of Barcelona launched a degree in communication and cultural industries for the first time in the academic year 2011-2012 and the University of Huelva offers a Degree in Cultural Management since 2012-2013.

#### **5.4 Out-of-school arts and cultural education**

Decisions around the provision of extra-curricular arts activities are made at a local level, often by schools themselves. They design the content of their own extra-curricular activities, although the education authorities may give financial aid. In addition, many municipalities provide artistic and cultural activities for children and young people through schools of music, theatre or dance, which cover a part of the extracurricular activities of these groups. In general terms, Spain views extra-curricular arts activities as an informal method of contributing to the development of pupils, rather than making a direct contribution to their curriculum studies.

At national level, since 2009, a group of state-owned museums organises activities within the "Cultural Christmas for Families Programme" with the aim of linking culture to leisure time and making it accessible from an early age on. In 2013, the Ministry launched workshops for children ("I have a plan") in several museums of the capital aimed at educating children between 8 and 12 years on the importance of taking care of cultural heritage. More recently, the art centre Tabacalera in Madrid has launched the programme *Tabacalera/Educa*, which is a research and learning space for contemporary art.

In general terms, the initiatives carried out by the Ministry in this area have been rather modest, being mostly held in their own cultural facilities (museums, auditoriums, theatres, libraries, etc.). These initiatives offer educational activities that disseminate cultural heritage and bring culture closer to children, young people and families. They are aimed at completing the lifelong training of citizens and contributing to increase the number of future consumers of culture.

#### **5.5 Vocational and professional training**

Vocational education prepares students to work in a professional field, such as arts and crafts, graphic arts or glass and ceramics. Such courses tend to be organised into intermediate and higher training cycles.

There is an ongoing reform of vocational training in Spain with the competencies in the area

under the new Ministry of Education and Vocational Training (created in July 2018). All the information is disseminated through the [site](#). The curricula are organised around 24 fields that correspond to the *REFERNET European Framework* (for details see [here](#)). The following fields are related to the cultural and creative industries: graphic arts; arts and crafts; sound and image; informatics and communications; wood, furniture and cork crafts; socio-cultural services to the community; textile, fashion and leather; glass and ceramics.

The National Institute of Qualifications describes the process by which workers can obtain recognition, assessment, accreditation and documentation of their professional qualifications (for details see [here](#)).

The number of students who were studying vocational training in the cultural sphere was 27 204 during the academic year 2016-2017. This number is equal to 4.3% of the total number of students in vocational training.

Outside the general educational system, the Institute of Cultural Heritage of Spain runs the *School of Historic Heritage* in Nájera (La Rioja). The Institute organises courses to train specialists in the preservation, conservation and management of cultural goods. The Institute also focuses on research and the dissemination of criteria, methods and techniques to preserve and transmit cultural heritage.

Other initiatives are the Public School of Cultural Training in Andalusia and the Andalusian Institute for Cultural Heritage. The regional government runs the Public School of Cultural Training that offers a lifelong, professional training in three areas: artistic, technical and management. The Andalusian Institute of Cultural Heritage offers a similar programme in collaboration with other agents.

Professional associations also provide lifelong training programs to their members: for example the State Federation of Associations of Cultural Managers (FEAGC) and the Spanish Association for the Heritage Management (AEGPC).

## **6. Cultural participation and consumption**

### **6.1 Policies and programmes**

One of the main objectives of the Ministry of Education, Culture and Sport for the period 2017-2020, included in the *Culture Plan 2020* of the State Secretariat for Culture, is to encourage cultural participation through initiatives such as the modernisation of facilities (archives, libraries, museums, etc.) new programmes of the Spanish Film Archive to attract young people to the cinema and audiovisual arts; plans aimed to develop new publics for museums the access to cinema in rural and small urban areas; and a virtual map for performing arts activities and facilities. In 2018, the Ministry of Culture and Sport organised

the *Culture and Citizenship edition on the topic of Education, Mediation and New Audiences*. Currently, a White Book for the Promotion of the Audiences of the Arts is being discussed by the sector. To inform audiences about cultural activities, the Ministry's online portal and the channel Cultura (Culture Channel) allow access to audiovisual content on the cultural activity carried out by the Ministry and its institutions.

Traditionally, the main initiatives to foster participation in culture at the regional level are those based on the creation or restoration of performing arts institutions (mainly as part of the National Plan of Rehabilitation of Theatres and Concert Halls) or the establishment of networks for the performing arts and music circulation. Contemporary arts centres built in recent times and some symphonic orchestras and auditoriums also carry out activities aimed at generating new concert- or exhibition-goers by means of introductory programmes for potential enthusiasts. There are numerous initiatives to promote cultural participation and consumption at the regional and local levels, for example:

- the *Abecedaria Programme*, promoted by the Andalusian Department of Education, Culture and Sport, is a circuit of performing arts, music and audiovisual performance for students in the Andalusian municipalities. In September 2009, it received the award for the most effective initiative to attract new audiences in Spain, given by the International Fair of Theatre and Dance in Huesca (Aragon, 23rd Edition);
- the *Escena 25* is an initiative of the Catalan Department of Culture to increase attendance to performing arts of people 18-25 years by offering tickets from EUR 3;
- the *Valencian Cultural Bonus* is an initiative of the Department of Culture of the Valencian Community that provides economic and operational advantages, with 21% tax deductions in the amount spent on cultural bonus. It is a measure aimed at Valencian people with an annual income of less than EUR 50 000;
- the *Bizkaiko Kultur Txartela* is a cultural bonus (EUR 40) launched by the Provincial Council of Bizkaia (in the Basque Country) aimed to promote cultural consumption;
- the *Cultural Bonus* is an initiative of the government of Aragón that provides discounts ranging from 30% to 70% for young people (12-35 years old) on cultural;
- the *JOBO. Young Cultural Bonus* is an initiative of the Madrid City Council to increase attendance to cinema and performing arts of 16-26-year-olds by offering free entrance.

The Youth Institute and similar institutes at the regional level distribute the “Euro<26 Card” to increase cultural consumption among youth, which gives discounts between 10% and 100% on tickets for museums, theatres, cinemas and music festivals. There are also discounts available for pensioners and students, usually provided by local authorities, including free entrance to museums and discounts on cinema and theatre tickets.

With the aim of encouraging attendance to the movie theatres, two recent private initiatives have been launched by the most representative associations of the film industry. The first edition of the three-day “Festival of Cinema” took place at the end of 2013 and the ticket price was EUR 2.90.

Following the success of this initiative, the campaign “Wednesdays at Cinema” was launched in 2014. From January 15<sup>th</sup> till April 15<sup>th</sup>, cinema visitors could watch a film for a reduced ticket price every Wednesday. Both initiatives are aimed at promoting film culture and facilitating attendance to cinemas and have proved to be very successful. In collaboration with the National Institute of Film and Audiovisual Arts (ICAA), both initiatives were continued.

## **6.2 Trends and figures in cultural participation**

### *Receptive cultural participation*

According to the *Survey of Cultural Habits and Practices in Spain*<sup>3</sup> – which involves 16 000 interviews with persons aged 15 or over - cultural content is mostly consumed by television viewers (more than 95% in all periods considered in Table 3: 2006-2007, 2010-2011 and 2014-2015), followed by music listeners (85.5% in the last period, 2014-2015), newspaper readers (79.7% in 2014-2015) and radio listeners (76.8 % in 2014-2015). More than half of the surveyed Spaniards went to the cinema in all three reported periods, although this percentage decreased slightly in 2010-2011 (49.1%). Cultural activities that ranked lower in overall participation rates include the attendance at dance, opera and lyrical opera (zarzuela). In 2014-2015, only 7% of the population indicated that they attended a dance performance at least once a year; 2.6% went to the opera and 1.8% to a zarzuela performance.

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<sup>3</sup> Different editions of the *Survey of Cultural Habits and Practices in Spain* can be found here: <https://www.mecd.gob.es/servicios-al-ciudadano/estadisticas/cultura/mc/ehc/portada.html>.

**Table 3: People who participated in or attended a certain cultural activity during the last 12 months in Spain (in % of the population, period 2006-2015)**

	2006-2007	2010-2011	2014-2015
<b>Activities heavily subsidised by the state</b>			
Theatre	19.1	19.0	23.2
Opera performances	2.7	2.6	2.6
Zarzuela	1.9	1.6	1.8
Dance	5.1	6.1	7.0
Concerts of classical music	8.4	7.7	8.6
Libraries	17.6	20.5	25.6
Museums	31.2	30.6	33.2
Monuments	34.1	39.5	41.4
Cultural centres	22.9	19.2	19.9
<b>Activities without large public subsidies</b>			
Cinema	52.1	49.1	54
To read books not related to the profession or studies	52.5	52.3	56
<i>In paper format (Usually use)</i>	<i>na</i>	<i>58.3</i>	<i>59.0</i>
<i>In digital format (Usually use)</i>	<i>na</i>	<i>6.5</i>	<i>17.7</i>
<i>Directly on the Internet (Usually use)</i>	<i>na</i>	<i>4.1</i>	<i>5.7</i>
To listen to music (Usually listen)	86.9	82.7	85.5
<i>In a computer or directly on the Internet</i>	<i>na</i>	<i>17.3</i>	<i>26.2</i>
To read periodic publications (Usually read)	81.4	80.4	79.7
<i>Directly on the Internet</i>	<i>14.1</i>	<i>14.4</i>	<i>26.8</i>
To watch videos (Usually watch)	51.9	49.6	42.1
<i>Directly on the Internet</i>	<i>na</i>	<i>6.8</i>	<i>12.3</i>
To watch television (Usually watch)	98.2	96.7	95.5
<i>Directly on the Internet</i>	<i>na</i>	<i>5.9</i>	<i>8.9</i>
To listen to the radio (Usually watch)	81.6	77.1	76.8
<i>Directly on the Internet</i>	<i>na</i>	<i>8.4</i>	<i>10.4</i>
To play videogames (Usually play)	na	13.7	13.8
To use computer for entertainment or leisure (Usually use)	37.7	53.6	62.5
Internet for entertainment or leisure (Usually use)	33.1	52.5	66.9

Source: Ministry of Culture (several years) *Survey of Cultural Habits and Practices in Spain*.

Note: Na: Non-available

Usually: at least once a month

If the results of the survey are compared to those available for the period 2006-2007, there has been an increase in the rates of annual attendance at museums, monuments, archaeological sites and archives. Similarly, there has been an increase in attendance or access to libraries, and an increase in the annual rates of reading. Regarding the performing arts and music, even with the positive development in attendance at the theatre, ballet or dance, the annual rates of attendance at live shows decreased.



The number of people who use a computer and the Internet for entertainment or leisure grew extensively between the periods 2006-2007 and 2014-2015 (respectively from 33.7% to 62.5% and from 33.1% to 66.9%). Moreover, the latest survey results confirm the use of new technologies as a means of disseminating culture. Thus, 26.8% of those surveyed read online (compared to 14.4% in the previous survey), 26.2% listened to music on the computer or directly on the Internet (compared to 17.3% in the previous survey) and 12.3% usually watched videos online (compared to 6.8% in the previous survey).

With respect to participant characteristics, the latest survey confirms participation patterns already observed in previous periods. Thus, indicators offer significant differences by gender. Women read more than men, except for professional and press reading, which are activities that are more frequent among men. Women visit libraries more often, both in person and online. Women also have higher rates of visits to museums, exhibitions and art galleries, whereas men more often visit monuments and archaeological sites. The youth have the highest rates of cultural participation in almost all areas: they visit more museums, monuments, etc.; they attend more performing arts or music events; they read more; they go to libraries more often, and they buy more. However, these high rates decrease, with greater or lesser extent, when age increases. Educational level is the most decisive variable in cultural participation, rising significantly when the level of education increases.

The *Survey of Cultural Habits and Practices in Spain* does not provide any data on the surveyed' place of origin. In 2005, the Permanent Immigration Observatory (attached to the current Ministry for Employment and Social Security) published a study entitled "Consumption and leisure of Latin American immigrants in Spain". It showed that once immigrants have gained a minimal level of stability, they participate actively in consumption and leisure. Also, their desire for integration is fundamentally a desire to raise their consumption, in terms of both quantity and quality. More recently, an exploratory study on cultural consumption of Latin American immigrants in Spain highlights: the low level of intra-ethnic association; patterns of cultural and media consumption similar to the country of origin; the survival of traditional mass media, with a clear preference for the use of television and radio listening (and especially for music stations); a higher consumption of free print media; low attendance at the cinema and informal channels of video distribution; the growing use of new technologies; and the observation of the effects of the crisis on the living standards of Latin American immigrants in Spain (Retis, 2011).<sup>4</sup>

In 2013, a first inquiry on the participation of Moroccan residents in cultural and media activities was published. Watching television (91.6%), listening to music on the radio (54.6%) and reading literature (44.5%) were the most common activities among Moroccan residents.

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<sup>4</sup> Retis, J.: "Estudio exploratorio sobre el consumo cultural de los inmigrantes latinoamericanos en España: el contexto transnacional de las prácticas culturales", *Documento de Trabajo*, Fundación Alternativas, n. 9, p. 1-126, 2011. <http://www.falternativas.org/occ-fa/documentos/estudio-sobre-el-consumo-cultural-de-los-latinoamericanos-de-espana>.

Moreover, the study pointed out a tendency towards intra-ethnic consumption and revealed gender differences in both the youth and adult group (Huertas et al., 2013).<sup>5</sup>

#### *Active cultural participation*

The *Survey of Cultural Habits and Practices in Spain*<sup>6</sup> also provides data on active cultural practices. As shown in Table 4, the most popular activities are photography (28.9% in 2014-2015), making videos (15%), drawing or painting (13.7%) or practising other visual arts (8.3%) and writing (7.1%).

As in passive cultural practices, there are significant differences in cultural behaviour by gender and age. By gender, women have a greater preference for writing, painting or drawing, as well as theatre or dance; while playing a musical instrument, taking photographs or making videos are the most popular hobbies for males. Regarding age, active participation is more prevalent amongst youth.

With respect to changes between 2006-2007 and 2014-2015, almost all activities experience a positive growth, this being especially noteworthy in the case of photography (with an increase of 12.3%), video (9.3%) and painting or drawing (4.5%).

The involvement of government occurs mainly at the local level and the vast majority of amateur activity is offered free of charge and is promoted by town councils or non-profit making associations or clubs. Examples are the organisation of the *First Amateur Performing Arts Circuit* in 2010 in Vitoria-Gasteiz (Basque Country) by the artistic-cultural Association Korrontx and the *Espai A, Xarxa d'Arts Escèniques Amateurs de Catalunya / Space A, Net on Amateur Performing Arts of Catalonia* in Catalonia in 2012, which was launched by the regional government. Promoted by representative associations and federations of the country, the latter project seeks to create new audiences for amateur performances and to increase the profitability of their productions through a stable programming of amateur performances.

**Table 4: People who have carried out artistic activities in Spain in the last 12 months by type of activity (in % of total population, period 2006-2015)**

	2006-2007	2010-2011	2014-2015
Writing	7.5	7.1	7.8
Painting or drawing	9.2	13.2	13.7
Other visual arts	4.5	7.7	8.3

<sup>5</sup> Huertas, A. / Martínez, Y. / Moreras, J.: "Prácticas y consumos mediático-culturales del colectivo marroquí en España", *Documento de Trabajo*, Fundación Alternativas, n. 11, p. 1-72, 2013. <http://www.falternativas.org/oc-fa/documentos/practicas-y-consumos-media-tico-culturales-del-colectivo-marroqui-en-espan-a>.

<sup>6</sup> Different editions of the *Survey of Cultural Habits and Practices in Spain* can be found here: <https://www.mecd.gob.es/servicios-al-ciudadano/estadisticas/cultura/mc/ehc/portada.html>.

Photography	16.6	29.1	28.9
Making videos	5.7	12.8	15.0
Designing web pages	2.2	2.6	3.0
Drama	2.1	2.1	2.2
Dance and ballet	3.8	3.9	4.9
Playing an instrument	5.9	8.0	7.8
Singing in a choir	2.8	2.4	2.4

Source: Ministry of Culture (several years) *Survey of Cultural Habits and Practices in Spain*.

### 6.3 Trends and figures in household expenditure

Figures on cultural consumption are taken from a specific exploitation from the *Household Budget Survey Base 2006*<sup>7</sup>, produced by the Ministry of Culture and Sport. Due to changes in methodology, at present, trend analysis is not feasible.

**Table 5: Household cultural expenditure by expenditure purpose, 2017**

Items (Field/Domain)	Household expenditure (in million EUR and percentages)		Average per capita expenditure (EUR)
	2017	%	2017
<b>I. Books and Press</b>	<b>2 687.9</b>	<b>20.2</b>	<b>58.3</b>
Books	1 954.4	14.7	42.4
Press	733.6	5.5	15.9
<b>II. Cultural Services</b>	<b>2 333.7</b>	<b>17.5</b>	<b>50.6</b>
Cinema, theatre and others	1 678.6	12.6	36.4
Museums, libraries, parks and similar	301.6	2.3	6.5
Photographic services and other	353.5	2.7	7.7
<b>III. Audiovisual equipment and accessories</b>	<b>1 913.9</b>	<b>14.4</b>	<b>41.5</b>
Support for recording image, sound and data	452.5	3.4	9.8
Audiovisual equipment and accessories	1 345.4	10.1	29.2
Musical instruments	116	0.9	2.5
<b>IV. Subscriptions of television, information processing and Internet</b>	<b>6 362.8</b>	<b>47.8</b>	<b>138.1</b>
Rental and subscriptions of radio and television	208.7	1.6	4.5
<i>Subscriptions of radio and television</i>	<i>197.1</i>	<i>1.5</i>	<i>4.3</i>
<i>Rental of cultural equipment and accessories</i>	<i>11.6</i>	<i>0.1</i>	<i>0.3</i>
Information processing and Internet	6 154.1	46.3	133.6

<sup>7</sup> Data on the specific exploitation of the Ministry of Culture and Sport from the *Household Budget Survey 2006 Base* can be found in the *Cultural Statistical Yearbook*: <https://www.mecd.gob.es/servicios-al-ciudadano/estadisticas/cultura/mc/naec/portada.html>.

<i>Information processing equipment</i>	<i>1 269.9</i>	<i>9.5</i>	<i>27.6</i>
<i>Mobile devices</i>	<i>1 562.5</i>	<i>11.7</i>	<i>33.9</i>
<i>Mobile and Internet services</i>	<i>3 321.7</i>	<i>25.0</i>	<i>72.1</i>
<b>TOTAL</b>	<b>13 298.4</b>	<b>100.0</b>	<b>288.6</b>

Source: Specific exploitation of the Ministry of Education, Culture and Sport from the *Household Budget Survey* 2006 Base of the National Statistics Institute.

In 2017, Spanish households spent EUR 13 298.4 million on cultural goods and services, which represents 2.5% of a households' total expenditure on goods and services. The amount of money spent by Spanish households on cultural goods and services decreased with 5,7% compared to 2016.

Cultural spending amounted to EUR 288.6 per capita in 2017. By categories, home-based activities dominated cultural spending, especially home entertainment (EUR 179.6 per capita) and reading (EUR 58.3), which together accounted for 82.5% of cultural spending. In the home entertainment category, Internet related services (EUR 72.1 per capita) ranked highest, followed by mobile devices (EUR 33.9), expenditure on audiovisual equipment (EUR 29.2) and on computers (EUR 27.6). Other cultural spending categories include attendance at cultural events such as cinema, theatre, opera and dance, which accounted for 14.9% (EUR 42.9) of cultural spending.

#### 6.4 Culture and civil society

Civic centres are municipal spaces that encourage participation in the cultural and social dynamic of neighbourhoods. They connect broad segments of the population with culture through workshops, series of cultural events, talks and exhibitions. In addition to offering services for specific groups in the neighbourhood, the civic centres have specialised in offering coordinated services and cultural activities of interest to the general public.

In addition to these facilities, cultural houses at the municipal level also play an important role in active cultural practices for the local population. Both types of centres depend on the programmes and financing of local authorities.

The only data on visits to cultural centres are collected in the *Survey of Cultural Habits and Practices in Spain* by the Ministry of Education, Culture and Sport. According to this source, during the period 2006-2015, visits to cultural centres decreased with 3% (from 22.9% in 2006-2007 to 19.9% of the population in 2014-2015).

In the last ten years, many community artistic projects took place at the district level in particular. Many of them aim to foster collaborative artistic creations in neighbourhoods using diverse, hybrid and experimental languages, ranging from the performing and visual arts to the audiovisual and new technologies. Some of these initiatives are promoted by the

city councils (such as the *Art i Part* [*Art and Part*] by the City Council of Barcelona or *CiudadDistrito* by the City Council of Madrid) or by the third sector (such as the programme *Art for Change* of the "la Caixa" Foundation) to help to run art projects involving active participation by people in situations of vulnerability. The aim of the projects is to give these people a voice, equal conditions and opportunities and make them visible in society through participation in a creative process.

The bodies that best represent the spirit of the third sector in Spain are the associations. According to a study by the University of Deusto and the Author Foundation, cultural associations, which were strong at the end of Francoism and the beginning of democracy, are currently in crisis. The causes are not attributed to the size of the movement, since there are 42 107 associations registered in the Autonomous Communities, but rather to factors such as the limited impact of their activities on society, excessive reliance on public subsidies, a lack of generational exchange and changing social habits. The study indicates that 46.3% of the cultural associations do have a generic scope, while the remaining 53.7% are specialised in a specific cultural sector. The largest sector is music, followed by heritage and the performing arts. Regarding regional distribution, Catalonia has the highest number of cultural associations (19% of the total) followed by Valencia (17%). Andalusia and Madrid have the lowest rates (VVAA, 2008)<sup>8</sup>.

It is hard to find out how many cultural associations exist in Spain nowadays. The National Register of Association shows 83 417 registrations with the term "cultural" in the official name of the entity. There is no specific official register for cultural associations (as they exist, for instance, for sports associations or for religious associations).

## **7. Financing and support**

### **7.1 Public funding**

#### **7.1.1 Indicators**

The majority of public cultural expenditure in Spain comes from regional and local governments, which together represent 86.2% of public cultural spending (see Table 6). This shows the decentralised nature of the Spanish model in which territorial authorities are assumed to be mainly responsible for financing the cultural sector.

Total public culture expenditure per capita in 2016 was EUR 103.4. By levels of government, the per capita expenditure of the central government (in 2016) amounted to EUR 14.3, and that of the Autonomous Communities and local governments was EUR 22.7 and EUR 66.4 respectively.

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<sup>8</sup> V.V.A.A.: *Las asociaciones culturales en España*. Madrid: Fundación Autor - SGAE, 2008.

The per capita figure varies widely from region to region. Using the liquidated regional expenditure on culture for 2016, the highest amount per capita allocated by an Autonomous Community was Navarre, at EUR 56.6, followed by the Basque Country (EUR 49.1), and Catalonia (EUR 35.9). At the lower extreme were the Canary Islands (EUR 7.3), Aragon (EUR 13.3) and Madrid (EUR 13.5).

In the period 2010-2016, the evolution of per capita public expenditure on culture has been negative, as a result of the economic crisis which has affected cultural budgets on all levels of government. Overall, the expenditure decreased in nominal terms by 30% (and 34.1% at constant prices for 2016). By levels of government, Autonomous Communities had the highest decrease (40.4% in nominal terms, which represents a decrease of 43.9% in real terms), followed by the central government (36.7% and 40.5%, respectively) and finally by the local government (23.7% and 28.2%, respectively).

Public expenditure on culture accounted for approximately 0.43% of Spanish GDP in 2016. It has had a negative evolution since 2010 when public spending on culture accounted for 0.63% of GDP. Data on public spending on culture compared to the total public expenditure, which is only available by levels of government, accounted for 0.25 at the central government, 0.58 at the regional level and 4.59 at the local level. All levels of government have had a negative evolution during the period 2010-2016: local government had the highest decrease (0.70 points), followed by the Autonomous Communities (0.41 points) and finally by the central government (0.18 points).

### **7.1.2 Expenditure on government level**

The data in Table 6 show a high level of decentralisation in public spending on culture. Traditionally, the territorial governments (autonomous and local) account approximately for 86% of government spending in the sector. In 2016, regional and municipal authorities spent a total of EUR 4 137 698 000, of which 25.5% was spent by the regional powers and 74.5% by municipal authorities. The regions spending the highest percentage on culture in Spain were Catalonia (25.2%), Andalusia (14.7%), Basque Country (10.1%) and Madrid (8.2%).

The evolution of public cultural expenditure over the period 2010-2016 shows a decrease of 30% in nominal terms, and 34.2% at constant prices for 2016. This negative trend can be explained by the decline in regional cultural expenditure that amounted to 40.4%, in nominal terms, and 43.9%, in real terms. This is followed by the reduction of central funding, which suffered a decrease of 36.9% (40.7% in real terms), and in local funding that decreased by 23.7% (28.2% in real terms).

**Table 6. Public cultural expenditure by level of government, 2010 and 2016**

Level of government	2010			2016*		
	Total	%	Per capita	Total	%	Per capita
State (central, federal)	1 050 642	15	22.6	662 627	14	14.3
Regional (provincial, Länder, etc.)	1 769 059	26	38.1	1 054 331	22	22.7
Local (municipal, incl. counties)	4 042 551	59	87.0	3 083 367	64	66.4
<b>TOTAL</b>	<b>6 862 252</b>	<b>100%</b>	<b>147.7</b>	<b>4 800 325</b>	<b>100%</b>	<b>103.4</b>

Note: \* Provisional data.

Source: Ministry of Culture and Sport (several years) *Cultural Statistics Yearbook*.

### 7.1.3 Expenditure per sector

In 2016, the central government spent EUR 662 627 000 on culture, of which 20% corresponded to current and capital transfers to other levels of government and private actors. Programmes addressing cinema (85.5%), cultural diffusion and cooperation (69.9%), and books (62.2%) concentrated the highest levels of transfers on total cultural spending, contributing the most to the artistic and cultural activities of other levels of government and private actors.

By sectors, the central government in 2016 spent approximately 50% of its resources for culture on the historic and artistic heritage sector, since its area of competence covers mainly the large museums and national monuments. In second place were the resources allocated to cultural diffusion and cooperation at home and abroad, which are particularly important in a country with a high level of internal decentralisation and a firm international commitment to Latin America. With 20.9% of cultural spending in 2016, both programmes are becoming increasingly important in the cultural action of the central administration. The third largest area of spending was performing arts and music, with 20.1%, and with a clear predominance of music, since the central government is responsible for the national and lyric orchestras. Finally, cinema production (9.6%) concentrates a large part of the resources allocated to the culture industries. The allocation of central government resources among different cultural sectors has remained more or less equal during the last five years.

**Table 7: Direct state cultural expenditure and transfers: by sector, 2016 (provisional) in 1000 of national currency**

Field / Domain / Sub-domain	Total expenditure	% share of total	Direct expenditure	Transfers**
<b>I. Cultural Heritage</b>	<b>319 705</b>	<b>48.2</b>	<b>297 149</b>	<b>22 556</b>
<i>Historical Monuments</i>	117 269	17.7	106 962	10 307
<i>Museums</i>	139 586	21.1	128 633	10 953
<i>Archives</i>	23 600	3.6	23 534	66
<i>Libraries</i>	35 281	5.3	34 713	568
<i>Others</i>	3 969	0.6	3 307	662
<b>II. Visual Arts</b>	<b>1 559</b>	<b>0.2</b>	<b>1 469</b>	<b>90</b>
<i>Exhibitions</i>	1 559	0.2	1 469	90
<b>III. Performing Arts and Music</b>	<b>132 860</b>	<b>20.1</b>	<b>95 789</b>	<b>37 071</b>
<i>Music and dance</i>	88 774	13.4	61 031	27 743
<i>Performing arts and music. Others</i>	44 086	6.7	34 758	9 328
<b>IV. Books and Press</b>	<b>6 851</b>	<b>1.0</b>	<b>2 590</b>	<b>4 261</b>
<i>Books</i>	6 851	1.0	2 590	4 261
<b>V. Audiovisual and Multimedia</b>	<b>63 311</b>	<b>9.6</b>	<b>9 200</b>	<b>54 111</b>
<i>Cinema</i>	63 311	9.6	9 200	54 111
<b>VI. Interdisciplinary</b>	<b>138 340</b>	<b>20.9</b>	<b>123 623</b>	<b>14 717</b>
<i>Cultural promotion and cooperation</i>	10 301	1.6	3 100	7 201
<i>Cultural dissemination abroad</i>	118 621	17.9	111 201	7 420
<i>General administration and services</i>	9 418	1.4	9 322	96
<i>Others</i>	0	0.0	0	0
<b>TOTAL</b>	<b>662 627</b>	<b>100.0</b>	<b>529 820</b>	<b>132 806</b>

Source: Ministry of Culture and Sport (2018) *Cultural Statistics Yearbook 2018*.

\* The Domain / Sub-domain are those included in the *Cultural Statistics Yearbook 2018*.

\*\* Current and capital transfers.

In 2016, the autonomous governments spent EUR 1 054 331 000 on culture, of which approximately 39.5% corresponded to current and capital transfers to other levels of government and private actors. The expenditure of the autonomous governments was higher (19.5%) in comparison to the expenditure of the central government.

The fields in which the autonomous governments are most active are interdisciplinary spending (32.3%) and historical and artistic heritage (31.5%), which together receives approximately 63.8% of public spending on culture. The volume of spending on heritage relates to its high symbolic value and its importance as a public asset in the development of cultural tourism. In the case of interdisciplinary spending, significant sums are allocated to cultural promotion, diffusion and cooperation and to language policy. In any case, there are large divergences between the various Autonomous Communities. As for the rest of the sectors, performance arts and music spending predominate (22%), given their local importance.



**Table 8: Direct state regional cultural expenditure and transfers: by fields, 2016 (provisional)  
in 1000 of national currency**

Field / Domain / Sub-domain	Total expenditure	% share of total	Direct expenditure	Transfers**
<b>I. Cultural Heritage</b>	<b>331 609</b>	<b>31.5</b>	<b>252 598</b>	<b>79 011</b>
<i>Historical Monuments</i>	64 732	6.1	47 687	17 045
<i>Museums</i>	127 261	12.1	88 795	38 466
<i>Archaeological sites</i>	8 054	0.8	7 497	557
<i>Archives</i>	29 014	2.8	23 154	5 860
<i>Libraries</i>	89 417	8.5	79 954	9 463
<i>Others</i>	13 131	1.2	5 511	7 620
<b>II. Visual Arts</b>	<b>19 269</b>	<b>1.8</b>	<b>12 413</b>	<b>6 856</b>
<i>Exhibitions</i>	6 915	0.7	5 948	967
<i>Photography</i>	1 048	0.1	979	50
<i>Others</i>	11 306	1.1	5 486	5 820
<b>III. Performing Arts</b>	<b>232 125</b>	<b>22.0</b>	<b>99 259</b>	<b>132 866</b>
<i>Music</i>	99 798	9.5	31 698	68 100
<i>Dance</i>	13 343	1.3	9 995	3 348
<i>Theatre and Musical Theatre</i>	114 211	10.8	53 169	61 042
<i>Others</i>	4 773	0.5	4 397	376
<b>IV. Books and Press</b>	<b>16 024</b>	<b>1.5</b>	<b>7 459</b>	<b>8 565</b>
<i>Book</i>	16 024	1.5	7 459	8 565
<b>V. Audiovisual and Multimedia</b>	<b>35 364</b>	<b>3.4</b>	<b>13 624</b>	<b>21 740</b>
<i>Cinema</i>	34 799	3.3	13 296	21 503
<i>Video</i>	402	0.0	224	178
<i>Recorded music</i>	15		0	15
<i>Others</i>	148	0.0	104	44
<b>VI. Interdisciplinary</b>	<b>340 532</b>	<b>32.3</b>	<b>195 538</b>	<b>144 994</b>
<i>Cultural promotion and cooperation</i>	123 841	11.7	36 390	87 451
<i>Cultural dissemination abroad</i>	2 546	0.2	328	2 218
<i>General administration and services</i>	105 379	10.0	100 723	4 656
<i>Language policy</i>	107 660	10.2	57 170	50 490
<i>Others</i>	1 106	0.1	927	179
<b>VII. Not covered by domain I-VI</b>	<b>79 407</b>	<b>7.5</b>	<b>57 040</b>	<b>22 367</b>
<b>TOTAL</b>	<b>1 054 330</b>	<b>100.0</b>	<b>637 931</b>	<b>416 399</b>

Source: Ministry of Culture and Sport (2018) *Cultural Statistics Yearbook 2018*.

\* The Domain / Sub-domain are those included in the *Cultural Statistics Yearbook 2018*.

\*\* Current and capital transfers.

## 7.2 Support programmes

### 7.2.1 Strategies, programmes and other forms of support

The visual arts have traditionally been one of the main recipients of specific measures to support creativity. Resources are available for exhibitions and for the acquisition of artworks through funds made available to public museums. Regional and local authorities celebrate competitions and provide prize money, sometimes retaining the ownership of the winning entries. The Ministry of Education, Culture and Sport (current Ministry of Culture and Sport), in co-operation with the Ministry of Foreign Affairs and Cooperation (current Ministry of Foreign Affairs, European Union and Cooperation), also develops various programmes designed to promote contemporary Spanish artists and their artworks worldwide.

They provide, for example, support for up-and-coming artists to participate in major international biennials. More recently, within the framework of the *Culture Plan 2020* of the State Secretary for Culture, the Ministry of Education, Culture and Sport, aims to launch several projects in the period 2017-2020 to promote cinematographic and audiovisual creation and dissemination (such as the platform *Nuevos cineastas / New filmmakers* and the programmes *ICAA-Difusión Cortometrajes / ICAA-Short film dissemination*, *ICAA-Difusión Documentales / ICAA- Documentary Dissemination*, *ICAA-Difusión Animación / ICAA-Animation Film Dissemination*). The Ministry also aims to promote contemporary creation in the performing arts and music sectors (such as the promotion of residencies or the establishment of *La Farmacia, Centro Nacional de Creación de las Artes Escénicas / The Pharmacy, National Centre of Creation of Performing Arts*).

There are also subsidies for symphony orchestras and the performing arts, for both national and overseas tours, which are distributed by the National Institute of Performing Arts and Music (INAEM). Aids to this sector, traditionally addressed to theatre, have spread to dance (through the programmes *Dance Tour on Stage* and *Theatre and Dance Circuit* by the Network of Alternative Theatres) and to circus and the popular music sector. With *project GPS - Turn by Halls*, the INAEM aims to provide artists with concert tours outside of their Autonomous Community. This programme, organised by the INAEM, together with the most representative entities of the sector, seeks to improve their level of professionalism and encourage the field of live music.

During the past few years, the Ministry of Education, Culture and Sport has launched different funding mechanisms in support of theatre and circus programming and cultural communication. These mechanisms were mainly aimed at facilitating new creation, the mobility of artists and cultural operators, and the state character of projects. In 2014, the INAEM, in collaboration with the Spanish Federation of Municipalities and Provinces, launched the *Platea* programme – which is still active today - for the circulation of performing arts spectacles in spaces owned by local entities.

Apart from the Ministry of Education, Culture and Sport, other central government institutions play a significant role in providing support to emerging visual artists and creative workers. An example is the Youth Institute, which reports to the current Ministry of Health, Social Services and Equality. The Institute holds a number of annual exhibitions and administers international tours, festivals and programmes with travel and work grants.

At the regional and local levels, support for artists comes from the culture departments of regional governments, provincial assemblies and town councils. In the bilingual regions, support for artists is seen as an integral part of promoting the regional language. The cultural programmes of these Autonomous Communities are frequently based on generic policies in order to encourage local culture industries.

As for the training of professionals in the cultural sector by public administrations, the Andalusian community has created a public school of cultural formation, which offers training in the performing arts and techniques, as well as in cultural management. For its part, the Catalan community has the Business Development Service aimed at the managerial training of cultural companies.

### **7.2.2 Artist's funds**

There are very few specific funds for artists in Spain. One important example is the Cinematographic Protection Fund, administered by the Film and Audiovisual Arts Institute to protect and support the Spanish film industry. The state budget for 2018 provided the Fund with EUR 70.77 million, 110% more than in 2014 (when the Fund decreased to EUR 33.7 million compared to the previous year). The Fund primarily subsidises companies, as aid for scripts or short films can be considered aid to individual artists.

The last reform of the *Intellectual Property Act* in 2017 ( *12/2017 Royal Decree Act*) implied a deep revision of the so-called "digital canon", aimed at compensating authors for private copies of their work. According to the new system, manufacturers and distributors of equipment and reproduction supports are responsible for these payments.

After a long litigation with the Court of Justice of the European Union and with a strong opposition, the *Act for Reading, Books and Libraries*, passed in 2007. The Act modified some aspects of the *Intellectual Property Act* (23/2006) in establishing a levy on the loans made by cultural organisations (such as libraries, museums, archives, etc.). Thus, libraries have to pay EUR 0.2 for each book copy acquired for loan, with an exemption for public libraries of municipalities of less than 5 000 inhabitants (52% of the total of public libraries in Spain) and those integrated in educational institutions. Payment to the authors will be completed through the copyright societies.

### 7.2.3 Grants, awards, scholarships

The most common tools for providing support to artists and creators in Spain are prizes and grants. At the national level, the main body responsible for these awards is the current Ministry of Culture and Sport.

The website of the Ministry of Culture and Sport includes a section with information about the latest calls for scholarships, grants and subsidies made by the directorates and agencies of the Ministry. There are also various online media that contain extensive information on scholarships and awards for artists, such as the portals [\*Masdearte\*](#), [\*Arteinformado\*](#), [\*El Cultural\*](#) or [\*Fábrica Cultural\*](#).

The *Culture Plan 2020* (2017) incorporates, as a specific strategy to promote artistic activity, the modernisation of prizes awarded by the Ministry. Specifically, it points to the reform of the legal framework and to its system of dissemination, as well as the integration of co-official languages in the “National Translation Award”.

At present, the Ministry is responsible for: “*National Awards*” (e.g. Fine Arts, Film and Audiovisual, Books Reading and Writing, Performing Arts and Music, Historic Heritage, Cultural Industries and Bullfighting) aimed at recognising the work of Spanish artists for a year; “Gold Medals for Merit in Fine Arts” in recognition of an outstanding professional career; the “Order of Arts and Letters” in recognition of those who contribute substantially to the international dissemination of Spanish culture; the prestigious “Miguel de Cervantes Award” for literature in the Castilian Language is granted to a Spanish or Latin American writer whose work has contributed to the notable enrichment of the literary heritage of the Spanish language; and the “Velázquez Visual Arts Prize” that awards institutional recognition to a creator whose work stands out and holds special significance in the field of visual arts. In addition to these, the State Secretariat for Culture awards other prizes in the areas of Promotion of Art, Books, Reading and Letters and Performing Arts and Music.

Regarding scholarships, in addition to the traditional ones aimed at broadening professional experience, the Ministry of Culture joined the *Halma Network* in 2010. This network consists of European literary institutions that helps to connect European cultural and literary scenes. With the aim of spreading Spanish Literature abroad and supporting Spanish writers, the Ministry provides a residency of two-months in European literary centres to Spanish writers.

### 7.2.4 Support to professional artists'

Although there is no stable government support for artist associations or unions, they can apply for annual subsidies channelled through sector-specific aid programmes. Thus, many professional associations apply for aid from the State Secretariat for Culture (Cultural Industries). This aid is aimed at encouraging cultural action and promotion (support to non-

profit entities) in order to increase the professionalisation of cultural and creative industries and their capacity to generate jobs. It also promotes training and the integration of sectoral professional associations with cultural networks. There are other active programmes, for example the aids by the National Institute of Performing Arts and Music to national associations, federations and confederations to develop theatre and circus activities with national or international projection.

### 7.3 Private funding

Aside from household expenditure on cultural goods and services, there are very few figures available on private-sector capital funding of culture. A report on the situation on sponsorship in Spain shows that, in 2009, donations through the Personal Income Tax (IRPF) for investments and spending on culture represented 2 842 347 EUR, which represented 0.4% of the total amount of donations.<sup>9</sup>

An important and interesting phenomenon in Spain is the Cajas de Ahorro or savings banks, non-profit making financial institutions which have been involved in funding cultural activities for a long time. The significant legal reform of the savings banks in 2010, which has affected all aspects of the activity of these entities, and the severe economic crisis had a dramatic negative impact on social and cultural projects. According to 2017 figures, savings banks allocated 17.67% of the investment, i.e. 141 50 million EUR to cultural initiatives and heritage, 65% less than in 2010, when this amount accounted for 404 47 million EUR.<sup>10</sup>

Agents have been requesting a new legal framework for the private funding of culture in Spain. This was also announced at the beginning of the legislature of the Popular Party that started in November 2011. The reforms were finally introduced by means of changes in the fiscal benefits included in the fiscal reform of 2014. At present, proposals for a new system are incorporated in the *Culture Plan 2020* of the Secretariat for Culture, which are expected to be implemented in the period 2017-2020.

In recent years, some private and social platforms and initiatives of collective funding for cultural projects, such as *La Tahona Cultural* or *Verkami*, have emerged. *Hispania Nostra*, a private association aimed at heritage protection, has launched *Todos a Una* (a platform of "crowdfunding" devoted exclusively to projects related to the historic, cultural and natural heritage).

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<sup>9</sup> For details see: Noguera Montagut, A. [Coord.] (2013) *Informe sobre la situació del mecenatge i el patrocini espanyol*. València: Consell Valencià de Cultura. Available at: <https://cvc.gva.es/wp-content/uploads/MECENAZGOInforme2012okx.pdf>.

<sup>10</sup> For details see: Villarroya, A. (2016) "El valor de la obra cultural y patrimonial de las Cajas de Ahorro", *Periférica Internacional. Revista para el análisis de la cultura y el territorio*, n. 17, p. 83-91. Available at: <http://revistas.uca.es/index.php/periferica/issue/view/246/showToc>.