



Real  
Instituto  
Elcano

*de Estudios Internacionales y Estratégicos*

**CULTURAL POLICIES IN EUROPE:  
THE SPANISH CASE**

*Elcano Royal Institute*

Working Paper (WP) N° 24/2004

4/7/2004



## Cultural policies in Europe: The spanish case

*Elcano Royal Institute*

**Summary:** Cultural policies in Europe: a compendium of basic facts and trends is a web-based and permanently updated information and monitoring system of national cultural policies in Europe. It is a long term project which aims to include all 48 member states co-operating within the context of the European Cultural Convention.

This transnational project was initiated by the Steering Committee for Culture of the Council of Europe and has been running as a joint venture with the European Institute for Comparative Cultural Research (ERICarts) since 1998. It is realised in partnership with a "community of practice" comprised of independent cultural policy researchers, NGOs and national governments.

The Compendium is targetted to a broad audience of policy makers and administrators, arts institutions and networks, researchers and documentation professionals, journalists and students. The information and statistics presented online can help to inform their decision-making processes, to conduct comparative research and analyses or to maintain data collections.

The country profile of Spain was coordinated and edited by Jaime Otero, Senior Analyst, Elcano Royal Institute, from an agreement with the Ministry of Culture and contributions by:

Santiago Alvarez, Universidad de Oviedo  
Lluís Bonet, Universidad de Barcelona  
Víctor Fernández Blanco, Universidad de Oviedo  
Xavier Fina, Universidad Autónoma de Barcelona  
Rubén Gutiérrez, Fundación Autor  
Cristina Martín, Fundación Autor  
Emmanuel Negrier, Universidad de Montpellier  
Jesús Prieto, Universidad Nacional de Educación a Distancia  
Pau Rausell, Universidad de Valencia  
Ana Villaroya, Universidad de Barcelona  
Juan Prieto, Universidad de Oviedo

## SPAIN

1. HISTORICAL PERSPECTIVE: CULTURAL POLICIES AND INSTRUMENTS
2. COMPETENCE, DECISION-MAKING AND ADMINISTRATION
  - 2.1. Organisational structure
  - 2.2. Overall description of the system
  - 2.3. Interministerial or intergovernmental cooperation
  - 2.4. International cultural cooperation
3. GENERAL OBJECTIVES AND PRINCIPLES OF CULTURAL POLICY
  - 3.1. Main elements of the current political policy model
  - 3.2. National definition of culture
  - 3.3. Cultural policy objectives
4. CURRENT ISSUES IN CULTURAL POLICY DEVELOPMENT AND DEBATE
  - 4.1. Cultural policy priorities in the past five years
  - 4.2. Recent policy issues and debates
5. MAIN LEGAL PROVISIONS IN THE CULTURAL FIELD
  - 5.1. Overview of legal competence for cultural policy making
  - 5.2. Legal frameworks for artists
  - 5.2. Culture industries
  - 5.3. Copyright amendments
  - 5.4. Cultural heritage and properties
  - 5.5. Legal incentives for private sector investment in culture
  - 5.7. Legislation on associations and foundations
  - 5.8. Legal provisions on multilingualism
  - 5.9. Criminal protection
6. FINANCING OF CULTURE
  - 6.1. Short overview
  - 6.2. Public cultural expenditure per capita
  - 6.2. Public cultural expenditure broken down by level of government
  - 6.3. Sector breakdown
7. CULTURAL INSTITUTIONS AND NEW PARTNERSHIPS
  - 7.1. Re-allocation of public responsibilities
  - 7.2. Status/role and development of major cultural institutions
  - 7.3. Emerging partnerships or collaborations
8. SUPPORT FOR CREATIVITY AND PARTICIPATION
  - 8.1. Direct and indirect support to artists
  - 8.2. Participation trends and figures
  - 8.3. Programmes or policy initiatives to promote participation in cultural life
  - 8.4. The role of amateur arts/cultural associations and centres
9. SOURCES AND LINKS
  - 9.1. Key documents on cultural policy
  - 9.2. Web links
  - 9.3. Interactive comparative view

This report was coordinated and edited by the Real Instituto Elcano de Estudios Internacionales y Estratégicos from contributions by Lluís Bonet and Ana Villarroya (Universitat de Barcelona), Pau Rausell (Universitat de Valencia), Emmanuel Négrier (CNRS/Universitat de Barcelona), Jesús Prieto (Universidad Nacional de Educación a Distancia), Víctor Fernández, Juan Prieto and Santiago Alvarez (Universidad de Oviedo), Xavier Fina (Universitat Autònoma de Barcelona), Rubén Gutiérrez and Cristina Martín (Fundación Autor).

## 1. HISTORICAL PERSPECTIVE: CULTURAL POLICIES AND INSTRUMENTS

Aside from the general *Ancien Régime* principle of crown patronage, the earliest State-sponsored contributions to culture in Spain were in the 18th century. The aura of the Enlightenment surrounding the members of the new Bourbon dynasty led to the establishment of national cultural institutions such as the Royal Academies, the Royal Library and the Royal Theatre. They were inspired by the conviction that education and culture would promote social and economic progress.

In the 19th century the successive, incipient Parliamentary regimes lacked the resources to establish the centralised and standardised institutions found in other European countries. The Church retained control over education. The different cultural traditions hold their ground in the regions and re-emerge strongly under the aegis of provincial administration in the early 20<sup>th</sup> century.

Throughout a good part of the 19th century politics was dominated by the expropriation and sale of property belonging to the Church, the crown, the nobility and local town councils. The so-called 'desamortización' had a significant relevance for the future of cultural heritage. Provincial scientific and artistic committees were established to try to avoid the dispersal and loss of this heritage. Some of the earliest archaeological museums and provincial archives and libraries resulted from this need to protect expropriated property.

Moyano's Public Education Act of 1857 was the first effective attempt to legislate in the field of education and culture. Parliament also drew up a legal framework for the establishment of the first archaeological museums, fine arts academies and provincial libraries. Political stability and relative prosperity in the Restoration period, beginning in 1875, enabled education to spread, leading to outstanding cultural awakenings in the early decades of the 20th century. In 1900 the Ministry of Public Instruction was established. It was complemented in 1915 by a Directorate General of Fine Arts. From that time forward the State became more and more involved in protecting the national heritage, with legislation on archaeological digs, the protection of historic buildings and the compilation of the *Catálogo Monumental y Artístico*, a detailed list of historic and artistic properties. 1907 saw the establishment of the *Junta de Ampliación de Estudios e Investigaciones Científicas*, an institution destined to play a leading role in modernising the cultural awareness of the country thanks, among other innovations, to facilitating foreign travel and training for prospective teachers.

At the beginning of the 20th century significant advances were made in institutionalising culture in some Spanish regions. The Catalan writer Prat de la Riba chaired the *Diputació* (provincial administration) of Barcelona from 1908 and then, between 1914 and 1924, the *Mancomunitat* or provincial assembly comprising all four Catalan provinces. Within a few years major work was achieved in standardising the Catalan language through the *Institut d'Estudis Catalans*, along with progress on technical, artistic and professional training, setting up a network of public libraries, coordinating museums and regional heritage programmes and establishing science and arts academies. The provincial authorities of Galicia, the Basque Country and Navarre also began to act in the field of language and culture at around this period. The *Academia Galega* was founded in 1905, followed in 1918 by the *Euskaltzaindia* or Academy of the Basque Language.

The dictatorship of Primo de Rivera (1923–1930), though lacking a specific cultural programme of its own, witnessed the spread of new forms of mass entertainment such as cinema and sport, together with the burgeoning of various avant-garde artistic movements, giving rise to the so-called 'Silver Age' of Spanish culture. Despite the brevity of the regime, under the Second Republic (1931-1936) central government progress in education and culture proceeded apace. To extend culture to the working population, educational reforms were introduced, raising the amount of public money spent on schools and universities and developing initiatives such as the *Misiones Pedagógicas*, when leading cultural figures visited outlying areas for talks and lectures. Parliament also improved the protection of the national heritage and set up a nationwide library network. The international university summer courses in Santander and the Museum of Modern Art in Madrid were founded in that three-year period. The legislators of the Second Republic were also to recognise the cultural and linguistic diversity of Spain. In Catalonia, the work of the *Mancomunitat*, suspended under the dictatorship of Primo de Rivera, was resumed by the new regional government, the *Generalitat*. New institutions were promoted such as the *Institut-Escola* and the Art Museum of Catalonia.

The victory of the Nationalists in the Civil War of 1936 to 1939 ushered in the dictatorship of General Franco, which lasted from 1939 to 1975. Academies and cultural institutions were purged, together with many of those scientists and artists who had not fled to exile abroad. The Press Act of 1938 imposed censorship and State monopoly control over information. The single political party controlled a powerful press and propaganda machine, beginning in 1937 with Radio Nacional and, in 1956, Televisión Española. After 1942 all cinemas were obliged to show the official newsreel, the NO-DO, before each film. In 1951 the government set up the Ministry of Information and Tourism.

The official culture of Francoism combined fervent nationalism with equally fervent Catholicism. Its artistic predilection was for traditional styles. It appealed to Spain's imperialist past and expounded at great length on the brotherhood of the Spanish-speaking peoples (Consejo de la Hispanidad, 1940). A good deal of the institutionalisation of regional cultures was undone, and the social use of Peninsular languages other than Castilian was pushed aside. 'Evasion culture', comprising football, bullfighting, film, radio, popular fiction and gossip magazines, provided the government with social integration and the maintenance of political unawareness.

From the 1960s onwards, rigid press and education policies began to soften. The new Press Act of 1966 was a timid effort at deregulation, with provision of public funding for cultural activities. The General Education Act of 1970 attempted to modernise the way education was imparted and to counter student unrest. Officialdom began to countenance selective avant-garde trends, as witnessed by the San Sebastián film festival which began in 1953, or Spanish participation in international art biennials. Despite this, however, economic and cultural development opened a major divide between society's demands and what the regime had to offer. The expanding gap was filled by the recovery of the Spanish liberal-reformist tradition of the early 20<sup>th</sup> century, and with it, although often in opposition to it, by a new culture of critical consciousness among widening university and artistic circles.

On Franco's death in 1975 Spain was a much more modern and open-minded country than its political regime. Economic and educational development, together with the greater class equilibrium obtained after the 60s, explains the relaxed approach adopted by Spaniards to the return of democracy and subsequent membership of the European Community. In 1976–7, the first governments of the restored monarchy introduced root-and-branch reforms of the press laws. The Ministry of Tourism and Information was shut, the State-run newspapers and magazines were closed or sold off, and Radio Nacional's monopoly on radio broadcasting was ended. 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 in giving full recognition to the cultural and linguistic diversity of Spain.

In 1977 the Ministry of Culture was established, being given the responsibilities formerly held by the Ministry of Education for the national heritage and fine arts. It also took on board the regulatory control for entertainment (film, theatre, music and dance), previously under the leash first of the department of press and propaganda of the Ministry of the Interior and then, as from 1951, of the Ministry of Information and Tourism. Despite the scepticism of those who feared a return to State control, from the outset the main decisions of the ministry under Spain's first democratic governments stood by the principles of neutrality of the State in cultural issues and recognition of the plurality of civil society. 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 work of the ministry was also decisive in developing the infrastructure of culture (museums, archives and libraries), in protecting the country's cultural heritage (by means of protective orders) and promoting new or existing cultural entities, such as the Orquesta Nacional de España, the Centro Dramático Nacional, the Ballet Nacional and the Compañía de Teatro Clásico, to name but the leading ones.

As from 1982 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, to 1986, the central goal was to preserve the much-deteriorated historic and artistic heritage (Spanish Historic Heritage Act, 1985), 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. It was in this period that the ministry was given its present operational structure, practically unchanged to this day (Decree of 24 April, 1985) with respect to what is now the Department of Culture.

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. They included the inauguration of museums and auditoriums (Museo Centro de Arte Reina Sofía, Museo Nacional de Arte Romano de Mérida, 1986; Auditorio Nacional de Música de Madrid, 1988; Instituto Valenciano de Arte Moderno and Centro de Arte Moderno de las Palmas, 1989; Palacio de Festivales de Cantabria, 1991; Centro Galego de Arte Contemporánea and Thyssen-Bornemisza art collection, 1993; Museo de Arte Contemporáneo de Barcelona and Museo Domus of La Coruña, 1996), together with a number of major international events of significant cultural content (Barcelona Olympics, Seville Expo, Fifth Centenary of the Discovery of America, Madrid European Cultural Capital, 1992). Plans were also laid for promoting book publishing and the film industry. Cultural networks were established and efforts made to raise the professional expertise of artists and performers. Outside Spain, the world began to recognise the recovery in the confidence of Spanish art and culture and the authorities took steps to encourage this, culminating in 1991 with the establishment of the Instituto Cervantes.

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. The number of exhibitions, concerts, festivals and summer schools responded to a deep-seated social need. The turnout for cultural events rocketed, while publishing, the music and film industries developed at breakneck speed. At the initiative of either the central or the regional authorities, major urban refurbishments were designed with museums, auditoriums and concert halls as their hubs.

That cultural explosion coincided with, and to a certain extent masked, the dearth of real resources: very few public libraries; poor reading habits; indifferent conservation of cultural properties; the low standard of much artistic training. 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. The expectations raised by private television, introduced in 1991, were dashed by the banality of its content. The dichotomy of mass and *avant-garde* culture and the loss of the political function held by creativity in the days of the dictatorship soon became signs of the normalization of Spanish culture after 1975.

The political regime enshrined in the 1978 Constitution did much to foment the cultural activities of both the autonomous communities or regions and the municipal councils. The regions have been very active in caring for their heritage and building new and imposing amenities. In the regions having 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 the language. The local administrations, responsible for the bulk of national expenditure in culture, were from the first democratic municipal elections in 1979 very active in the use of culture and in recovering the streets and squares as public *agoras*.

In 1996 the incoming liberal-conservative government of the Popular Party merged the Ministry of Culture with that of Education in a new Ministry with a department of culture (Secretaría de Estado de Cultura). In its second term (2000-2004) the government added to the ministry responsibilities for sports. Despite these changes to its political rank, the present department of culture has remained remarkably unaltered since 1977.

So has the approach to cultural policy in terms of the cultural neutrality of the State and the recognition of regional cultural diversity. When in the public eye, the emphasis has fallen more on 'looking after the heritage', but artistic creation has not suffered in consequence. The broad outlines of ministerial action remain the same: protection and dissemination of Spain's historic heritage; management of the great national museums, archives and libraries; promotion and dissemination of film, theatre, dance and music.

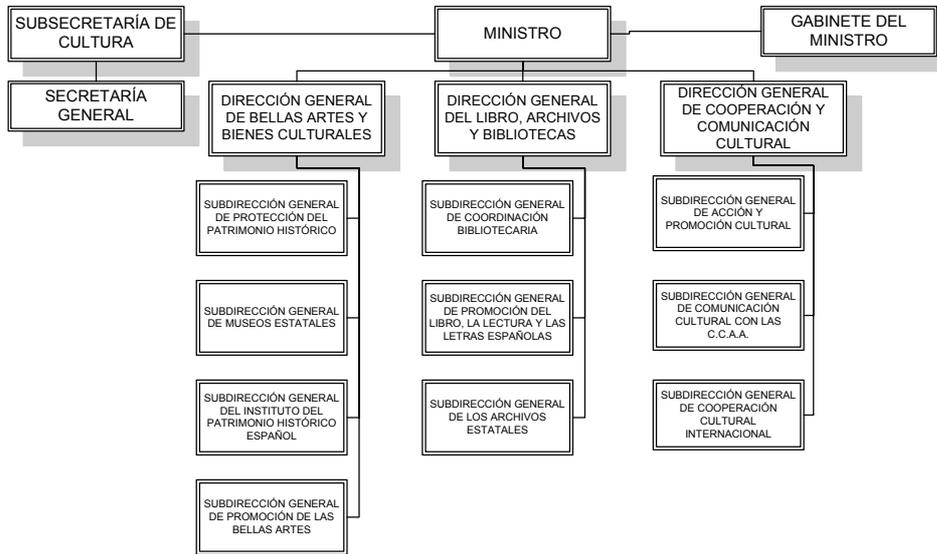
During the Popular Party's first period of office (1996-2000), the Plan de Inversiones en Instituciones Culturales de Cabecera was aimed at reforming and improving museums, archives and libraries throughout the country. Different National Plans intended to ensure on a long-term basis the satisfactory condition and public access to cathedrals, castles, religious buildings, industrial architecture and natural landscapes. During the second period (2000-04), national plans were also aimed at museums, archives, libraries and auditoriums. New technologies entered the archives with the Archivos Españoles en Red programme. The Plan de Fomento de la Lectura was part of the effort to increase cultural participation. A large portion of the Ministry's investment budget was allocated to Madrid's Paseo del Arte, including the extensions of the Prado, Reina Sofía and Thyssen-Bornemisza Museums. Other substantial investments were directed to the renovations of the Museu Nacional d'Art de Catalunya and the opera houses Teatro Real in Madrid and Liceu in Barcelona. Support to the film industry was expanded and consolidated by a new Cinema Act.

The deregulatory bent of PP governments led to efforts to involve the private sector in major cultural initiatives. Management efficiency and operational autonomy were the watchwords in reorganising the Prado Museum and the Orquesta Nacional de España (2003), and in setting up such bodies as the Sociedad Estatal para la Acción Cultural Exterior (SEACEX) or the Sociedad Estatal de Conmemoraciones Culturales (SECC). New tax legislation was adopted to stimulate private funding of cultural initiatives, such as the Sponsorship Act or the Foundation Act, both promulgated in 2002.

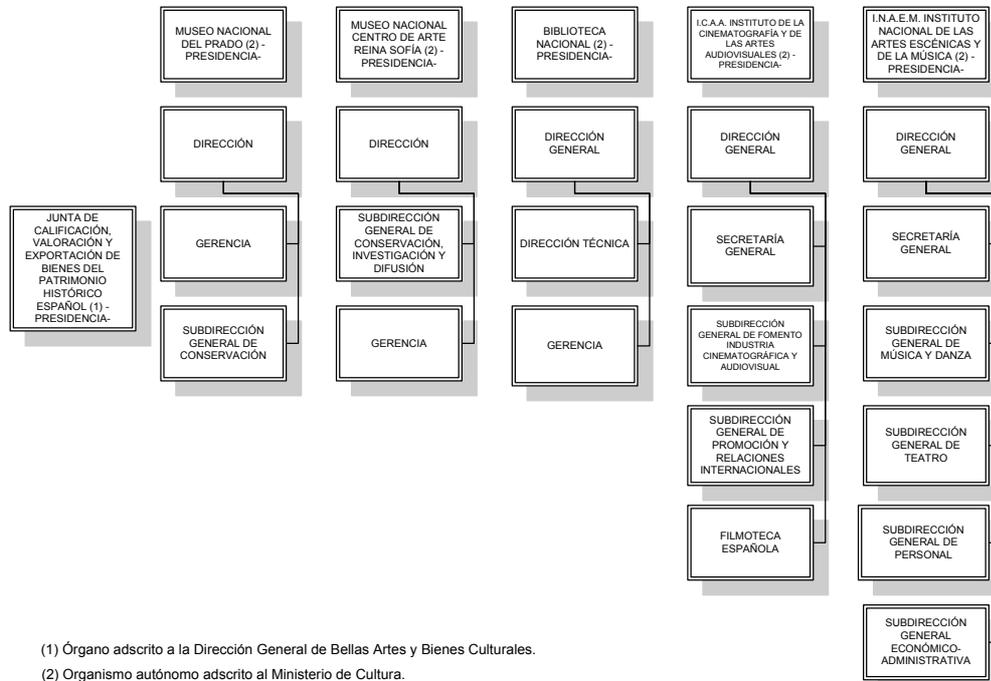
The Socialist Party has taken office following the general elections of March 14, 2004 and has reorganized the government's ministerial structure. The Ministry of Culture has again been established as a separate entity from the Ministry of Education, although it includes the same departments as the former *Secretaría de Estado de Cultura*: the *Dirección General de Bellas Artes y Bienes Culturales*; the *Dirección General del Libro, Archivos y Bibliotecas*; and the *Dirección General de Cooperación y Comunicación Cultural*. Other bodies which previously depended from the *Secretaría de Estado* also remain under the umbrella of the new ministry: the *Museo Nacional del Prado*, the *Museo Centro de Arte Reina Sofía*, the *Biblioteca Nacional*, the *Instituto de la Cinematografía y de las Artes Audiovisuales* and the *Instituto Nacional de las Artes Escénicas y de la Música*.

## 2. COMPETENCE, DECISION MAKING AND ADMINISTRATION

### 2.1. Organisational structure



OTROS ÓRGANOS, ORGANISMOS Y ENTIDADES ADSCRITOS, DEPENDIENTES O RELACIONADOS ADMINISTRATIVAMENTE CON EL DEPARTAMENTO



(1) Órgano adscrito a la Dirección General de Bellas Artes y Bienes Culturales.

(2) Organismo autónomo adscrito al Ministerio de Cultura.

*Regional level: Autonomous Communities*

| GOBIERNO AUTÓNOMO    | CONSEJERO  | VICECONSEJERO  | DIRECTOR GENERAL   |
|----------------------|--|--|--|
| ANDALUCÍA            | Consejería de Cultura                                | Viceconsejería de Cultura  | Secretaría Gral. Técnica<br>D.G. de Bienes Culturales<br>D.G. de Fomento y Promoción Cultural<br>D.G. de Instituciones del Patrimonio Histórico  |
| ARAGÓN               | Departamento de Educación, Cultura y Deporte         | Viceconsejería de Educación, Cultura y Deporte   | Secretaría Gral. Técnica<br>D.G. de Patrimonio Cultural<br>D.G. de Cultura   |
| ASTURIAS             | Consejería de Cultura, Comunicación Social y Turismo | Viceconsejería   | Agencia para el Desarrollo de la Comunicación y Proyectos Culturales<br>Secretaría General Técnica de la Consejería de Cultura, Comunicación Social y Turismo<br>D.G. de Promoción Cultural y Política Lingüística |
| BALEARES             | Consejería de Educación y Cultura                    |  | Secretaría General<br>D.G. de Cultura<br>D.G. de Política Lingüística  |
| CANARIAS             | Consejería de Educación, Cultura y Deportes          | Viceconsejería de Cultura y Deportes   | D.G. de Cultura<br>D.G. de Patrimonio Histórico  |
| CANTABRIA            | Consejería de Cultura, Turismo y Deporte             |  | Secretaría General<br>D.G. de Cultura  |
| CASTILLA Y LEÓN      | Consejería de Cultura y Turismo                      |  | Secretaría General<br>D.G. de Patrimonio y Bienes Culturales<br>D.G. de Promoción e Instituciones Culturales   |
| CASTILLA-LA MANCHA   | Consejería de Cultura                                |  | Gabinete de Cultura<br>Secretaría General de Cultura<br>D.G. de Patrimonio y Museos<br>D.G. de Promoción Cultural y Artesanía  |
| CATALUÑA             | Departamento de Cultura<br>Departamento de Educación | Secretaría General de Cultura  | D.G. de Servicios<br>D.G. de Promoción Cultural<br>D.G. de Patrimonio Cultural<br>D.G. de Política Lingüística   |
| COMUNIDAD VALENCIANA | Consejería de Cultura, Educación y Deporte           | Secretaría Autonómica de Cultura   | D.G. del Libro y Bibliotecas<br>D.G. de Política Lingüística y Patrimonio Cultural Valenciano  |
| EXTREMADURA          | Consejería de Cultura                                |  | Secretaría General Técnica<br>D.G. de Patrimonio Cultural<br>D.G. de Promoción Cultural  |
| GALICIA              | Consejería de Cultura, Comunicación Social y Turismo |  | Secretaría General<br>D.G. de Promoción Cultural<br>D.G. de Patrimonio Cultural<br>D.G. de Comunicación y Audiovisual  |
| LA RIOJA             | Consejería de Educación, Cultura y Deporte           |  | Secretaría General Técnica<br>D.G. de Cultura  |
| MADRID               | Consejería de Cultura y Deportes                     | Viceconsejería de Cultura y Deportes   | Secretaría General Técnica<br>D.G. de Archivos, Museos y Bibliotecas<br>D.G. de Promoción Cultural<br>D.G. de Patrimonio Histórico   |
| MURCIA               | Consejería de Educación y Cultura                    |  | Secretaría General<br>Secretaría Sectorial de Cultura y Enseñanzas de Régimen Especial<br>D.G. de Cultura  |
| NAVARRA              | Departamento de Cultura y Turismo                    |  | D.G. de Cultura  |
| PAÍS VASCO           | Departamento de Cultura                              | Viceconsejería de Cultura, Juventud y Deportes<br>Viceconsejería de Política Lingüística | Dirección de Patrimonio Cultural<br>Dirección de Difusión Cultural<br>Dirección de Planes de Eusquera<br>Dirección de Promoción del Eusquera<br>Dirección de Coordinación del Eusquera                             |

## 2.2. Overall description of the system

The 1978 Constitution created a new administrative territorial division for Spain, with three administrative levels: central government, autonomous regional government and municipal councils. According to the areas of competence laid down in the Constitution, all three levels have general responsibilities for culture, with the result that the principle of administrative concurrence operates. On this principle and on the basis on which the Constitution separates central government responsibilities from regional responsibilities, see Section 5.

The presiding body for central government cultural policy is the Secretaría de Estado or Department of Culture, part of the Ministry of Education, Culture and Sport (see Section 1). Both national and regional administrations have lightweight structures based, from the central-government side, on three sub-departments at direction general level: 1) Fine Arts and Cultural Properties, 2) Books, Archives and Libraries, and 3) Cultural Cooperation and Communication and, from the regional side, on either one or two departments, also at direction general level. This lean organisational structure is due to the fact that some cultural bodies operate as 'arm's-length' units (*organismos autónomos*) having independent legal status and a certain degree of operating autonomy. Such is the case, for example, at national level, in theatre and music, cinema and the audiovisual arts, areas where public policy is orchestrated through two *organismos autónomos*, the Instituto Nacional de Artes Escénicas y de la Música and the Instituto de la Cinematografía y de las Artes Audiovisuales.

Something similar occurs among the regions. In Catalonia, for example, regional policy on cultural enterprise is entrusted to the Institute of Cultural Industries; in the Valencian Community there is the 'Ricardo Muñoz Suay' Valencian Cinema Institute, the Valencian Institute of Scenic Arts, Cinema and Music, and the Valencian Institute of Modern Art; in Castile and Leon there is the film archive set up in Salamanca; in Galicia we have the Galician Institute of Scenic and Musical Arts; and in Andalusia a Public Company for the Management of Cultural Programmes has been constituted as a limited company.

Spain is divided into seventeen autonomous communities or regions, which enjoy broad powers in matters of culture. In particular, the Constitution gives them both management and normative control over those areas where public regulation of some kind is traditional: museums, libraries, scenic 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 is greater in those communities that have their own language and culture, particularly the so-called 'historic nationalities', ie, those that first obtained administrative autonomy: Catalonia, Galicia and the Basque Country. Some communities –Catalonia, the Basque Country, Andalusia, Castile La Mancha and Extremadura– assign the administration of cultural affairs to a single department or council, while others have opted for mixed bodies in which culture is administered jointly with education, tourism, publicly owned media and sport.

At the municipal level, the Ley de Bases del Régimen Local of 1985 gave town, city and village councils administrative powers over local heritage, cultural activities and amenities, and 'leisure activities'. The act states that population centres of over 5,000 inhabitants are obliged to provide library services and, to quote, "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 citizen and the political rewards of such activities explain the huge expansion of local cultural events up until the start of the 1990s. Today, still, the bulk of municipal spending is on culture. (See Section 6).

## 2.3. Interministerial or intergovernmental cooperation

The senior body overseeing interministerial cooperation is the cabinet committee chaired by the prime minister and bearing the official title, Comisión Delegada del Gobierno para Asuntos Culturales. Its job is "to draw up Interministerial plans for, and channel the funds of different ministries towards, cultural policy".

The department of culture coordinates its activities in specific areas with the ministries of development, environment and science and technology. They include such programmes as the 'Uno por ciento cultural' (Cultural One Per Cent), set up jointly with the ministries of development and environment, or 'Internet en las bibliotecas públicas', between the ministry of culture, education and sport and that of science and technology.

Internationally, interministerial cooperation is mainly between the department and the Ministry of Foreign Affairs. Both ministries are also present, in their own right, on the boards of such independent bodies as the Instituto Cervantes or the Sociedad Estatal para la Acción Cultural Exterior (SEACEX).

The State is constitutionally mandated to arrange for cultural communication among the different regions "in collaboration with them". To do so, central government set up a specific unit (Subdirección General de Comunicación Cultural con las Comunidades Autónomas) under the wing of the direction general of cultural cooperation and communication of the department of culture. The unit's task is to cooperate with the regions in their cultural programmes, fomenting interregional communication in the area; the respective dissemination of the wealth and range of the regions' cultural heritages; and 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 coordination with the Ministry of Foreign Affairs and Spanish embassies and consulates around the world.

In practice, the mechanisms for coordinating central and regional government on cultural matters have operated with different degrees of success. The Conferencia Sectorial de la Cultura or culture conference met once in the third national legislature (1986-9), twice in the fourth (1989-93) and fifth (1993-6) legislatures, and not once in the last two (1996-2004) legislatures. At present, such coordination between central and regional administrations as exists is exercised via such bodies as the Consejo del Patrimonio, the Foro de Comunicación, the Junta Superior de Museos or the Junta Superior de Archivos.

In terms of activities, recovering and preserving the national heritage is where combined action by the different levels of government has proved most fruitful. Recently, Spain became the country with the largest number of individual sites classified as 'world heritage sites' by UNESCO. Since the beginning of the 1990s we have seen a proliferation of cooperation agreements at different levels of government, in the form of consortiums, mainly for major urban developments associated with the construction of prestigious cultural amenities.

As for relations among the regions themselves, the level of information and technical exchange is extremely low. Similarly, very little progress has been made in inter-regional and national-regional coordination in projecting Spanish culture abroad. The notable exception would be the Ramon Llull Institute, for promoting Catalan culture abroad. This is a consortium set up by the Catalan and Balearic governments, with the cooperation of the foreign ministry.

In terms of cooperation at the municipal level, aside from the abovementioned consortiums involving central and regional government and the councils of certain population centres, mention should also be made of the assistance provided by certain regional governments for local townships. For example, the Island Councils (Consejos y Cabildos) of the Canaries and the Provincial Councils (Diputaciones Provinciales) of some regions, mainly the Basque Country and Catalonia, have contributed to the development of inter-municipal cultural amenities such as museums, libraries, archives and local theatre tours. Municipal culture departments have also worked together with their colleagues responsible for urban development, education or tourism. Beginning in the 1980s, a number of cities initiated integrated development projects, covering urban development, education, welfare and tourism and culture, often with the support of European aid programmes for the reconstruction of city centres (Barcelona, Cadiz).

## 2.4. International cultural cooperation

As is the case with most European countries, cultural promotion abroad in Spain is a joint endeavour between the ministry of culture (in this case the department of culture) and the ministry of foreign affairs.

Within the department of culture, the Dirección General de Cooperación y Comunicación Cultural is responsible for bilateral and multilateral programmes for promoting cultural exchange. It also monitors Spain's participation in international cultural organisations, as well as coordinating the international activities of the various units and semi-independent bodies within the department itself.

Also to be mentioned are the activities in the field of the plastic arts and participation in international forums and standing bodies for the protection and appreciation of cultural heritage carried out by the Dirección General de Bellas Artes y Bienes Culturales, either directly or, depending on the event, through the Prado Museum or the Museo Centro de Arte Reina Sofía. Similarly, the Dirección General del Libro, Archivos y Bibliotecas promotes foreign awareness of Spanish writers, encouraging the translation of certain works. Under its auspices, the Biblioteca Nacional (National Library) takes part in various joint projects with the central libraries of other countries. Finally, the Instituto de la Cinematografía y las Artes Audiovisuales looks after the promotion abroad of the Spanish film industry.

The Secretaría General Técnica of the ministry of education, culture and sport also plays a significant role in the field of culture as it relates to education, by virtue of the fact that it governs the educational departments of Spanish embassies and Spanish educational activities abroad.

The foreign ministry looks after foreign cultural activities through its Dirección General de Relaciones Culturales y Científicas, part of the Agencia Española de Cooperación Internacional (AECI). This unit also deals with cultural and scientific exchanges, including grants and readerships, as well as Spain's international undertakings in this respect. It acts through Spanish embassies and consulates or through AECI centres on foreign soil.

The Instituto Cervantes, the self-governing body set up in 1991 under the aegis of the foreign ministry is entrusted with promoting internationally the Spanish language and Spanish culture, for which it has 40 teaching centres in non-Spanish-speaking countries. Representatives of the ministry of education, culture and sport, and the ministry of finance also sit on its board.

Cultural activities abroad also rely on institutions such as the previously mentioned SEACEX or State Corporation for Spanish Cultural Action Abroad, which was set up in 2000 to organise international exhibitions; the Fundación Carolina, also set up in 2000 to promote cultural relations (grants, visitor programmes), particularly with the Ibero-American community of nations; the Casa de América in Madrid (1992); and the Casa Asia in Barcelona (2001), a public consortium set by the foreign ministry, the government of Catalonia and the city council of Barcelona.

Cultural activities carried out abroad by the regional authorities have increased significantly over recent years. The Valencian community has been one of the most active overseas. In 1992, the government of Catalonia set up the Consorci Català de Promoció Exterior de la Cultura (COPEC) to promote a Catalan presence in foreign markets. Those regions with significant numbers of overseas emigrants, notably Galicia, have encouraged exchanges, particularly in the area of music and dance, while communities bordering on Portugal or France conduct cultural exchanges, often within the framework of the EU's regional policies. More and more communities are using cultural exchanges as spearheads for the promotion of trade and tourism.

To a lesser extent, some cities (or other entities, such as universities) have contributed to international cooperation, often within the framework of the European Union (town twinning, Eurocities, etc.). In the last decade some major cultural and urban regeneration projects

involving government at various levels have had major international impact: Barcelona Olympic Games, Seville Expo (1992); Guggenheim Museum in Bilbao (1997); Salamanca, European cultural capital (2002); Forum 2004 (Barcelona).

If we divide Spanish overseas cultural activity by geographical regions, most cultural centres are located in Europe, Latin America and the countries of the southern and eastern shores of the Mediterranean. Spain's membership of Europe's leading political institutions (Council of Europe in 1977 and European Community in 1986) strengthened this country's cultural and educational ties with its European neighbours at all levels. Sharing a common language facilitated cultural interaction with Latin America, with which Spain engages in artistic, educational and commercial exchanges far exceeding purely political contacts. Education cooperation at various levels is particularly important (using development aid for joint research projects), as is linguistic cooperation (the association of Academies of the Spanish Language, international conferences on Spanish, etc.). For the cultural industries on both sides of the Atlantic (book-publishing, music, theatre, film), the Spanish-speaking world is a natural single market. As a consequence of the spectacular growth of the Spanish-speaking population of the United States, the Spanish authorities are paying particular attention to this area of potential cultural influence.

### **3. GENERAL OBJECTIVES AND PRINCIPLES OF CULTURAL POLICY**

#### **3.1. Main elements of the current political policy model**

Spanish official cultural policy has undergone profound and rapid changes since 1977. The present model combines the determination of the State to foster culture, along the lines of the French Enlightenment, with a massive decentralisation of administrative tools, in obedience to the rules of territorial government laid down in the Constitution of 1978. In part as a result of the experience so obtained, the current trend is towards the increasing involvement of private enterprise and civil society in running the country's culture.

The desire of the State to participate in cultural activities is in evidence at all levels of government, central, regional and local. It seeks a responsible, reasonable, relevant role for itself; it regards culture as a key social attainment; is worried lest access to it be hampered by class barriers; and doubts whether civil society is capable, left to its own devices, of managing the matter adequately. This tutelage goes hand-in-hand with a desire to attain the much-sought 'European standard' in terms of cultural supply and demand.

The decentralisation of Spanish cultural policy operates on the basis of competition among the different levels of government. Central government is reserved the exclusive job of protecting cultural property against export, of legislating to protect copyright, and of 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 deposits, such as museums, archives and libraries, even if running them is sometimes delegated to the regions.

The regions led the radical decentralisation of cultural policy, in which three phases can be traced: the first up until 1988, in which the administrative structures and plans were laid; the second, dominated by something akin to a '1992 fever' when as a direct or indirect result of the commemorations of that year the cultural spending of many regions rose out of all proportion; and the third phase, much more discerning in its policies and restrictive in its spending. The high-water mark of decentralisation can be seen in the mid 1990s. From then on cities took the strain in terms of cultural promotion and dissemination, as is evidenced by the two European capitals of culture, Santiago de Compostela in 2000, and Salamanca, in 2002.

Within the competitive model on which responsibility for cultural affairs is based, the only statutory obligation to which municipal authorities are subject is that of providing libraries where the inhabitants number more than 5,000. In practice, however, local authority involvement in cultural activities now accounts for over 50% of all public spending at all levels on culture. A distinction should be drawn between the bigger cities (Madrid, Barcelona, Valencia, Valladolid, Bilbao, Seville, Oviedo, Salamanca, A Coruña, Santiago de Compostela), capable of funding major projects and amenities, and the medium-sized and smaller towns, which must make do with providing the basics (libraries) and laying on patron-saint festivities and other strictly local events.

As a result of this experience a number of reforms are underway. In the last few years, as provision of cultural activities becomes more professional, moves are afoot to make such provision more flexible, drawing from resources at all three levels of government. At a political level, liberals and some conservatives argue for a greater role for private enterprise in the organisation of cultural events. The Left, meanwhile, surveying the mixed results of a cultural awakening once expected to transform society, also questions the existing model, but with its sights now set on more popular participation in the configuration of collective symbolic production. This is the background to the recent legislative changes (see Sections 2 and 5) aimed at obtaining private funds for certain cultural activities.

### 3.2. National definition of culture

Nowhere is the culture cultural policy is expected to foment defined. As the ministry notes in the introduction to one of its periodic reports on cultural legislation, 'The concept of culture as expressed in the Constitution is extremely loose and flexible'.

From a technical standpoint, in drawing up statistical information of different areas of cultural activity, the ministry says, "The acknowledged European standard is used as the guideline telling us both which cultural sectors and subsectors to include and how performance is to be measured [...] This report assumes as relevant the following sectors and subsectors: public libraries, public archives, artistic and architectural cultural properties, book and journal publishing, the plastic, scenic and musical arts, classical music and the audiovisual arts."

Another source for defining the boundaries of culture is where the Constitution, in its articles 148 and 149, establishes the scope of the areas of competence of the regional communities, or where such areas are defined in the regional charters. In those of the bilingual regions, recovery, conservation and promotion of the native language is added.

### 3.3. Cultural policy objectives

The Constitution entrusts the public authorities with specific tasks in the field of culture, noting that these duties are "essential attributes" before listing a number of areas which is the nearest we can get to a definition of the objectives of cultural policy (see Section 5).

To judge from the political statements by central and regional governments over recent years, together with the accounts of public spending on cultural activities, the main objectives of Spanish cultural policy are conservation and promotion of cultural property and, in second place, cultural creation understood as cultural property in formation.

If we analyse recent cultural policies in terms of the cultural policy principles defined by the Council of Europe, we immediately see that promotion of national identity is not an explicit objective of central government, although affirmation of a 'shared' identity is implicit in numerous aspects of educational and cultural policy, particularly in terms of the dissemination of Spanish cultural policy abroad. The case is somewhat different with the autonomous regions, particularly with those having separate language environments where promotion of regional identity comes the main vehicle for articulating cultural policy.

In terms of recognising diversity, the very way the Spanish State is organised territorially is an admission of the cultural diversity of the country. Linguistic and cultural plurality is expressly protected by the Constitution both in the preamble and in its articles. It is equally guaranteed in the regional autonomy charters. Protection of diversity has therefore, so far, been interpreted *erga intra*, that is to say by looking internally at the individual traits of the various cultures comprising modern-day Spain. Only recently, as a result of the dramatic increase in immigration, has recognition of another cultural diversity been included on the cultural policy agendas at regional and, especially, municipal levels, as another part of social integration of immigrant groups.

Support for cultural creation is articulated as an aim of cultural policy along three main axes: statutory protection of intellectual property and copyright; the teaching of creative art; and specific measures to promote the work of creative artists themselves. One official publication of the ministry of culture (see, in the list of references, Ministerio de Educación, Cultura y Deportes 2004) admits that, "In any cultural policy, support for creation is one of the essential but, equally, one of the most difficult objectives. The creative process is a highly personal affair involving the most intimate levels of personal consciousness; not somewhere the State can best wield its organisational powers. What the State can, and we believe should, do is create the right conditions ...". Applying this logic, measures to encourage cultural creativity, aside from grants, prizes and subsidised training, focus on patronage, "a facet of our society intimately linked with the creative process."

Access to culture is one of the prime objectives of recent Spanish cultural policy (see Articles 9 and 44 of the Constitution). Indeed, it is the main motive for public involvement in cultural affairs. However, generating demand, outside the sphere of mass culture, turned out to be somewhat more complex than initial enthusiasts would have had us believe. Equally, the democratisation of culture, understood as the citizens' right to have their say on how the cultural life of their communities is defined, leaves considerable room for development in the search for a fully rounded Spanish cultural policy.

## 4. CURRENT ISSUES IN CULTURAL POLICY DEVELOPMENT AND DEBATE

### 4.1. Cultural policy priorities in the past five years

The priorities of the central administration in terms of cultural policy revolve around five main points, as follows.

- (1) *Conservation of historic cultural property* is the central theme of the words and actions of the governments of the Popular Party. Together with conservation and protection, attention is also paid to the dissemination of and access to cultural property.
- (2) *Promotion of cultural arts and industries* is a multi-sector priority, of as keen an interest to filmmakers and book publishers as it is to theatre producers. The governments of the Popular Party have introduced a number of legislative changes relating to these industries (Cinema Act, etc. ...) adopting a policy designed to make public subsidies compatible with open-market rules.
- (3) *Interministerial cooperation* was strongly encouraged when it was determined to make culture a matter of State. Culture, it was decided, was the main asset of the country and the most effective anvil on which to fashion a sense of national identity. As a result, communication with the regional communities received renewed attention from central government. Cooperation was institutionalised by means of standing bodies such as the Consejo de Patrimonio Histórico, Consejo Coordinador de Bibliotecas, the Consejo Jacobeo, to name but a few.
- (4) *Overseas promotion of the Spanish language and Spanish culture* obtained additional resources to diversify and extend the vehicles for cultural action abroad. Great importance is attached to international dissemination of the Spanish language, stressing the universality of Spanish culture and the vitality and wealth of present artistic creation.
- (5) *The renovation and development of Spain's leading cultural institutions is a major priority of today's cultural policy.* The central government has concentrated its investment capability on a small but growing number of what it calls 'core' cultural institutions, which remain under its control, and which have been paid particular attention in an effort to introduce efficiency and autonomous management criteria.

As we know, many of the responsibilities for culture in Spain lie with the regional authorities. Also, as in most developed countries, the local authorities assume a growing role in public cultural provision. Central government is therefore left with smaller job to do in terms of public policy, though it conserves 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.

### 4.2. Recent policy issues and debates

#### 4.2.1. Provisions for cultural minorities

Since the onset of Spain's transition to democracy its model is based on recognition of territorial cultural diversity. Understood in this sense, 'territorial cultural diversity' becomes the reverse of 'cultural minorities'. The fact that the change from a country of emigrants to a country of immigrants is a recent phenomenon may explain why a debate has yet to be held over a cultural policy for minorities, although some aspects of integration are now being touched upon (education, customs, security, etc.).

The challenges here are of two types:

- (1) The first is the role of culture as the best tool to achieve social integration, along with the school. Spain is very sensitive to the issue of integration, given that in some mouths

the word is used to hide another option, cultural assimilation. Most spokesmen, however, on both sides of the cultural divide, talk of dialogue between cultures.

- (2) The possibility of cross-cultural exchanges to confront a dual diversity: that of the home countries of the immigrants and that of the local cultures and languages to be held here in Spain. Here, the role of the school is fundamental.

#### *4.2.2. Gender equality and cultural policies*

While the issue of gender equality is clearly a major challenge for Spanish society, this is not reflected as yet in cultural policymaking, nor has any debate taken place on possible remedial action (quotas, private aid, positive discrimination, etc.).

In terms of existing culture, the culture industry itself is actually well supplied with women. To take libraries as an example, most librarians are women. Also, those responsible for cultural activities at different levels of the administration are mostly women. This is a longstanding trend resulting from the strong female presence in arts education and in specific training in cultural administration. In terms of demand for gender equality, gender barriers to cultural participation do not appear to be a problem.

#### *4.2.3. Language issues and policies*

The language issue is an important one in Spain by virtue of the recognition both in the Constitution and in the regional charters that in six communities –Catalonia, the Basque Country, Galicia, the Balearics, Valencia and Navarre– the local language and Castilian coexist as official languages (see Section 5.8). That recognition is the cornerstone of Spanish regional cultural diversity.

The challenges experienced since the initial recognition of “other Spanish languages” (Article 3.2 of the Spanish Constitution) 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 cultural industries of the bilingual communities. The second problem relates to interchange between the different cultures within the State and the thin line between protection of the regional language by regional authorities and excess intervention to the detriment of the national official language. And the third problem has arisen from the recent influx of immigrants, in deciding which language should be employed in integrating them socially in the host country.

#### *4.2.4. Relations between media and culture*

Ever since 1977 when the ministry of information and tourism was replaced by that of culture, the government’s watching brief over the communications media was organised separately from its responsibilities for culture. As of 2000 (with the passage of Decree 557) it was incorporated within the responsibilities of the Secretaría de Estado de Telecomunicaciones y para la Sociedad de la Información of the ministry of science and technology. Thus, the Instituto de la Cinematografía y las Artes Audiovisuales of the ministry of culture and sport plans methods of fostering the cinema and audiovisual industries by subsidising certain production and distribution costs, and for building and renovating the cinemas themselves.

The media owned and run by the government are deemed public services obliged to respect the “political, religious, social, cultural and linguistic diversity [of Spain]”. RTVE, short for Radio Televisión Española, the main ‘social means of communication’, pursues an active policy of promoting Spanish audiovisual production. In recent years it has contributed to the production of over 300 full-length feature films.

Legislation passed in 1980 allowed the autonomous communities to set up their own publicly funded radio and television broadcasting operations, which many proceeded to do: Euskal Telebista (1982); TV3 and Catalunya Radio (1983); Compañía de Radio-Televisión de Galicia (1984); Radio Televisió Valenciana/Canal Nou (1987); Radio Televisión de Andalucía/Canal Sur (1989); Telemadrid (1989); Castile La Mancha (2002). At the same time, the second TV channel

of RTVE broadcasts some of its programmes in the languages of the different bilingual regions. The radio and television broadcasters owned and funded by the autonomous regions, though not structurally linked to the regional departments of culture and language, are one of the pillars of cultural policy, particularly in the bilingual regions.

Since 1991 national and regional State-funded TV broadcasting coexists alongside private television. Today's proliferation of public and private channels, at national, regional and, more recently, local level, generates fierce competition for available advertising revenue. The massive deficits run up by government- and community-controlled broadcasting, together with the deterioration of their cultural content, fuel an ongoing debate on how publicly owned broadcasting should be funded. Within RTVE, the radio side of the organisation has remained on the sidelines; not dependent on advertising revenues, the public service offered by its various channels (RNE, Radio Exterior de España, Radio Clásica and Radio 3) is of good quality.

#### *4.2.5. Culture industries: development programmes and partnerships*

Four difficulties need to be overcome: combine financial viability with obedience to rules preventing economic or cultural monopolies, particularly in the field of multimedia; reaffirm the independence, albeit relative, of classic cultural industries (book publishing, film and the audiovisual arts in general); revise the subsidising of cultural industry (grants, cheap loans, tax relief) to focus more on the creative side of the operation; and persuade people to look on cultural industries as a source of future economic growth as well as a means of access to culture. One possibility for achieving the last-mentioned objective would be to foster 'multimedia clusters' as well as establishing the application of new technologies to culture as one of the poles of regional development (see subsection 4.2.7).

#### *4.2.6. Employment policies for the cultural sector*

According to recent studies, as a productive industry, culture represents approximately 4.5% of GDP. The apparently growing weight of this 'third sector' of the Spanish economy is reflected in the employment figures: the number of jobs in cultural activities rose from 229,700 in 1994 to 302,000 in 2000. The jobs in cultural specialisations (artists, archivists, librarians, etc.) rose even faster, from 79,000 to 139,000, over the same period. It is equally true, however, that cultural employment, particularly in show business, involves a high proportion of unregistered employment on the fringes of the mainstream economic system. As for civil service employment in this field, the main challenge today is retraining local and regional officials to bring them up to speed on the latest thinking behind cultural policymaking.

#### *4.2.7. New technologies and cultural policies*

Despite a string of development plans for application of new technologies (Info XXI in 2001, eEspaña 2003, plus local and regional equivalents), Spain is yet to reach an acceptable level according to international indicators. Globally, Internet penetration (27.4% among inhabitants of over 14 years of age) still lags behind the European average (42%). Naturally, this problem also affects the relationship between culture and new technologies. The leading challenges in these fields are three: support for a more balanced development on the ground by means of specialist plans along the lines of those adopted by the European Council in Lisbon in March 2000 for the present decade; strengthen the level of cultural content within the new applications, meaning another round of specialist strategic aid; and improve coordination between the national strategies designed by the various ministries involved and those drawn up by regional communities and local councils.

#### *4.2.8. Arts education: programmes and models*

In establishing the ministry of culture, it was assumed that education and culture required different solutions. However, through its budget allocations, trained personnel and progressive levels of schooling, education was one of the main front-line contributors, albeit indirectly, to cultural policy in the broader sense. The problems for artistic education can best be seen on

three levels: the difficulty of expanding the teaching of art as a curriculum subject (although it is now a secondary-education curriculum subject, it is as yet too early to gauge the results); the division of responsibilities for culture on one side and education on the other (this is resolved at the national level through the merger of the two ministries, but not at the other two government levels); and, on a positive note, the heartening prospects of some cultural education plans at municipal level.

#### *4.2.9. Heritage issues and policies*

The challenges facing present heritage policy are basically three, plus another two relating to new extensions or enabling difficulties of the initial three. The first three relate to the updating, now begun, of nationwide, regional and local policies; bringing cultural properties into close contact with local population centres through plans to explain the value of those properties as a means of guaranteeing their continued social utility and of identifying them as a key to fomenting local cultural identification; and thirdly, differentiate, particularly at the local level, between the intrinsic aims of conservation and protection and the extrinsic economic significance in terms of tourism, within an overall regional policy. This last-mentioned objective is designed to improve articulation of subsidiarity in determining heritage policies.

The two ancillary issues relate to the current debate about Spain's cultural properties and how they are defined as such. This is part of an ongoing discussion about the term cultural property being extended to new fields such as contemporary history and industrial properties.

## 5. MAIN LEGAL PROVISIONS IN THE CULTURAL FIELD

### 5.1. Overview of legal competence for cultural policy making

The 1978 Constitution, restoring parliamentary democracy in Spain, gave considerable prominence to cultural matters. As can be seen in other constitutions of its generation (those of Greece, Portugal, Brazil, Colombia and Ecuador), 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 of constitutional regulation. An obvious precedent was the constitution promulgated by the Second Republic, 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.

Culture appears in the 1978 Constitution as one of the main spheres of government action and of the world view of the constituent powers. The importance they attached to culture is made plain in the way they ranked the various tasks entrusted to the constituted authorities in guaranteeing cultural processes, ie, the creation, transmission and conservation of culture. The Constitution lays down that culture is a right of all citizens and will form part of the presiding principles of social and economic policy.

The next most noticeable facet of culture as dealt with in the Constitution is the extent of the decentralisation adopted. The 1978 Constitution adopted a model of national administration which is neither regional nor federal but a mixture of the two. It describes itself as the 'State of the Autonomies', thereby allowing itself to establish seventeen autonomous communities (plus two cities having autonomous status, Ceuta and Melilla) as intermediate territorial political entities on which the Constitution confers ample power of self government.

Culture is depicted as a major defining element, having a quasi structural importance, in the territorial division of the State. The autonomous communities appear defined as adjacent provinces sharing, "common historic, cultural and economic characteristics" (art. 143). In obedience to this definition, cultural powers make up the nucleus of their powers of autonomous government. The State, "shall consider the promotion of culture a duty and an essential function and shall facilitate cultural communication between the Autonomous Communities, in collaboration with them," (art. 149.2). Lastly, local authorities are regarded as territorial entities governed by the principle of common goals (art. 137); their interests, too, are deemed to have a 'cultural' dimension.

The allocation of duties in cultural matters among the different territorial public authorities is based on a singular principle, in the sense that it contains rules differing from those applied in other constitutional areas. The main difference resides in that fulfilment of obligations can be made a concurrent, parallel or, as it has also been called, 'twinned' basis. Instead of the *inclusionis unius, exclusio alterius* principle that normally governs the allocation of administrative responsibilities, in this case, the fact that one authority is given a job by no means prevents another authority, at a different level, from taking upon itself precisely the same task. The Constitutional Court made this abundantly clear in a ruling (49) in 1984: "...any consideration of culture leads us to the conclusion that it falls within the competence of both central and regional government and possibly at other levels, also; wherever a community exists, it has a culture over which representative public authorities may exercise their authority beyond purely technical administrative matters to enter the realm of what may broadly be described as 'fostering culture'."

This so-called 'concurrent' principle, as far as fostering culture is concerned, in no way impedes the existence of demarcation lines with respect of specific cultural institutions. The Constitution defines which areas are the exclusive terrain of central government (art. 149.1): the defence of Spanish cultural, artistic and architectural property against export or wanton removal; State-owned museums, archives and libraries, whether or not their administration is delegated to the autonomous communities; legislation on intellectual property and copyright; the principles to be applied by the press, radio and television and, in general, all means of communication owned

by public authorities not resulting from initiatives taken by the regional communities in the exercise of their powers. Article 148 establishes what cultural responsibilities the regions may assume: handicrafts, museums, libraries, archives, conservatories for music of special interest to the region and architectural property, also of special interest to the community.

## **5.2. Legal frameworks for artists**

Spanish law has no general statute covering artists or cultural artefacts. There are, however, a number of regulations affecting artists as producers of culture. They include labour regulations covering people working in public entertainment. The current Estatuto de los Trabajadores or workers' charter, promulgated in 1980, contains special provisions for performing artists, fleshed out in greater detail in a decree of 1984.

As far as social security cover for artists and creative workers is concerned, things happened the other way around. Initially they were classed as a special category (decree 2133 of 1975) before obtaining, ten years later, the same rights and obligations as all other workers by virtue of decree 26 of 1985. Performing artists and bullfighters were then grouped together under a special heading of the general regime. The most individual traits of their working environments were the subject of yet another decree (2621/1986) which made specific provisions for calculating their average annual wage in view of the considerable monthly fluctuations in income. Other subjects covered included the possibility of early retirement, in an effort to palliate the effects of people reaching an age where they could no longer perform.

Authors, on the other hand, are considered self-employed workers. Again, efforts were made to establish a fair level of disability and retirement pension in the light of fluctuations in earnings. Thus, writers can spread royalties earned on a single publication over as many as ten years as their equivalent of monthly earnings. Section 5.6 looks at various other ways of providing tax relief for authors.

## **5.3. Culture industries**

The administrative framework to which culture industries are subjected reveal a slow but steady move towards deregulation, together with a general move to bring cinema and the visual arts under the same administrative umbrella.

Book publishing had been the subject of a specific piece of legislation in 1975, the so-called Ley del Libro. Among other things it introduced retail price controls. These were partly relaxed in 1997, 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. Various schemes for encouraging book reading have been tried, at both central and regional government levels, such as the campaign to encourage reading carried out by Madrid's regional government in 1999. Copies of all new publications have to be placed in an official deposit, for purposes of conservation, in obedience to legislation dating back to 1972.

Although more recent, there is ample legislation on film and the audiovisual arts, two sectors that successive governments have tried hard to encourage, as much in the making as in the watching. The regulations appearing at regular intervals over the years reveal two basic trends, a growing appreciation that films can be of genuine cultural value, and a realisation that there is little separating film and the audiovisual arts, traditionally categorised as different art forms. The latest addition to the statute book comes from 2001, the Ley de Fomento y Promoción de la Cinematografía y del Sector Audiovisual, which states, in its opening article, the three objectives it aspires to achieve: the promotion and encouragement of the production of works of cinematography and visual arts by Spanish producers or by those of the member States of the European Union and the European Common Economic Space; the creation of favourable conditions for their production and distribution; and the conservation of cinematographic and audiovisual property.

Although, in first reading, it had been intended that the bill repeal the so-called 'screen quota' obliging a certain percentage of European films to be shown in cinemas regardless of demand, opposition from the film industry produced amendments. The law as enacted leaves the quota in place. However, it adds that if, in five years from promulgation, the government should so wish, it is fully entitled to modify or even eliminate the quota.

Central-government cultural policy on film matters is the responsibility of the Instituto de la Cinematografía y de las Artes Audiovisuales, a body set up in 1984 and governed by a decree promulgated in 1997. Some of the regions have adopted legislation of their own designed to encourage the film industry. The Catalan Linguistic Policy Act of 1998, for example, sets out measures designed to promote Catalan-language films, and introduces the possibility of the regional government introducing screen and distribution quotas to ensure such films get seen. Another piece of regional legislation established the Catalan Institute for Cultural Industries, designed to develop and police compliance with initiatives introduced to foster the Catalan language and culture (art. 3.j). To the same end, in Galicia in 1999 the Galicia Audiovisual Act was passed. Lastly, in Andalusia a series of measures designed to encourage and protect audiovisual arts were introduced.

These initiatives by either central or regional government came up initially against strong opposition from the Tribunal Constitucional (Constitutional Court). We highlight the following sentences: number 49 of 1984, on regulations concerning special venues for screening films; number 143 of 1985 on cinema inspections; number 153 of 1985 on regulations governing the issue of cinema tickets; number 157 of 1985 on a register of film companies; number 87 of 1987, on classification of films and audiovisual materials; number 106 of 1987, on the protection of the Spanish film industry; and, last but not least, number 153 of 1989 on film co-productions.

Music and the scenic arts comprise a cultural sector that has long been the subject of official sponsorship of one sort or another. Responsibility for this is now held by a self-governing body set up in 1984 on an arm's-length basis, the Instituto Nacional de las Artes Escénicas y de la Música. Its activities are now governed by a decree issued in 1996. It is responsible for fostering scenic arts and managing the amenities included under this heading: the Teatro de la Zarzuela, the Ballet Nacional de España, the Compañía Nacional de Danza, the Centro de Difusión de la Música Contemporánea, the Auditorio Nacional de Música, Orquesta y Coros Nacionales de España, the Joven Orquesta Nacional de España, the Centro de Documentación Música y Danza, the Compañía Nacional de Teatro Clásico, the Centro de Documentación Teatral, The Centro Dramático Nacional, the Centro de Tecnología del Espectáculo.

The autonomous regions also pursue policies designed to foster music and theatre. They include the Instituto Gallego de las Artes Escénicas y Musicales (1989), and the Instituto Valenciano de Artes Escénicas, Cinematografía y Música and the Instituto Valenciano de Arte Moderno (1986), both set up by the Valencian Community.

#### **5.4. Copyright amendments**

Rules governing intellectual property in Spain rested for many years on the 1879 Act, and the jurisprudence it generated over the following 100 years. In 1987 it was superseded by a new Act, number 22, designed to bring copyright legislation up to date, improve the rights it conveys and close the loop-holes left open by the nineteenth-century legislation, particularly the difficulties arising from the lack of reference to an author's ongoing property rights over an original work. The new Act has had to undergo numerous amendments to bring it into line with EU legislation; it is now collected in a recompiled text under the reference, 'Legislative Decree One, of 1996'. This decree now assembles all current rules on intellectual property, considered as covering two kinds of rights possessed by original literary, artistic or scientific material, recorded in whatever medium either known now or to be invented in the future. The two kinds of rights are asset rights and the so-called 'moral' rights. Asset rights are of two types. The first are those relating to the use of the work for economic gain, including the legality of the sum accruing; plus the right to a fair consideration for copyright sales, including the rights to a share of the resale value of a work of plastic art.

Where the Act breaks new ground is in protecting the 'moral' rights of authors. Aside from the administrative and jurisdictional details, the Act establishes which collective agencies can undertake, in their own or in someone else's name, to manage asset-based copyright on behalf of copyright holders. They must be authorised by the ministry of education, culture and sport. There are currently eight such bodies in existence: SGAE, the Sociedad General de Autores; CEDRO, the Centro Español de Derechos Repográficos; AGEDI, the Asociación de Gestión de Derechos Intelectuales; AIE, Artistas Intérpretes o Ejecutantes, Sociedad de Gestión de España; VEGAP, Visual, Entidad de Gestión de Artistas Plásticos; EGEDA, Entidad de Gestión de Derechos de los Productores Audiovisuales; AISGE, Artistas, Intérpretes, Sociedades de Gestión; and DAMA, Asociación Derechos de Autor de Medios Audiovisuales.

Although copyright legislation is the exclusive domain of central government, the autonomous communities (specifically, those of Andalusia, Aragon, Asturias, Catalonia, Extremadura, Galicia, La Rioja, Madrid, Murcia and Valencia) are permitted some local administrative powers such as running their own registries, under the aegis of the State-run coordinating committee of the central copyright register (Registro de la Propiedad Intelectual).

### **5.5. Cultural heritage and properties**

Article 46 of the Constitution commends the authorities to "guarantee the preservation and promote the enrichment of the historic, cultural and artistic heritage of the peoples of Spain and of the property of which that heritage consists". The text transcends conservation pure and simple to encompass the 'enrichment' of cultural property. Acting upon this principle, parliament approved the Ley de Patrimonio Histórico Español (historic heritage act) of 1985, a piece of legislation that broke new ground in heritage protection.

The dual purpose of the act was to enable compliance with the Constitutional mandate and allow the autonomous communities passing regional laws on the same subject, as mandated in their own Charters. However, the act was challenged by various regions on the grounds that it overreached central-government prerogatives. The Constitutional Court, while dismissing the anti-constitutionality claim, admitted that the cultural properties concerned were part of the historical heritage and, thus, of the culture of the country as a whole and that, given the constitutional dictate of shared competence in cultural matters, the two levels of government necessarily work in harness. In practice, this meant that most communities introduced their own legislation on this topic: Basque Country (Act 7/1990); Castile-La Mancha (Act 4/1990); Andalusia (Act 1/1991); Catalonia (Act 9/1993); Galicia (Act 8/1995); Valencian Community (Act 4/1998); Madrid (Act 10/1998); Balearic Islands (Act 12/1998); Canary Islands (Act 4/1999); Extremadura (Act 2/1999); Aragon (Act 3/1999); Asturias (Act 1/2001); and Castile and Leon (Act 12/2002).

This long and complex list of laws appears to obey an increasingly 'anthropological' interpretation of cultural heritage, leaving the traditional architectural canons employed in the nineteenth and part of the twentieth centuries a long way behind. The protective system employed by these laws rests on a series of coercive administrative measures (prohibitions, fines, conservation orders, bans on sale or export, etc.), combined with positive encouragement, such as the so-called 'cultural one per cent', the duty levied on the cost of all public works and employed in defraying the cost of conservation. As a result the legislation of both the central government and the regional authorities establishes various ways of defining cultural property, usually based on two categories. In the case of central government these are the Bienes de Interés Cultural or property of cultural interest, and property listed on the General Inventory. An important function of these national and regional norms is to facilitate coordination of special cultural property law with the legislation surrounding urban development.

As for the institutions involved in the conservation and enrichment of the country's cultural property, museums, archives and libraries were regulated by the Historic Heritage Act of 1985, 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 act is

supplemented by a series of nationwide enabling regulations governing such matters as specialist consultative institutions, specific details on, for example, State-owned libraries, such as how books are to be lent, and then a third tier of rules, applying to specific institutions such as the Prado Museum, the Museo Arqueológico Nacional, the Museo de América, the Museo de la Alhambra, the Museo Centro de Arte Reina Sofía, the Museo Nacional de Antropología, the Museo Nacional de Arte Romano, the Museo Nacional de Artes Decorativas, the Museo Nacional de Cerámica y Artes Suntuarias, the Museo Nacional de Escultura, the Museo Nacional de Ciencia y Tecnología, as well as the State-run archives (Archivo Histórico Nacional, the Archivo General de Simancas, the Archivo General de Indias, the Archivo de la Corona de Aragon), and, finally, the libraries (Biblioteca Nacional).

As far as regional legislation is concerned, the dominant trend is to approve individual laws for museums, archives and libraries independently of central-government heritage legislation. Thus the regions that have legislated for museums are Catalonia (Act 17/1990), Andalusia (Act 2/1984), Cantabria (Act 5/2001), Murcia (Act 5/1996), Aragon (Act 7/1986), Madrid (Act 9/1999) and Castile and Leon (Act 10/1994). Those having their own library laws are Catalonia (Act 4/1993), Galicia (Act 14/1989), Andalusia (Act 8/1983), Cantabria (Act 3/2001), La Rioja (Act 4/1990), Murcia (Act 7/1990), the Valencian Community (Act 10/1986), Aragon (Act 8/1986), Castile-La Mancha (Act 1/1989), Extremadura (Act 6/1997), Madrid (Act 10/1989) y Castile and Leon (Act 9/1989). Lastly, the regions having provided themselves with laws for public archives are Catalonia (Act 13/2001), Andalusia (Act 3/1984), Cantabria (Act 3/2002), La Rioja (Act 4/1994), Murcia (Act 6/1990), Aragon (Act 6/1986), the Canary Islands (Act 3/1990), Madrid (Act 4/1993) and Castile and Leon (Act 6/1991).

#### **5.6. Legal incentives for private sector investment in culture**

Legislation covering the main Spanish taxes (income tax, company tax, value-added tax) include a sparse group of provisions for protecting and stimulating culture. They affect cultural 'agents', ie, taxpayers, and cultural properties.

As far as cultural 'agents' are concerned, income tax legislation includes tax relief or special treatment for irregular income such as important literary or scientific prizes (see Article 7.1 of the Ley del Impuesto sobre la Renta de las Personas Físicas or Income and Other Taxes Act 40/1998 and Article 10 of Decree 214/1999 approving the Income Tax Regulations).

Cultural industries receive no special tax relief, unless you include under this heading the special depreciation allowance on copyright still carried on the books of publishing houses five years after initial release (Ley del Impuesto de Sociedades or Company Tax Act 43/1995)

However, there is relief for institutions known collectively as the 'third sector', ie, foundations, associations considered to be of public interest, international development and aid agencies, and non-profitmaking bodies falling within the terms of Act number 49, promulgated in 2002 and bearing the title, 'Ley de Régimen Fiscal de las Entidades sin Fines Lucrativos y de los Incentivos Fiscales al Mecenazgo' (tax regime for non-profitmaking organisations and tax relief on sponsorship act'. This piece of legislation establishes detailed exemptions on national and local taxes including rates, local duties levied on business premises, and the municipal tax charged on capital gains from the sale of urban property. Individuals can also claim income-tax relief on amounts donated to certain entities such as those mentioned above, along with regional cultural institutions, public universities and university colleges, the Cervantes Institute, the Ramon Llull Institute and other bodies similar to the last mentioned, set up to promote regional languages.

Lastly, the amount of VAT charged on certain cultural goods and services is lower than the standard rate (Ley 37/1992 del Impuesto sobre el Valor Añadido). Though obliged to fall into line with VAT at EU level, such objects as books, newspapers and magazines pay a 'super-reduced' VAT of 4 per cent, while art objects, antiques and collectors' items traded among EU countries pay the 'reduced' levy of 7 per cent, as do tickets to the theatre, cinema, circus,

museums, zoos and sports events of uncertain denomination. Other cultural goods and services, such as CDs or DVDs, pay standard VAT at 16 per cent.

### 5.7. Legislation on associations and foundations

Association and foundations have long been involved in cultural activities. Article 22 of the Constitution ranks the right to associate as a fundamental right and a recent act, numbered 1/2002, finally updated the obsolete Association Act of 1964. The new legislation approaches association from two standpoints, the right to associate and the outcome of such association, ie, the resulting organisation. What was sought was an 'umbrella law' covering all those organisations lacking specific regulation; thus, political parties, trade unions, management associations, religious bodies, sports federations and consumers' organisations were excluded.

Almost all associations have cultural aims of one description or another, occasionally of a private nature, but mostly public. In fact, the law makes a cultural commitment one of the main requirements for an association to be allowed to call itself 'publicly useful', an essential requisite for several advantages, notably tax relief. The regions are allowed to confer this status on associations operating mainly within their boundaries, provided they register them in a database coordinated by the national register of associations. Some regions have approved their own laws of association: the Basque Country (Act 12/1988, after a challenge on grounds of unconstitutionality, partially upheld by the Constitutional Court in its sentence 173 of 1988; Catalonia (Act 7/1997) and the Canary Islands (Act 4/2003).

Following restoration of democracy, foundations were initially regulated by Act 30/1994, entitled, 'Ley de Fundaciones e Incentivos fiscales a la participación privada en actividades de interés general', a law that finally did away with the limitations on such bodies imposed by the nineteenth-century legislation to dissolve the monastic foundations. It was superseded by Act 50 of 2002, 'Ley de Fundaciones', which cuts away a lot of the red tape and State policing initially set up under the so-called 'protectorates'.

The new Act lists the kind of cultural objectives required by a foundation aspiring to be given general-interest status. It also contains a significant departure from the traditional ban in Spain on personal or family trusts, ie, settlements designed to benefit individuals or their descendants. This prohibition is waived where the parties to the foundation undertake to conserve the cultural property and, in particular, open it to the public under the terms of the Historic Heritage Act (16/1985). Again, the powers to approve such foundations are also allowed to the regions, resulting in a central foundation register and regional registers, also. And, again, various regions have introduced their own legislation: Galicia (Act 7/1983), Basque Country (Act 12/1994), Navarre (Act 10/1996), Madrid (Act 1/1998), Valencia Community (Act 8/1998), Catalonia (Act 5/2001) and Castile and Leon (Act 13/2002).

### 5.8. Legal provisions on multilingualism

Attempts to regulate multilingualism in Spain have generated profuse rules and regulations at both regional and, particularly, central government level. The cornerstone of the entire structure rests on the Constitutional dictum (art. 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 (art. 3.2). This legal construct is crowned by the consideration that Spain's linguistic *diversity* is a manifestation of 'wealth' and an item of the 'cultural heritage' as a value in its entirety. What this is interpreted as meaning is that what the Constitution truly values (art. 3.3), what deserves respect and requires protection, is the diversity of the system as a whole, not its constituent parts.

The phraseology of the Constitution and the various regional charters has opened the door to a flood of regional legislation, including that of the Basque Country (Act 10/1982), Catalonia (Act 1/1998), Galicia (Act 3/1983), Valencia (Act 1/1983) and Navarre (Act 18/1998). This activity on the part of the regions 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 schooling, access to the civil service, local administration, the courts, the health authorities and road signs.

The rules drawn up 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 balanced groundplan for how two languages co-exist as official. This jurisprudence has taken more than 25 sentences to establish a discernable pattern. The most relevant were those numbered 82, 83 and 84 of 26 June 1986 in response to the charges of unconstitutionality levelled at the central government against the bills for the normalisation of Basque, Catalan and Galician. Castilian, as the official language of the country as a whole, cannot be cast as a rival to the regional language given that respect and protection of the multiple languages of Spain oblige the regional governments as much as the central government.

### **5.9. Criminal protection**

One of the latest trends of cultural legislation relates to the growing incidence of what has been called 'culture's criminal protection'. This derives from the Constitution, which states (art. 46) that, "Offenses committed against this [historic, cultural and artistic] heritage shall be punished under criminal law".

Spain's existing Código Penal (Criminal Code), approved in 1995, in fulfilment of the Constitutional mandate, regulates in Articles 321 to 324 crimes against the nation's cultural heritage. Equally, it lays down penalties for crimes against copyright (Articles 270 to 272). Any wanton destruction or cause of destruction of property of social or cultural value to the community is considered a crime (art. 289).

## 6. FINANCING OF CULTURE

### 6.1. Short overview

The 1978 Constitution established a decentralised administration on three levels, central government, regional government (with 17 regions and two autonomous cities), and local administration (8,108 municipalities, plus provincial municipal councils and other local bodies). The latest figure on the money spent on culture at all three levels dates back to 1999: EUR 5.173 billion, approximately 1.0% of Spanish GDP

In terms of distribution, in 1999 most of the funding came from local authorities, 59.2%. Then came the regional powers, 28.6%, and, last, central government with 12.2% (see subsection 6.3). This shows the decentralised nature of the Spanish model, in which territorial authorities assume most of the responsibility for culture.

The most abundant and up-to-date documentation is the national budget, albeit these are the figures approved by parliament, not the final settlements. According to the budget, in 2003 the central government spent EUR 817.5 million on culture, 0.3% of the budget total for central government, self-governing bodies and social security. 40% of this amount went on financial costs, the rest on current costs. In terms of allocation, museums took the largest share, nearly a quarter, followed, if we remain strictly within the terms of culture, by conservation of the historic heritage (13%). Scenic arts of all description received 19% of central government funding, with music and dance taking 10.6%, film 5.6% and theatre 3.9%.

Over the four-year period 1999–2002, central-government spending on culture in real terms rose by 8.5%, although this rising trend was reversed in the last year.

It is also important to stress the amount of tax relief awarded to the individual and industries responsible for culture in Spain. In 2003 the figure was EUR 704 million, most of it in the form of exemptions and rebates on Value-Added Tax.

In terms of territorial administrations, in 1999 we can show the consolidated figures for the regional and municipal powers. Given that the proportion of each varies widely from one region to another, only by grouping them can we give a reasonably picture of spending on culture in the different parts of Spain. In 1999 regional and municipal authorities combined spent a total of EUR 4.56 billion, of which two thirds was spent by the municipal authorities and one third by the regional powers. The regions spending the highest amounts of these combined figures were Catalonia (15.3%), Andalusia (14.6%), the Valencian Community (11.5%) and Madrid (10.1%).

### 6.2. Public cultural expenditure per capita

In terms of spending per inhabitant, total public expenditure in 1999 was EUR 128.70 per capita. As noted previously, public expenditure on culture accounts for approximately 1.0% of GDP.

The per capita figure varies widely from region to region. Using the consolidated regional and municipal totals for 1999, the autonomous community spending the highest per capita amount was the Basque Country at EUR 219.00, followed by Navarre on 174.40. At the other end of the list we find Aragon, EUR 80.60, and Murcia, on EUR 73.20..

The Encuesta Continua de Presupuestos Familiares (Survey of Household Expenditure) tells us what private spending on culture amounts to. In 1999 Spanish households spend an average of EUR 447.40 per year, 2.5% of their total expenditure, on cultural goods and services. Per head, that works out at EUR 141.40. By items, the highest amount is absorbed by newspapers and books, 0.85% of total household expenditure, followed by cinema (0.25%), sound and image supports (0.23%), with theatre, concerts and other scenic arts accounting for the remaining 0.14%.

### 6.3. Public cultural expenditure itemised by level of government

| Table 1. Public expenditure on culture 1997-1999 |              |        |                      |              |        |                      |
|--|--------------|--------|----------------------|--------------|--------|----------------------|
|  | 1997         |        |                      | 1999         |        |                      |
|  | Total (EURm) | %      | Per Inhabitant (EUR) | Total (EURm) | %      | Per Inhabitant (EUR) |
| Central government                               | 642.11       | 14.20  |                      | 630.08       | 12.18  |                      |
| Autonomous regions                               | 1,388.22     | 30.70  |                      | 1,479.71     | 28.61  |                      |
| Local government                                 | 2,491.57     | 55.10  |                      | 3,062.89     | 59.21  |                      |
| TOTAL  | 4,521.90     | 100.00 | 113.73               | 5,172.68     | 100.00 | 128.67               |
| % GDP  | 0.92         |        |                      |              |        | 0.98                 |

Source: Ministry of Finance

### 6.4. By sector

The only itemised statistical information on culture is that contained in the national budget (Presupuestos Generales del Estado).

| Table 2. Central government expenditure on culture, 2003 |              |        |
|--|--------------|--------|
|  | Total (EURm) | %      |
| Management and general services                          | 4.460,29     | 0,55   |
| Archives   | 46.055,08    | 5,63   |
| Libraries  | 53.871,63    | 6,59   |
| Museums  | 207.560,63   | 25,39  |
| Exhibitions  | 3.449,75     | 0,42   |
| Cultural promotion and cooperation                       | 34.398,78    | 4,21   |
| Book publishing  | 13.814,50    | 1,69   |
| Music and dance  | 86.385,89    | 10,57  |
| Theatre  | 32.018,45    | 3,92   |
| Cinema   | 45.823,75    | 5,61   |
| Sport  | 128.055,22   | 15,66  |
| Conservation and restoration of cultural property        | 55.462,36    | 6,78   |
| Protection of historic heritage                          | 106.167,84   | 12,99  |
| TOTAL CULTURE  | 817.524,17   | 100,00 |

Source: Ministry of Finance

## **7. CULTURAL INSTITUTIONS AND NEW PARTNERSHIPS**

### **7.1. Re-allocation of public responsibilities**

Spain is a decentralised country in which cultural responsibilities are distributed among the different levels of administration. In any given part of the country there are normally four levels of government, each with its own policy on culture and each, usually, intent on having its say. Moreover, cultural policies in Spain are of recent origin and the role of the public sector a dominant one. Against this background, the transfer of public responsibilities raises the issue of improving the quality of the services provided by both public and private operators at each level of administration.

The public sector is coming under increasing scrutiny. The Constitutional mandate that the civil service does its job as efficiently as possible is being brought up again and again by the man in the street and to good effect. Concepts such as quality and excellence are no longer benchmarks applicable to the private sector only.

To improve efficiency you need the right tools and this is something cultural administrators have tried to do: adopt and adapt the tools previously employed exclusively by the private sector. Local authorities took the lead in this. They engaged or set up independent bodies to design municipal cultural policy and manage specific institutions or events. The initiative was not limited to the big cities, as, for example, with the Institut de Cultura de Barcelona (1996); the model was adopted in medium-sized towns, too: Museo Naval de San Sebastián, the Casa Lis in Salamanca, the Picasso Museum in Málaga.

Autonomous municipal bodies (cultural foundations, institutions, public bodies, etc.) are not considered instruments with which local authorities can evade their responsibilities in cultural policy. They are tools which allow official cultural policies to be implemented faster and more flexibly. Public and democratic legitimacy is guaranteed by the fact that the governing boards of these institutions are controlled by the councillor responsible for culture. Their objectives are those laid down by the municipal council. Once established, it is up to the executives of these institutions to carry out those policies in accordance with the wishes of the politicians, to whom they and the institution are answerable. In a number of cases the same system has been employed, but using limited companies or consortiums instead of non-profitmaking bodies.

This line of action should be separated from the outsourcing of certain services. In Spain outsourcing has nowhere affected the political objectives the service is designed to meet. It cannot, therefore, be called 'privatising' cultural services or letting the market dictate public-sector activities. It is simply a matter of establishing relations with certain private agents on whom some public initiatives can be satisfactorily delegated. There are several legal mechanisms to articulate such delegation in Spain. The most popular instruments employed are public concessions, shared management interest and the so-called 'concert of interest'.

### **7.2. Status/role and development of major cultural institutions**

From a historical perspective, 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. The national institutions have been linked with the State from the outset. Most of them are in Madrid (Prado Museum, Teatro Real, Biblioteca Nacional, etc.). The second type can usually be traced to the cultural aspirations of the bourgeoisie at specific moments in history, particularly in those cities having a strong industrial base (Barcelona, Bilbao, Oviedo, etc.). Typical examples would be the Liceu opera house in Barcelona or the Campoamor Theatre in Oviedo. Lastly, we have the initiatives taken over the last 20 years at various levels of government, with the construction of several major cultural amenities, the majority outside Madrid, thereby promoting cultural decentralisation.

National institutions depend for funds entirely on central government, although boards of governors are allowed considerable leeway in detailed decisionmaking. However, most of the

rest of the cultural institutions of the country are financed and self-managed under agreements with local or regional authorities. This inter-institutional cooperation promotes coherence in regional development strategies and, indirectly, encourages greater self-management in day-to-day running.

Encouraging self-management is also aimed at increasing resources through private funding. Greater management control goes hand-in-hand with greater budgetary responsibility. Fundraising also encourages a much greater degree of cooperation with local business circles, which is good experience for the administrators, leading to innovation and modern management techniques.

An illustrative example of this approach can be found in the new administrative status of the Prado Museum (Museo Nacional del Prado, decree 46/2003). This is now a 'special' public institution, meaning that, under Spain's continental legal system, it can engage in transactions governed by 'private law', ie, it is no longer hamstrung by the dictates of the 'public law' under which government and government-funded bodies are normally administered. This will make it much easier for the Prado to adapt to changing times and changing practices in the art world. In particular, it will allow it to raise its own funds, from the 27% of running costs it has been permitted in the past to the 50% it is aiming for.

An equally good example is the Barcelona Contemporary Art Museum or MACBA. It is now run by a public consortium comprising the Barcelona City Council, the government of Catalonia, and the MACBA Foundation. This last is made up of private-sector companies and its purpose is to raise funds to buy works for the museum, works which the Foundation will own.

### **7.3. Emerging partnerships or collaborations**

From a legal standpoint, the distinction in Spain between sponsorship and patronage is reasonably clear on paper: sponsorship is regulated by the Ley General de Publicidad (Advertising Act) and patronage by the law bearing the title, Ley de Régimen Fiscal de las Entidades sin Fines Lucrativos y de los Incentivos Fiscales al Mecenazgo (Fiscal Regime for Non-Profitmaking Bodies and Tax Relief for Patronage Act), number 49/2002 (see subsection 5.6).

Aside from household expenditure on cultural consumables there are very few figures available on private-sector capital funding of culture. All we know is that culture is the leading recipient of patronage and the second recipient (after sport) of sponsorship.

An important and interesting phenomenon is that of the Cajas de Ahorro or savings banks, non-profitmaking financial institutions long involved in funding cultural activities through the 'good works' they are statutorily obliged to carry out. As a legal obligation their contribution cannot be regarded strictly as voluntary private-sector patronage. On 2002 figures, the savings banks devote EUR 476.2 million to cultural initiatives, over half the budget of the Ministry of Culture and approximately 40% of the amount spent on culture by the autonomous regions. In recent years the proportion of 'good works' having a cultural content has risen. In 2002, 44.5% of the money was spent either on cultural activities or on upgrading, protecting or conserving cultural property. A significant part of this money is earmarked for projects run by the foundations set up by the savings banks themselves.

In Spain there is a general consensus that the role of the 'third sector' in funding culture and cultural activities will increase with time. Strictly speaking, the third sector includes only non-profitmaking organisations. In its wider sense, however, it covers the entire private sector.

The bodies that best represent the spirit of the third sector are, without doubt, the associations. Here, despite the lack of hard evidence, two apparently contradictory observations can be made: the level of involvement in voluntary associations is low, around 35%, only 5% in the case of cultural or artistic associations; but the number of active associations is amazingly high (175,689 registered in 1997, of which 64,772 came under the heading of 'Cultural or

ideological’). Areas in which voluntary associations are most active are folklore and cultural property. Of late associations are springing up around cultural institutions, ‘Friends of the xxx Theatre’, ‘Friends of the xxx Museum’, etc.).

Foundations also play an important role. Those linked to savings banks and those set up to finance specific cultural institutions carry most weight. For details on associations and foundations, see subsections 5.7 and 8.4.

The culture industry is a complex one, in which it is hard to define exactly what role is played by each of the operators, public, private or ‘third-sector’. At the same time, some common definition is necessary if agreement on policy objectives at different levels of administration is to be reached. Suffice it to say for now that in Spain there is an expanding common ground for a meeting of minds between public and private operators, as evidenced by the following examples.

Towns of varying sizes –Barcelona, Seville, Sabadell, Calvià, etc.– have drawn up ‘culture strategy plans’. This exercise in itself generates serious discussion on the current cultural condition of the town, identifying the available active operators and formulating a programme which extends beyond the horizon of the next elections. Such plans also help to position culture at the heart of local authority planning as the driving force of the town’s economic development.

More and more forward strategies are being drawn up in consultation with key players. The traditional ‘complaint culture’ is being superseded by shared responsibility. An example at national level would be the Plan General de Teatro drawn up by the ministry but with the active participation of various sub-sectors (production companies, theatre operators, groups responsible for ‘alternative theatre’, designers, actors, actors’ unions, etc.). Most of these initiatives generate some sort of mixed-membership standing committee with a watching brief on progress achieved.

For given territorial areas or specific cultural institutions, there are advisory committees made up of specialists or leading authorities whose job it is to contribute their wisdom and knowledge to collective decisionmaking. Their views, however, are not binding. This is more of a future project than an existing reality, although some places plan to introduce such committees soon; for example, Catalonia wants to bring them in next year (2005). They will be roughly modelled on the UK Arts Council and be given the task of long-term cultural planning beyond party-political infighting. Just how the model will be introduced, however, is not yet clear, especially the tricky question of how policies can be drawn up while side-stepping the opinion of democratically elected governments.

Finally, grants for profitmaking cultural activities are being reviewed in an effort to establish a solid audiovisual industrial base, with distribution and marketing as the key elements. Again, cooperation between the public and private sectors holds much more promise than the previous model of subsidies. Sharing risks and profits from co-productions and joint risk capital funds is seen as the way forward.

## 8. SUPPORT FOR CREATIVITY AND PARTICIPATION

### 8.1. Direct and indirect support to artists

The most common formula for providing institutional support to artists and creators in Spain is with prizes and grants. At the national level, the leading adjudicator of these is the department of culture (Secretaría de Estado de Cultura) via its sub-departments, the direction general of fine arts and cultural property; of book publishing, archives and museums; of music; of cultural cooperation and communication; plus the Institute of Cinema and Audiovisual Arts; and the National Institute of Scenic Arts (see organigram).

Spain's cultural presence abroad is administered through the department of culture in cooperation with the Agencia Española de Cooperación Internacional of the ministry of foreign affairs, which also governs the direction general of Cultural and Scientific Relations and the Cervantes Institute, which together develop various programmes designed to promote contemporary Spanish art at an international level (see subsection 2.4).

Another central-government institution which plays a significant role in support to emerging artists is the youth institute Instituto de la Juventud (INJUVE), which reports to the ministry of labour and social affairs. The institute holds a number of annual exhibitions and administers international tours, festivals and programmes, with grants for periods spent abroad. There are various grants and subsidies for promoting culture, such as those of the direction general of Cultural Cooperation and Communication (in the department of culture), of Scientific and Cultural Relations (in the foreign ministry), and the Carolina Foundation, among others.

Other means of support are the subsidies for symphony orchestras and the commissions that these and other institutions such as the Centro de Difusión de la Música Contemporánea entrust from time to time. For the scenic arts there are also subsidies for both national and overseas tours and, in the case of the plastic arts, support given to itinerant exhibitions and to entries by up-and-coming artists to the major international biennials.

At regional and local level, institutional support comes from the culture departments of regional governments, provincial assemblies and town councils. In the bilingual regions, support is seen as an integral part of promoting the regional language. The cultural programmes of these autonomous communities are based on generic policies for encouraging local cultural industries. One-off events, such as the naming of Salamanca as European Cultural Capital in 2002, or 2003 as 'Design Year' in Catalonia, or Barcelona as host for the Universal Forum of Cultures in 2004, do much in the way of promoting and disseminating culture.

Specific methods of providing support to creativity in Spain are mainly applied to the plastic arts. Aside from the direct acquisition of artworks with funds available to public museums, prizes are offered by regional and local authorities, which subsequently retain ownership of the winning works. Central government can only give its support to the regional museums or cultural centres.

The Ley de Patrimonio Histórico of 1985 introduced two significant means of supporting the plastic arts. One was handing over artworks to the Treasury in lieu of taxes, a form of taxpaying which has since gained wide popularity: it is estimated to have increased funding for the national heritage by the tidy sum of EUR 93.7 million since 2002. Although outlying cultural institutions did not benefit from this move initially, the same system of tax collection is also being introduced, albeit slowly, at regional and municipal level.

The second was 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 historic heritage or to "foster artistic creativity". Between 1996 and 2003 the ministry of development earmarked EUR 250 million for the 'cultural one per cent'. So far, however, the bulk of this money has been spent on the historic heritage and very little on artistic creation.

As for sector-specific funds, the Instituto de la Cinematografía y de las Artes Audiovisuales has a 'protection fund' to defend the Spanish film industry. In 2004 it is expected to spend EUR 61 million.

With respect to welfare programmes, the State makes no special provisions for creative artists, which depend on the funds and programmes set up by their associations and the copyright management companies. The Copyright Act (Ley de Propiedad Intelectual) obliges copyright management companies to set up welfare and promotional services for "authors, performing artists or cultural workers", either themselves or through third parties. Companies are to spend 20% of copyright fees on such services. Some companies, such as the SGAE and the VEGAP have set up special foundations to fulfil these obligations: the Fundación Autor and the Fundación Arte y Derecho.

There is no stable government support for artist associations or unions. They can apply for the annual subsidies channelled through sector-specific aid programmes but there is no set budgetary provision or other statutory subsidies.

## **8.2. Participation trends and figures**

We include under this heading cultural indicators, divided into two main groups. In the first place we have the figures on different areas of culture, such as number of cinema tickets sold, number of CDs sold, number of visitors to exhibitions, etc. These figures are a good guide to the state of the culture industry from a demand standpoint, but are less informative on how demand is distributed over a cross-section of Spanish society. For this reason, there is a second list of cultural participation indicators.

### **Activity indicators**

The following statistics are drawn in the main from the report *Las Cifras de la Cultura en España* (Spanish cultural statistics) of the ministry of education, culture and sport and the *Anuario SGAE de las Artes Escénicas, Musicales y Audiovisuales* (scenic, musical and audiovisual yearbook), published by the Author Foundation of the SGAE (see chapter 9 for complete references).

**THEATRE.** Theatre audiences are increasing of late, although 2001 saw a small descent. In 2002 the figures were back on track to reach 10,975,000 spectators (vs 9,736,735 in 1999).

**DANCE.** 2002 saw an improvement sufficient to mark a turnaround in the yearly decline; the total was 1,502,362 vs the 1,764,042 registered in 1999.

**OPERA AND ZARZUELA (LIGHT OPERA).** In the last few years, as a result of combining the figures for the Royal Theatre and the Liceu opera house in Barcelona, this sector showed strong growth. However, the figures are beginning to stabilise now. In 2002 there were 1,045,037 spectators, similar to levels in 2000 and 2001.

**LIVE CLASSICAL MUSIC.** The audience figures for classical music in its different genres (symphonic, chamber, choral, etc.) show some growth over the last five years (4,580,154 in 1997: 5,355,614 in 2002).

**LIVE POP MUSIC.** The audience figures for live popular music, which covers pop, rock, jazz, flamenco, dance, techno, folk, etc.), have moved up significantly both in the numbers themselves (19.6 million in 1998 to 25.4 million in 2002) and in gross receipts.

**RECORDED MUSIC.** The sale of discs fell by -19% in 2002 from 80.5 million to 65.3 million. This is a change from 2.0 discs per Spaniard to 1.6 discs acquired legally. Despite this major downturn, the direct result of CD piracy, Spain still ranks eighth in the world as a market for recorded music.

FILM. Filmgoing entered a new phase of growth at the end of the 1980s. However, in 2002 the upward trend faltered when total cinema audience figures fell by 3.0 million to 140.0 million (vs 78.5 million in 1989). Spanish cinema is seen by between 10% and 20% of cinemagoers, while Hollywood productions attract between 60% and 70% of audiences.

PLASTIC ARTS. Attendance at the major national galleries and museums has risen significantly, to reach a global figure of 5.3 million. This is mainly motivated by the activities carried out by the Museo Centro de Arte Reina Sofía and the Prado Museum.

### **Consumer habits and cultural appreciation**

To give an indication of Spanish cultural appreciation, we reproduce the figures given by the Sociedad General de Autores and the Authors' Foundation between 1997 and 1999. In some cases we reproduce indicators compiled since the 1990 survey carried by the ministry and since that of 1997–1999, although given the different approaches employed, their usefulness is limited.

SCENIC ARTS: DANCE, OPERA AND THEATRE. Dance, opera and lyrical opera (*zarzuela*) remain minority interests, with numbers changing very little since 1990. In the last survey only 2.1% of the population attend a dance performance at least once a year; 1.9% go to the opera and 2.1% to a *zarzuela* performance. The figure for theatre is the only one to undergo a significant change. Whereas in 1990 86.1% of the population never went to the theatre, this figure has come down noticeably to 75.4%. However, very few young people of less than 20 years of age go to the theatre, even now.

MUSIC. The number of people going to pop concerts at least once a year has increased considerably. In 1991 it stood at 10.3%; now it is 18.8%, with a further 3.4% attending less frequently than once a year. Attendance at classical music concerts is still a minority affair. In 1990 only 6.7% of Spaniards went at least once a year. This is a smaller proportion than the 7.7% who professed to going in the 1997–1999 survey. In terms of buying discs, between 1997 and 1999, among Spaniards of more than 14 years of age, 44.2% did not buy discs as a rule, 38.1% bought them occasionally, and 17.2% bought them fairly assiduously.

FILM. While in 1990 61% of the population declared never going to the cinema, in 1997-1999 the figure went down to 49.3%. People of less than 35 years of age, particularly those aged 20 to 24 years, are mainly responsible for this recovery.

TELEVISION. In recent years, the amount of television watching done by Spaniards has averaged out at 210 minutes a day. Among socio-economic classes, television watching is highest among poorer, less educated inhabitants.

READING HABITS (non reference books). Between 1990 and 1997-1999 the reading public dwindled, from 59.3% of the population to 50.9%, according to the figures contained in the main surveys. However, new figures from a specific survey of reading habits, also carried out by the ministry of education, culture and sport, say that the reading public now stands at between 55% and 58%.

PLASTIC ARTS. According to the surveys, figures are improving. Whereas in 1990 69% of Spaniards said that they had been to a museum at least once in their lives and 48% admitted to having been in an art gallery or exhibition, in 1997-1999 the percentage of people visiting art museums had risen to 75.7% and those going to art galleries or exhibitions stood at 71.6%.

### **8.3. Programmes or policy initiatives to promote participation in cultural life**

The department of culture has set as one of its main objectives that of encouraging cultural participation, which it hopes to achieve by initiatives such as the Plan de Fomento de la Lectura (plan to encourage reading), the Plan Integral de Museums (integrated museum plan) and the programme of subsidies for promoting the scenic arts and live music performances.

Of the initiatives to foster participation in culture at the regional level are those based on the development of programmes based on the scenic amenities built or refurbished in Spain over the last twenty years as part of the Plan Nacional de Rehabilitación de Teatros (programme to rehabilitate Spain's theatres). However, amenities are distributed very unequally across the regions. Contemporary arts centres built in recent times and some symphonic orchestras also carry out activities aimed to generating new concert- or exhibition-goers by means of introductory programmes for potential enthusiasts.

The Instituto de la Juventud and its look-alikes at regional level distribute the *Euro<26* card, which gives youth discounts of between 10% and 100% on tickets for museums, theatres, cinemas, music festivals and cultural foundations. There are also discounts available for pensioners, usually provided by local authorities, usually in the form of free entrance to museums and discounts on cinema and theatre tickets.

There are a number of schools programmes undertaken by the main cultural institutions, many of them set up by the Centro Nacional de Información y Comunicación Educativa (CNICE), which also develops specific programmes on internet to introduce younger audiences to the plastic and visual arts, literature and music. Most of the cooperation between schools and cultural institutions, however, is articulated by the regional authorities.

#### **8.4. The role of amateur arts/cultural associations and centres**

The Plan Estatal del Voluntariado (national volunteer plan) 2001–2005, an initiative of the ministry of labour and social affairs, contains a series of strategic points aimed at improving voluntary activities in Spain. However, it did not contain anything specifically aimed at cultural activities. This had been contemplated earlier in a ministerial order of 1995 setting up information systems designed to improve the activities undertaken by voluntary associations such as free access to amenities and activities at the level of associations and individual volunteers.

Cultural associations are governed by the Ley Orgánica del Derecho de Asociación (rights of associations act) of 22 March, 2002, which is valid for all associations. Under it associations can benefit from a variety of incentives, particularly those associations declared as being of public interest. Aside from the incentives listed in the abovementioned ministerial order of cultural volunteer work, nationwide associations can apply for general subsidy programmes organised by the department of culture. At regional and local level, cultural associations also lack specific budget allocations, although they can apply for a variety of promotional grants and aids offered by regional cultural departments and, to a lesser extent, by regional youth institutes.

Amateur cultural activity is very difficult to measure and the statistics on it are few and far between. A large part of pop musicians come under the heading of amateurs, along with many practitioners of the plastic arts. It is estimated that amateur theatre accounts for roughly 30 per cent of total stage performances, watched by 25% to 28% of total theatregoers. Takings, where collected, only account for 8.0% of total theatre takings. As the word suggests, the vast majority of amateur activity is offered free of charge and is promoted by town councils or non-profitmaking associations or clubs.

Finally, mention should be made of the neighbourhood associations, which play a key role in bringing people into contact with culture. Of the 2,516 neighbourhood centres currently in operations, most operate on the principle that they are the container, into which their volunteer staff can bring the content, meaning that in practice they are used as venues for a broad range of cultural projects.

## 9. SOURCES AND LINKS

### 9.1. Key documents on cultural policy

- BONET, L.; DUEÑAS, M.; PORTELL, R.: *El sector cultural en España ante el proceso de integración europea*. Madrid: Ministerio de Cultura, 1992.
- BUSTAMANTE, E. (coord.) *Comunicación y cultura en la era digital. Industrias, mercados y diversidad en España*. Barcelona: Gedisa, 2002.
- FERNÁNDEZ PRADO, E.: *La política cultural: qué es y para qué sirve*. Gijón: Ediciones Trea, 1991.
- FREY, B.: *La economía del arte*. Barcelona: La Caixa, Colección de Estudios Económicos nº 18, Servicio de Estudios, 2000.
- FUNDACIÓN AUTOR: *La política cultural en el municipio. El respeto a los derechos de propiedad intelectual*. Madrid: SGAE, 2002.
- FUSI, J. P.: *Un siglo de España. La cultura*. Madrid: Marcial Pons, 1999.
- GARCÍA, M. I., FERNÁNDEZ, Y., ZOFÍO, J. L.: *The Culture and Leisure Industry in Spain. Its contribution to GDP (1993-1997)*. Madrid: SGAE/Fundación Autor, 2000.
- GARCÍA, M. I., FERNÁNDEZ, Y., ZOFÍO, J. L.: *La Evolución de la Industria de la Cultura y el Ocio en España por Comunidades Autónomas (1993-1997)*. Madrid: SGAE/Fundación Autor, 2001.
- GARCÍA, M. I. y ZOFÍO PRIETO, J. L.: *La dimensión sectorial de la Industria de la Cultura y el Ocio en España (1993-1997)*, Madrid: SGAE/Fundación Autor, 2003.
- GARCIA JIMENEZ, J.: *Radiotelevisión y política cultural en el franquismo*. Madrid: CSIC, 1980.
- GOMÀ, R., SUBIRATS, J. (coord.): *Políticas públicas en España. Contenidos, redes de actores y niveles de gobierno*, Barcelona: Ariel, 1998.
- INSTITUTO DE LA CINEMATOGRAFÍA Y DE LAS ARTES AUDIOVISUALES: *Anuario del cine español*. Madrid: 2002. <http://www.cultura.mecd.es/cine/jsp/plantilla.jsp?id=86>
- INSTITUTO NACIONAL DE ESTADÍSTICA: *Anuario Estadístico de España*. Madrid: Instituto Nacional de Estadística. <http://www.ine.es/anuario0203/anuario0203.htm>.
- JIMENEZ-BLANCO, M. D.: *Arte y Estado en la España del siglo XX*. Madrid: Alianza Editorial, 1989.
- MINISTERIO DE CULTURA: *Equipamientos, prácticas y consumos culturales de los españoles*. Madrid, 1993.
- MINISTERIO DE CULTURA: *Puntos cardinales de la acción cultural de nuestro tiempo*. Madrid, 1995.
- MINISTERIO DE CULTURA: *Cultura en Cifras*. Madrid: 1995.
- MINISTERIO DE EDUCACIÓN, CULTURA Y DEPORTE: *Estadísticas culturales. Las cifras de la cultura en España. Madrid: 2002*. <http://wwwn.mec.es/mecd/jsp/plantilla.jsp?id=41&area=estadisticas>.
- MINISTERIO DE EDUCACIÓN, CULTURA Y DEPORTES: *Política cultural 2000-2004. Balance*. Madrid: 2004. [http://wwwn.mec.es/mecd/jsp/marcos.jsp?id=1132&area=gabipren&contenido=/mecd/gabipren/documento/s/cul\\_balcultural2000-2004.pdf](http://wwwn.mec.es/mecd/jsp/marcos.jsp?id=1132&area=gabipren&contenido=/mecd/gabipren/documento/s/cul_balcultural2000-2004.pdf)
- MINISTERIO DE HACIENDA: *Presupuestos de las Comunidades y Ciudades Autónomas*, Madrid: Secretaría General Técnica, varios años.
- MINISTERIO DE HACIENDA: *Presupuestos Generales del Estado*, Madrid: Secretaría General Técnica, varios años.
- PÉREZ-RIOJA, J. A.: *Las casas de cultura*. Madrid: Asociación Nacional de Bibliotecarios, Archiveros y Arqueólogos, 1971.
- PRIETO DE PEDRO, J.: *Cultura, culturas y constitución*. Madrid: Congreso de los Diputados, Centro de Estudios Constitucionales, 1993.
- TIMOTEO, J. et al.: *Historia de los medios de comunicación en España. Periodismo, imagen y publicidad (1900-1990)*. Barcelona: Ariel, 1986.
- SOCIEDAD GENERAL DE AUTORES Y EDITORES: *Anuario de las Artes Escénicas, Musicales y Audiovisuales*. Madrid: 2003. <http://www.artenetsgae.com/anuario/home.html>
- SOCIEDAD GENERAL DE AUTORES Y EDITORES: *Informe sobre hábitos de consumo cultural*. Madrid: 2000. <http://www.artenetsgae.com/anuario/home.html>

### 9.2. Web links

#### Central government

- Ministerio de Educación, Cultura y Deporte: <http://www.mec.es/>
- Secretaría de Estado de Cultura: <http://www.mcu.es/>
- Bellas Artes, Museos y Patrimonio: <http://www.mcu.es/bbaa/index.html>
- Libro, Archivos y Bibliotecas: <http://www.mcu.es/lab/index.html>
- Cooperación y Comunicación Cultural: <http://www.mcu.es/cooperacion/index.html>
- Instituto de la Cinematografía y de las Artes Audiovisuales (ICAA): <http://www.mcu.es/cine>
- Instituto Nacional de las Artes Escénicas y de la Música (INAEM): <http://www.inaem.mcu.es/>
- Plan de Fomento de la Lectura <http://www.planlectura.es/>

Cultural voluntary work: <http://www.cultura.mecd.es/cooperacion/voluntariado-cultural/>  
Turespaña: <http://www.spain.info/>

#### *Culture abroad*

Ministerio de Asuntos Exteriores: <http://www.mae.es/>  
Secretaría General Técnica: [www.mec.es/sgci/](http://www.mec.es/sgci/)  
Dirección General de Cooperación y Comunicación Cultural: <http://www.mcu.es/cooperacion/index.html>  
Instituto Cervantes: <http://www.cervantes.es/>  
Institut Ramon Llull: <http://www.llull.com/llull/>  
Fundación Carolina: <http://www.fundacioncarolina.es/>  
Sociedad Estatal de Acción Cultural Exterior: <http://www.seacex.es>  
Sociedad Estatal de Exposiciones Internacionales: <http://www.expo-int.com/>  
Casa de América: <http://www.casamerica.es/>  
Casa Asia: <http://www.casaasia.es/>

#### *Autonomous regions*

Andalusia: <http://www.juntadeandalucia.es/cultura/>  
Aragon: [http://portal.aragob.es/servlet/page?\\_pageid=3931,599&\\_dad=portal30&\\_schema=PORTAL30&cuerpo.est=ITPG\\_CT\\_INICIO](http://portal.aragob.es/servlet/page?_pageid=3931,599&_dad=portal30&_schema=PORTAL30&cuerpo.est=ITPG_CT_INICIO)  
Asturias: [http://tematico.princast.es/cultura/cultura\\_web/](http://tematico.princast.es/cultura/cultura_web/)  
Balearic Islands: <http://www.caib.es/govern/organigrama/area.ct.jsp?coduo=7>  
Canary Islands: <http://www.educa.rcanaria.es/scripts/Ts/Noticia.asp?noticia=601>  
Cantabria: [http://www.gobcantabria.es/portal/page?\\_pageid=33,33442&\\_dad=interportal&\\_schema=INTERPORTAL](http://www.gobcantabria.es/portal/page?_pageid=33,33442&_dad=interportal&_schema=INTERPORTAL)  
Castile and Leon: [http://www.jcyl.es/jcyl-client/jcyl/cct/tkContent?idContent=35863&locale=es\\_ES&textOnly=false](http://www.jcyl.es/jcyl-client/jcyl/cct/tkContent?idContent=35863&locale=es_ES&textOnly=false)  
Castile-La Mancha: <http://www.jccm.es/gobierno/c-cultura.htm>  
Catalonia: <http://cultura.gencat.net/>  
Valencian Community: [www.cult.gva.es](http://www.cult.gva.es)  
Extremadura: <http://www.juntaex.es/consejerias/clt/home.html>  
Galicia: <http://www.xunta.es/conselle/cultura/>  
La Rioja: [http://www.larioja.org:81/pls/dad\\_user/G01.uo\\_datos?p\\_coduos=114](http://www.larioja.org:81/pls/dad_user/G01.uo_datos?p_coduos=114)  
Madrid: [http://www.madrid.org/comun/artes/0,3151,52811331\\_0\\_53414833,00.html](http://www.madrid.org/comun/artes/0,3151,52811331_0_53414833,00.html)  
Murcia: <http://www.carm.es/educacion/dgcultura.php>  
Navarre: <http://www.cfnararra.es/cultura/>  
Basque Country: [http://www1.euskadi.net/kultura/estru\\_c.asp?cod=00](http://www1.euskadi.net/kultura/estru_c.asp?cod=00)  
Ministerio de Educación, Cultura y Deporte: <http://www.mec.es/dp/comunidades.html>

#### *Legal sources*

Boletín Oficial del Estado: <http://www.boe.es/>  
Ministerio de Educación, Cultura y Deporte: [http://www.mcu.es/legislacion/i\\_legislac.html](http://www.mcu.es/legislacion/i_legislac.html)  
Ministerio de Ciencia y Tecnología: <http://www.setsi.mcyt.es/>  
Ley 16/1985, de 25 de junio, de Patrimonio Histórico Español:  
[http://www.juridicas.com/base\\_datos/Admin/l16-1985.html](http://www.juridicas.com/base_datos/Admin/l16-1985.html)  
Ley de Propiedad Intelectual:  
<http://212.170.234.33/recursos/juridicos/html/asesjuri/legislacion/propiedadintelectual/nacional/prinnac004bis.htm>

#### *Resources and statistics on line*

ADOZ Centro de Documentación en Ocio:  
<http://www.ocio.deusto.es/adoz/presentación/default.asp?lang=SP>  
Biblioteca de la Filmoteca Española: <http://www.cultura.mecd.es/cine/jsp/plantillaAncho.jsp?id=70>  
Centre de Documentació i Museu de les Arts Escèniques: <http://www.diba.es/iteatre/cidd.html>  
Centre d'Estudis i Recursos Culturals: <http://www.diba.es/cerc/>  
Centro de Documentación Audiovisual de la Agencia EFE-Televisión: <http://www.efe.es>  
Centro de Documentación de Música y Danza: <http://cdmyd.mcu.es/>  
Centro de Documentación de Radio Televisión Española: [http://www.rtve.es/rne/areas/ar\\_docum.htm](http://www.rtve.es/rne/areas/ar_docum.htm)  
Centro de Documentación Teatral: <http://documentacionteatral.mcu.es/Difusion.htm>  
Centro Nacional de Información y Comunicación Educativas: <http://www.cnice.mecd.es>  
Federación de Gremios y Editores de España:  
[http://www.federacioneditores.org/noticias/FG\\_ListaNoticias.asp](http://www.federacioneditores.org/noticias/FG_ListaNoticias.asp)

Fundación Telefónica: <http://www.fundacion.telefonica.com/publicaciones/inform>  
 Instituto Andaluz del Patrimonio Histórico: [www.iaph.junta-andalucia.es/](http://www.iaph.junta-andalucia.es/)  
 Instituto Complutense de Ciencias Musicales de Madrid: [www.iccmu.sgae.es](http://www.iccmu.sgae.es)  
 Instituto Nacional de Estadística: <http://www.ine.es/inebase/>  
 Observatorio del Audiovisual Gallego: <http://www.usc.es/oda/>  
 Portales del cine: <http://www.todocinetv.com/>, <http://www.porlared.com/cinered/index.html>.  
 Portal de la Comunicación del Instituto de la Comunicación de la Universidad Autónoma de Barcelona:  
<http://www.portalcomunicacion.com/>  
 Portal de Cultura Iberoamericana: <http://www.escenacultural.com/contenido.php?contenido=4328>  
 Portal de debate sobre la política cultural y artística de Cataluña: <http://www.e-barcelona.org/>  
 Portal Iberoamericano de Gestión Cultural: <http://www.gestioncultural.org/>  
 Red de Centros de Documentación del Ministerio de Cultura: <http://www.mcu.es/mensup/rcd/>  
 Servicio de Documentación del Instituto del Patrimonio Histórico Español:  
<http://www.mcu.es/mensup/rcd/cdpatrim.html>  
 Servicio de Documentación y Biblioteca de la Filmoteca Española: [www.mcu.es/mensup/rcd/](http://www.mcu.es/mensup/rcd/)  
 Sociedad Española de Información y Documentación Científica: <http://www.sedic.es>  
 Sociedad General de Autores y Editores: <http://www.sgae.es>

#### Professional associations

Asociación de Autores de Teatro de España: [www.aat.es](http://www.aat.es)  
 Asociación Colegial de Escritores de España: [www.acescritores.com/](http://www.acescritores.com/)  
 Asociación de Compositores y Autores de Música: <http://www.acam.es>  
 Asociación Cultural por la Danza: [www.porladanza.com/asocu.htm#7](http://www.porladanza.com/asocu.htm#7)  
 Asociación de Directores de Escena de España : [www.adeteatro.com](http://www.adeteatro.com)  
 Asociación Española de Archiveros, Bibliotecarios, Museólogos y Documentalistas: <http://www.anabad.org>  
 Asociación Española para el Desarrollo del Mecenazgo Empresarial: <http://www.aedme.org/>  
 Asociación Española de Documentación Musical:  
<http://www.fesabid.org/federacion/miembros/aedom/informacion.htm>  
 Asociación Española de Editores de Música: <http://www.aedem.net>  
 Asociación Española de Empresas de Restauración del Patrimonio Histórico: [www.arespaph.com](http://www.arespaph.com)  
 Asociación Española de Gestores de Patrimonio Cultural: [www.aegpc.org](http://www.aegpc.org)  
 Asociación Española de Museólogos: [www.museologia.net](http://www.museologia.net)  
 Asociación Fonográfica y Videográfica Española: [www.afyve.com](http://www.afyve.com)  
 Asociación de Músicos Profesionales de España: <http://perso.wanadoo.es/ampe/>  
 Asociación Nacional de Alternativas Dramáticas y Expresivas: [www.anade.org](http://www.anade.org)  
 Asociación de Representantes Técnicos del Espectáculo: <http://www.arte-asoc.es>  
 Asociación de Revistas Culturales de España: [www.arce.es](http://www.arce.es)  
 Federación de Asociaciones de Productores Audiovisuales Españoles: [www.fapae.es](http://www.fapae.es)  
 Federación Española de Amigos de los Museos: [www.amigosdemuseos.com/index.html](http://www.amigosdemuseos.com/index.html)  
 Federación Española de la Unión Internacional de la Marioneta: [www.titerenet.com/unimafe/historia.html](http://www.titerenet.com/unimafe/historia.html)  
 Federación Española de Sociedades de Archivística, Biblioteconomía, Documentación y Museística:  
<http://www.fesabid.org>  
 Federación de Gremio de Editores de España: [www.federacioneditores.org](http://www.federacioneditores.org)  
 Federación Internacional de Artistas Plásticos: [www.aceas.com](http://www.aceas.com)

### 9.3. Interactive comparative view

#### 9.3.1 Share of public cultural expenditure broken down by level of government

| Country | Year | Share of state/central government expenditure | Share of regional and local government level expenditure |
|---------|------|---|--|
| Spain   | 1999 | 12,18 %                                       | 87,82%   |

#### 9.3.2. Major spending areas in % of total public expenditure on culture\*

| Country | Year | Libraries / Literature | Museums | Music / Perf. Arts | Radio, TV, Press** |
|---------|------|------------------------|---------|--------------------|--------------------|
| Spain   | 2003 | 8,28                   | 25,39   | 14,49              |                    |

\*Central Government

\*\*Not part of the department of culture budget

#### 9.3.3. State/central government priorities in cultural spending

| Country | Year | Major expenditures | Lowest expenditures                |
|---------|------|--------------------|------------------------------------|
| Spain   | 2003 | Museums            | Cultural cooperation and promotion |

#### 9.3.4. Main national cultural policy priorities in the last 5 years

| Country | Main national cultural policy priorities in the last five years   |
|---------|---|
| Spain   | Protection (museums, conservation) and dissemination (exhibitions) of historic heritage<br>Promotion of cultural arts and industries (music, theatre, film)<br>Dissemination of Spanish culture abroad. |

#### 9.3.5. Main features of the cultural policy system

Please check with either + (= YES) or – (= NO) in the boxes provided below.

| Country                                | Spain         |
|--|---------------|
| Centralised/decentralised system       | Decentralised |
| Central cultural ministry              | +             |
| Arm's-length bodies                    | --            |
| National cultural funds or foundations | --            |
| Inter-governmental committees          | +             |
| Inter-ministerial committees           | +             |

#### 9.3.6. Social security measures for artists

| Country | Social security measures for artists  |
|---------|---|
| Spain   | Creative and performing artists: general social security benefits with some special allowances (temporary work periods, early retirement)<br>Writers and authors: self-employed workers |

#### 9.3.7. Participation figures

| Country | Year | Cinema visits* | Library use** | CD sales*** |
|---------|------|----------------|---------------|-------------|
| Spain   | 2000 | 134.500.000    | 51.867.570    | 79,2        |
| Spain   | 2001 | 143.288.558    |               | 80,5        |
| Spain   | 2002 | 139.804.804    |               | 65,3        |

\*Tickets sold

\*\* Number of withdrawals

\*\*\* in millions of units

#### 9.3.8. Linguistic diversity

| Country | Official languages and recognised minority languages   | Languages in main television programming  |
|---------|--|---|
| Spain   | Spanish: official language throughout Spain.<br>Basque: co-official in the Basque Country and Navarre.<br>Catalan: co-official in Catalonia and Balearic Islands, recognised minority language in Aragon.<br>Galician: co-official in Galicia.<br>Valencian: co-official in Valencia | Spanish: national public and private TV, regional public and private TV, local TV.<br>Catalan, Basque, Galician: regional public TV and regional programming of the national public TV. |