



HYBRIDISATION OF FICTION AND NON-FICTION IN CONTEMPORARY MEDIA CULTURE Non-Fiction Cinema in the Spanish Regulatory Framework¹

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KEYWORDS

Nonfiction cinema
Documentary cinema
Experimental cinema
Cinematographic industry
State and regional
subsidies
Film law
Content analysis

ABSTRACT

The advent of contemporary media culture has led to a reconfiguration of the existing discursive boundaries between fiction and non-fiction, with a greater emphasis placed on experimentation and crossbreeding. This paradigm shift has had a significant impact on the relationship between non-fiction film and the film industry. Previously, non-fiction film was regarded as a cultural industry, and therefore as an object of regulation and institutional support. This research employs a documentary content analysis of the principal state and regional regulatory frameworks to examine the presence and conceptualisation of non-fiction cinema in Spain, with particular attention to the aspects of the message and discourse.

Received: 31 / 08 / 2024

Accepted: 26 / 09 / 2024

1. Introduction

Non-fiction cinema is undergoing a significant transformation, shaped by the advent of new media and digital technologies (Alberich Pascual and Roig Telo, 2005). This has resulted in the disintegration and mixture of discourses pertaining to the cinema of the real (Arnau Roselló and Gifreu Castells, 2020), which has in turn led to a discursive evolution characterised by crossbreeding and hybridisation between fiction and non-fiction (Mínguez Arranz, 2013). This new context is given a multitude of designations, including peripheral cinema, other, extraterritorial, resistant, eccentric, heterodox, "on the margins", low-cost, cinema of the real, post-documentary, and neo-documentary. (Cobo-Durán and Liberia Vayá, 2021, p. 48). Furthermore, the reconfiguration of the roles of both producer and receiver of documentaries can be observed across multiple screens and spaces (Gavaldà Roca et al., 2013). The advent of transmedia narratives has precipitated a series of profound shifts in the roles and responsibilities associated with various stakeholders within the contemporary creative industries. These changes have given rise to a multitude of industrial, cultural, and aesthetic implications that are of a revolutionary magnitude (Alberich-Pascual and Gómez-Pérez, 2017, p. 9). The digital has a direct impact on cinematographic modalities, such as documentaries, where the rolls of filmmaker or director are redefined (Sedeño-Valdellós, 2009) and the exchanges and intertextualities between non-fiction discourses in the digital symbolic space are multiplied (Mínguez, 2014).

This is particularly relevant in the context of historical reflection between fiction and non-fiction, both in its early (Carroll, 1997; Nichols, 1997; Plantinga, 2005; Renov, 1993) and recent debates (Friend, 2021; García-Carpintero, 2021), which demonstrate a framework of growing interest in reflecting on their degrees of interaction from multidisciplinary theoretical perspectives (Slugan & Terrone, 2021).

The film industry, which provides the framework for the production and creation of non-fiction films, is regarded as a crucial element in the economic and cultural development of European regions (Castro-Higueras and De Aguilera-Moyano, 2016). In Spain, the film industry is regarded as a cultural industry (UNESCO, 2005; Film Law 55/2007), and its regulation, promotion and funding are informed by a series of European (Treaty on the Functioning of the European Union, 2012), national (Film Law 55/2007) and autonomous regional (Catalan Film Law 20/2010, Andalusian Film Law 6/2018) guidelines. In this context, financial assistance for film production has increased considerably with the advent of autonomous regions, both in terms of quantity and variety (Hereadero Díaz and Reyes Sánchez, 2017). This has led to the emergence of a system that is highly reliant on them throughout Spain (Pérez-Ruff and Castro-Higueras, 2020).

In the context of non-fiction cinema, its position on the periphery of the industry renders it "an economically underfunded cinematographic form, as its entry into distribution and exhibition circuits is challenging" (Martínez Martínez and Pérez Pereiro, 2023, p. 433). It is a low-cost cinema, with a strong tendency towards self-production (Feria-Sánchez, 2023), where only 6% of the total national production subsidies were allocated to documentary films, compared to 82% of those invested in fiction films (ProDocs, 2021). As Mínguez Arranz (2014) elucidates, "the terms fiction and "non-fiction" possess a discernible economic dimension, serving as brands through which the industry categorizes products destined for disparate markets" (p. 2). This is particularly evident in the case of more creative and experimental productions, which often encounter difficulties in gaining access to the film industry. In such instances, financial backing is typically sourced from the filmmakers themselves or independent producers, (Cerdán de los Arcos, 2005) and the institutional registration of these works is often subject to more stringent criteria, which can prove challenging for such productions (Gallego Reguero & Martínez Martínez, 2013). This is the reason why the European Commission (2014) includes documentary film under the concept of "difficult audiovisual work", which is defined as follows:

Works identified as such by member states on the basis of predefined criteria when setting up schemes or granting aid may consist of a variety of cinematic productions, including films whose original version is in an official language spoken in a limited territory, short films, works by directors who are starting out in their careers, documentaries, films with limited budgets, and those works that, for various reasons, face significant challenges in entering the market. (Regulation No. 651, 2014, Article 2, Paragraph 140)

Nevertheless, despite the institutional aspiration to confer upon documentary an exceptional industrial status, how is documentary, and therefore non-fiction, defined in accordance with Spanish

regulations? This research question is approached from the standpoint of the intertwined discourses of contemporary non-fiction cinema and its complex historical situation in Spain. As Alberich-Pascual and Gómez-Pérez (2017) have observed, "an understanding of the concept of hybridisation as a process of media fusion is essential for grasping the foundations and the multimedia evolution of the contemporary communication sector" (p. 81). The paucity of academic studies that analyse the situation of Spanish non-fiction from an industrial perspective, taking into account the framework of hybridisation and experimentation of its discourse, is crucial for understanding the institutional adaptation to the changes produced by contemporary media culture and its consequences for the production and creation of current non-fiction cinema.

1.1. Theoretical Framework. Hybridisation between Fiction and Non-Fiction in Contemporary Media Culture.

Since its consolidation in the 1970s, documentary film theory has been preoccupied with defining non-fiction and delineating its boundaries in relation to fiction. Notable theorists have engaged in discourse surrounding the nature of both modes of representation from a multitude of perspectives. In her 1997 work, Nichols defined the documentary as a "creative treatment of reality" (p. 14). Barsam (1973) posited that "all documentaries are non-fiction films, but not all non-fiction films are documentaries" (p. 83). Other authors, such as Renov (1993), have proposed that the utilisation of cinematic discursive elements has the effect of incorporating fictional elements into documentaries. Plantinga (2005, p. 111) has also advanced the notion of "affirmed truthful representations". Subsequently, alternative positions emerged that sought to move beyond the traditional documentary form, which came to be known as the "classic" documentary. Bruzzi (2000) posits the concept of the documentary as a 'performance' in order to emphasise the role of the filmmaker and their influence on the discourse of the documentary. Godmillow (2002) challenges the 'dogmas' of classical documentary through the lens of a 'post-realist' documentary, which is a non-fiction form with the capacity for social transformation, poetic expression and critical analysis. This approach is not so much concerned with the 'what' as with the 'how'.

This indicates that contemporary film theory in the field of documentary film has shifted the focus of debate from the distinction between fiction and non-fiction to the permeability between the two (Slugan and Terrone, 2021). It thus becomes more pertinent to examine the manner in which a film becomes a documentary (Aguilar Alcalá, 2018) that generates "a simulacrum, a cultural construction resulting from textual strategies designed to create an illusion; in short, an 'effect of meaning' " (Zunzunegui Díez and Zumalde Arregui, 2019, p. 104). The relationship between non-fiction, truth and reality is rendered more intricate when one is situated within the context of the post-truth era, which is defined by the absence of a discursive dimension in its narratives (Carrera, 2018). In light of these developments, the boundaries of non-fiction and its defining characteristics are undergoing a process of reconfiguration. Bruzzi (2020) posits an 'approximation' as a means of avoiding the concept of 'representation' of factual events. Similarly, Ellis (2011) suggests that there has been a paradigm shift from a belief in observation to scepticism regarding the impact of digital practices on images. It can therefore be argued that fiction and non-fiction are no longer two distinct and mutually exclusive forms, but rather two points on a continuum of representation:

There are numerous forms of hybridisation between the two, ranging from 'based on real events' and similar expressions used in fiction films, to the insertion of documentary sequences or other documentary narrative resources in fiction, to the various forms of recreation or use of fictional resources in documentaries. (Carrera, 2021, p. 2)

This new panorama introduces a question that can be considered rhetorical in the context of audiovisual research and creation: The question of what constitutes non-fiction is a significant one within the field of audiovisual research and creation. In a bold move, Weinrichter (2004) took the initiative to define it as follows: "A negative category that designates a terra incognita, the vast unmapped zone between conventional documentary, fiction and experimental" (p. 11). Documentary and experimental cinema appear to represent "the two extremes of non-fiction cinema", as Fernández Labayen (2023, p. 346) suggests. They are sustained in a state of exile, largely confined to film catalogues and histories (Weinrichter, 1998). Their shared aesthetic and narrative characteristics are a verifiable

fact (Gifreu Castells, 2015). However, as Cock Peláez (2012) asserts, documentary and non-fiction have historically been regarded as distinct entities. This is because documentary was perceived as a "high form of non-fiction," in contrast to other "lesser" forms such as news, travel films, and so forth. However, these demarcations are no longer relevant in the contemporary context, as the traditional concept of the documentary has evolved towards forms that Català Domènech (2021) has characterised as 'post-documentary'¹. It is necessary to discuss the film essay, which employs the techniques of contemporary audiovisual media (Monterrubio Ibáñez, 2017) to create "an aesthetic production capable of founding a reflexive process while also configuring a new subjectivity and a different relationship with reality" (Català Domènech, 2022, p. 127). In terms of ascription, the essay is closely related to the documentary and the experimental, thus reinforcing its belonging to non-fiction (Mínguez and Manzano-Espinosa, 2020). The mode of production of this genre is defined by three basic variables: craftsmanship (do-it-yourself), low cost and a working environment of freedom and independence (Mínguez Arranz et al., 2022, p. 13).

The common issue faced by these non-hegemonic film forms is their institutionalisation.

If the distinction between documentary and other forms of non-fiction is artificial precisely because the boundaries between them are mobile and blurred, it is not straightforward to differentiate documentary from the other major cinematic forms (fiction and experimental). These forms have traditionally been seen as opposing and defining characteristics of documentary, but in reality, the differences between them have been largely artificial and shaped by commercial considerations. (Cock Peláez, 2012, p. 133)

The contemporary digital context has resulted in "a transformation of the relevance of the different defining spaces for fiction and non-fiction" (Mínguez Arranz, 2014). Additionally, the lack of unity or standardisation (Torreiro et al., 2005) has resulted in the emergence of disparate, decentralised and challenging-to-classify modalities (Blanco Pérez, 2021), which no longer rely solely on approaches based on the analysis of the filmic text itself, but also on its relationship with the historical and institutional context (Ellis, 2021). Furthermore, these distinctions between fiction and non-fiction have socio-political and ideological ramifications. The institutional inscription of these two modes of representation is beneficial for the film industry (Carrera, 2021), as this differentiation allows fiction to be exempt from any ideological and political accountability. "Fiction has to do with imagination, we are told. Documentary is about 'truth'" (Carrera and Talens, 2018, p. 44).

The institutional designation of the documentary becomes both a virtue and a problem. In Spain, since the beginning of the 21st century, the term "creation documentary" seems to have taken hold. A term that arises from the hybridisation and cross-fertilisation between documentary and fiction (Martínez Martínez and Gallego Reguera, 2012) and that refers to common creative strategies (Ballò, 2011). Moreover, the term "creation documentary" is covered by some of the most important master's degrees in the field: the Master's Degree in Creation Documentary at the Universitat Pompeu Fabra (UPF) and the Master's Degree in Creative Documentary at the Universitat Autònoma de Barcelona (UAB). Both are considered to be the origins of contemporary documentary in Spain (Cerdán de los Arcos, 2005), carried on by new filmmakers whose avant-garde narratives and poetics emerge from the digital (Peralta García, 2022).

In the paradigm of contemporary media culture, non-fiction is even more problematic in its institutionalisation, as the digital generates a new condition for audiovisual narratives that go beyond traditional cinematographic inscriptions (Gavaldà Roca et al., 2013). However, this also represents an opportunity for low-budget or more creative productions, thanks to new possibilities for distribution on the internet (Clarés-Gavilán and Medina-Cambrón, 2018). Non-fiction filmmakers have access to more alternative and complicated projects, thanks to the catalogues of more independent distribution windows, such as Filmin (Izquierdo Castillo and Latorre-Lázaro, 2022), and in turn distribute their own projects more freely, without the typical constraints of the film industry (Gallego Reguera and Martínez

¹ "I propose that there is a new fascination for the real, but for the real as it manifests itself through its images. Images constitute the figures of reality, as they correspond to the real intervened by the imagination and the symbolic, that is to say, by the subject. The notion that the real without the assistance of images is literally unimaginable is equivalent to the notion that access to the real is unthinkable without language" (Català Domènech, 2021, p. 142).

Martínez, 2013). In the words of Fernández Labayen et al. (2013), "the digital environment facilitates the production, distribution and exhibition of documentaries, mixing the production values and cultural prestige of experimental and avant-garde cinema with the distribution and consumption mechanisms of today's audiovisual industry" (p. 2).

2. Objectives and Methodology

The main objective of this research is to analyse the presence and conceptualisation of non-fiction cinema in Spain from two specific points of view: from the prism of experimentation and discursive hybridisation in contemporary media culture; and from the perspective of cinema as a cultural and creative industry, and therefore an object of institutional support of an economic and cultural nature.

On the basis of the scientific literature reviewed, this research is based on the following hypotheses:

- **H1:** There is no standardisation for non-fiction film in institutional regulation and funding in Spain, which makes it difficult for these audiovisual works to be directly subject to it without giving rise to ambiguities in relation to their content.
- **H2:** The normative conceptualisation of nonfiction film is ambiguous and uneven, representing the discursive evolution of nonfiction film in the context of the growing hybridisation of fiction and nonfiction in contemporary media culture.

The research design includes, in a first part, an analysis of the specialised bibliography on non-fiction cinema in contemporary media culture and, in a second part, a review and analysis of the documentary content, through a consultation of the regulatory framework and aid for film production in Spain at national and autonomous community level.

For the documentary review, a mixed quantitative and qualitative design will be used, through semantic-structural techniques, in order to "reveal the implicit or latent meaning by identifying the clues that underlie the manifest; or make combinations of them" (Escalante Gómez, 2009, p. 55). Through a qualitative content analysis of a semantic and descriptive nature (Colle and Frutos, 2011; Verd and Lozares, 2016) of documentary sources, we seek to determine:

- 1) the appearance of certain words
- 2) their descriptive meaning
- 3) the subsequent discussion of these in relation to the context (nature of the texts) and the academic literature presented in the theoretical framework.

Both documentary (primary) and bibliographical (secondary) materials are used, with the aim of constructing the data within the interpretative framework of this research and as a result of the relationship established with the hypotheses presented (Verd and Lozares, 2016).

The study period (timing) is synchronous, from 1 January to 31 December 2023, with the intention of covering all calls for state and regional aid, taking into account the difference in their publication dates.

For the sample, a deliberate selection of documents was made (Verd and Lozares, 2016), of a primary nature, with reference to the documents that regulate and intervene in public film production, considering film as a cultural industry. This selection is based on the Treaty on the Functioning of the European Union (2012), Article 87 of which protects national aid for the promotion and conservation of cultural heritage within the common market, and the Spanish Constitution, Article 44.1 of which states that public authorities shall protect and promote access to culture (Heredero Díaz and Reyes Sánchez, 2017). Thus, a corpus of 61 normative texts (Annex I) was selected and indexed through two categories.

- 1) **Nature of the document:** Film legislative framework, aid for film production or development² and regulatory bases for audiovisual aid³.
- 2) **Origin:** State and regional.

In the initial phase of the analysis, a dialectical analysis (Adame Goddard, 2020) is employed to segment the text. This involves the segmentation of "the definition, which is defined as a brief description of the meaning of a word (nominal definition) or thing (real definition)" (Kriger, 2021). It has a deductive character, as the nominal categories are established based on the scientific literature of the object of study and in relation to its semantics, namely "documentary/s", "non-fiction" and "experimental/s". The primary objective of this phase is to ascertain the presence of these elements in the various documents.

In the second phase, following the identification of relevant material within the documents, a coding system is devised to facilitate the organisation of the resulting data. This process entails the delineation of analytical categories. This has a mixed (Kriger, 2021) or structural (Verd and Lozares, 2016) character, as the different semantic categories are previously established in the bibliographic review (deductive), as they depend on "inferential elements, fundamentally reasoning by the researcher and theoretical elements that allow the categorisation to be consolidated" (Cáceres, 2003, p. 67), but the possibility of constructing codifications in the process is chosen (inductive). In any case, "the information is grouped and linked with a critical perspective, thereby establishing new interpretations and theoretical relations between the grouped codes" (Kriger, 2021).

In the third and final phase, the discussion is generated through its relationship with the defined theoretical framework, with the aim of verifying the hypotheses. This entails investigating the relationships between the concepts derived from the presence of non-fiction in these documents and hybridisation and miscegenation as the focus of the message of contemporary documentary in Spain. In this way, the latent meanings are extracted, and an attempt will be made to explain, based on the objective findings, "what exists in the text, its authentic content, both in an explicit sense, that is, what it textually includes, and in an implicit or latent sense, that is, what it intends to transmit without making it explicit" (Guix Oliver, 2008).

The results analyse, categorise and discuss the presence of non-fiction in the main state and regional regulatory bases of Spanish cinema. They also consider aspects of the message and discourse, such as the hybridisation or crossbreeding of genres and formats, as a result of viewing cinema as a cultural industry.

3. Results

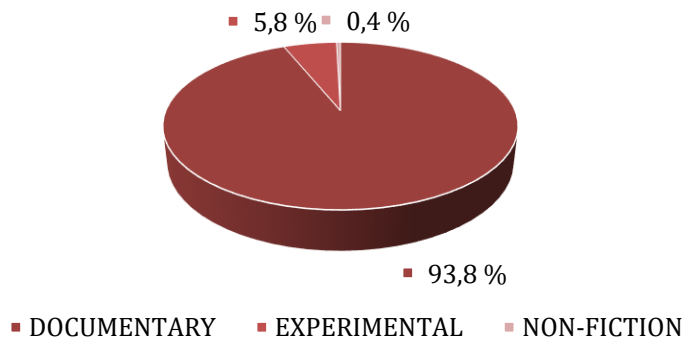
3.1. *Presence and Denomination of Non-Fiction Cinema in Spain*

Following an analysis of the national and regional regulations on cinema and audiovisuals, as well as the various calls for aid or subsidies for the development and production of audiovisual works and their regulatory bases (see Annex I), it can be concluded that the term "non-fiction cinema" is used infrequently in institutional documents, while the concept of "experimental cinema" is used to a much lesser extent. In official documents, the most commonly used label for this type of cinema is "documentary" (Figure 1).

² If development aid is available, it is also considered to be the subject of the analysis since project development is part of the early stages of any film production.

³ Some regional normative documents that regulate the creation of non-fiction have a different nature or denomination, in these cases they have been accepted as long as the ultimate intention alludes to non-fiction film being a direct object of regulation and funding.

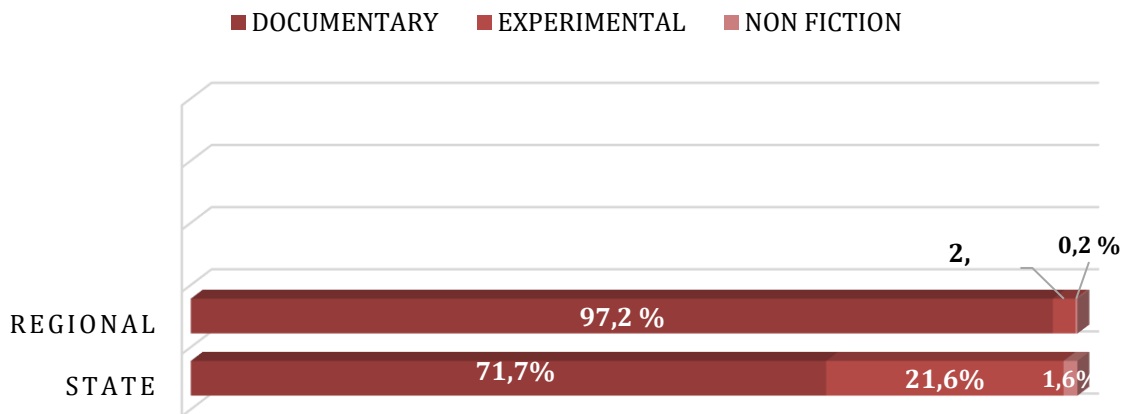
Figure 1. Frequency of non-fiction film semantic terms in the selected documentary corpus.



Source: Own elaboration based on the documentary corpus, 2024.

It is important to note that the term "experimental" is almost always used in conjunction with the term "documentary" as an indivisible binomial. This is due to the fact that both forms are considered "challenging audiovisual works." The National Film Act (2007) and the Catalan Film Act (2010) are the primary sources where this term is used in conjunction with the term "documentary." However, there is no reference to experimental cinema in the Andalusian Film Act (2018) or in most calls for aid or subsidies at the national or regional level. The term "non-fiction" is only included in the "selective aid for the production of feature films on project", granted by the ICAA (Ministry of Culture), and in the "regulatory bases for the granting of public subsidies, on a competitive basis, aimed at professionals and companies for the implementation of cultural projects and training and mobility actions" of the Asturian Ministry of Culture, Linguistic Policy and Tourism (Figure 2).

Figure 2. Frequency of non-fiction film semantic terms in the selected documentary corpus in relation to the origin of the text.



Source: Own elaboration based on the documentary corpus, 2024.

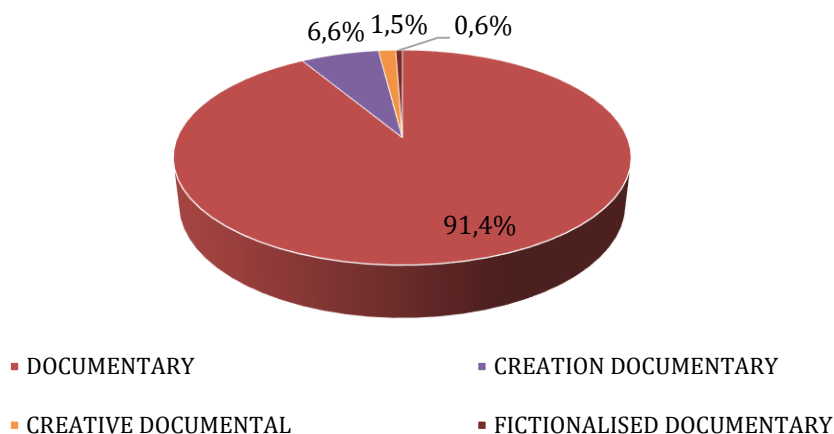
As will be demonstrated in the following sections, the appearance of these concepts in the official documents under examination does not entail a clear definition of them. Rather, they are typically accompanied, as mutually exclusive categories, by "fiction", "animation" or "documentary" audiovisual productions. In many of the calls for proposals, these three main lines of action are established, with higher amounts allocated to fiction and significantly lower amounts allocated to documentaries or animation. Furthermore, a series of exceptionalities are also contemplated in the fulfilment of some of the requirements for these non-fiction works, which corroborates the European regulations' assessment that they are "difficult audiovisual works", and therefore require differentiated treatment when it comes to subsidising them due to the limited access to the market, and therefore to funding, that these works have.

It is important to note that, with the exception of Catalonia and Andalusia, the remaining Autonomous Communities do not currently have a Cinema Law. Consequently, most calls for aid for audiovisual cultural works are made under the protection of the precepts of the national law. It is therefore noteworthy that the terms "non-fiction" and "experimental" appear with greater frequency in the regulatory bases for regional grants than in official regulations and documents at the national level. Consequently, the term "documentary" is predominantly employed to designate all audiovisual productions that do not fall within the categories of "animation" or "fiction," encompassing both feature films and short films.

3.2. Categories of Non-Fiction Cinema in Spain from the Normative Perspective

As indicated in the theoretical framework, it is challenging to arrive at a clear and univocal definition of the concepts under analysis in their use in legislative and official documents on this audiovisual phenomenon. The limited instances of the terms "non-fiction", "experimental cinema" and "difficult audiovisual work", absent any accompanying definition, render it challenging to propose a definition of these concepts. In contrast, the concept of "documentary" is defined in some of the analysed texts, though it is sometimes accompanied by adjectives that offer nuances to be taken into account. The terms "creation documentary", "creative documentary" or "fictionalised documentary" (Figure 3) are also worthy of note. In order to gain further insight, some of the more pertinent definitions are presented below for consideration.

Figure 3. Normative conceptual synthesis of the semantic terms of non-fiction cinema in Spain.



Source: Own elaboration based on the documentary corpus, 2024.

The concept of "documentary" is referenced on numerous occasions in Law 55/2007, which regulates cinema. The term "experimental" is also mentioned, albeit less frequently. However, neither term is defined in a clear and unambiguous manner. Even in Article 4, which is devoted to definitions, we find concepts such as "audiovisual work", "cinematographic film", "feature film" and so forth. The term "documentary" only appears in the definition of "television series". "An audiovisual work is defined as a series of episodes, comprising either fiction, animation or documentary content, which is intended for broadcast or transmission by television operators in a successive and continuous manner". In the remainder of the text, references are made to projects of a "documentary or experimental nature", implying their distribution in cinemas. Similarly, in the regulatory framework for ICAA production aid, these works are distinguished from works of fiction or animation, with wording that is comparable to the following: "cinematographic films of any genre, including documentaries and animation", "feature films and audiovisual series of fiction, animation or documentary".

The Draft Law on Cinema and Audiovisual Culture of 21 June 2024, which is currently undergoing parliamentary review, explicitly incorporates documentary and experimental cinema within the definition of "Audiovisual work" as set out in Article 4. This is defined as follows:

The creation expressed by means of A series of associated images, whether real or animated, with or without incorporated sound, whether fictional, documentary or experimental, fixed in any medium or support, and in the elaboration of which the work of creation, production, editing and post-production is defined (...). Alternative audiovisual content such as mere reproductions of events or representations of any kind are excluded from this definition.

Nevertheless, there is no clarification of the aesthetic, narrative, or content nature of documentary or experimental projects. The definition of "documentary" as an audiovisual work is provided in Royal Decree 988/2015, article 2, section e):

The film is characterised by an emphasis on narrative elements, which are non-fictional and which, through their approach, narrative structure, composition, aesthetics, design or style, preferably in the form of a script, seek to convey reality in a distinctive manner, through the creation or filming of scenes or situations drawn from everyday life or history, which are then presented as a document. The film possesses a certain timeless quality that distinguishes it from the original event to which it may be linked. Furthermore, the production process demonstrates a substantial investment of time, comparable to other types of film productions. It should be noted that audiovisual reports of a journalistic or informative nature, or the mere audiovisual reproduction of newsworthy events, shall not be considered to be documentaries.

This definition provides a clear delineation between documentary projects and other forms of media, including fiction, journalistic, and informative content. The narrative structure and the aesthetic approach are taken into account, with particular attention paid to the "creative" nature of the director's authorial imprint. The concept of the story's timelessness, the recording of the everyday and the use of a real context are also considered. However, a certain level of fictionalisation is permitted through the recreation of real events.

In the ICAA's "Selective aid for the production of feature films on a project" ("Ayudas selectivas para la producción de largometraje sobre proyecto") (2024), both documentary and experimental audiovisual works are defined. The document initially addresses the topic of documentaries, defining them as "non-fiction productions of a creative nature that attempt to express reality from a particular and/or personal perspective. It should be noted that audiovisual reports of a journalistic or informative nature shall not be considered documentaries". Once again, the point of view and creativity are taken for granted, in addition to the interesting appearance of the term "non-fiction", which appears for the first time in a state film regulation/subsidy document. In contrast, those of an experimental nature "are defined as productions that utilise innovative expressive resources, both visual and auditory, in accordance with the technological properties of the medium, with the aim of exploring its formal limits and transcending the conventions of the language and audiovisual narrative of each historical moment". This definition is arguably the most precise account of the experimental audiovisual mode. It emphasises the role of technology and the medium as a source of innovation, viewing these elements as a means of expression and creativity in themselves. Furthermore, it highlights the potential for formal and narrative transgression.

The Andalusian Cinema Law (2018) defines "documentary" as "part of the audiovisual production of the cultural creation environment (fiction, documentary and animation)" and includes it in article 3c), where it defines "cinematographic work" as "any audiovisual work, including documentaries and animated works, conceived and produced in a non-serial form, of a self-conclusive nature, intended primarily for commercial exploitation in cinemas". The regulatory bases of the "subsidies for the production of feature films, documentaries and other audiovisual works in Andalusia" establish line of action 3 as the "production of documentary projects". These are defined as follows: The audiovisual work, which draws its subject matter from reality, represents an original piece of research or analysis on a specific subject, (...). It is intended for commercial release in cinemas or on linear or non-linear television services.

Once again, it is possible to glimpse some of the characteristics that an audiovisual project must have in order to be considered a documentary: to have reality as a reference point, a subject of analysis or research, and initially intended to be released in a cinema.

For its part, the Catalan Film Law (2010) does not provide an exclusive definition of what a documentary project is, but it does make explicit the objective of subsidising "the production of documentary feature-length films that highlight the artistic and technical values of the country and the diversity of Catalan cinematography". At the same time, as in the national regulation, it emphasises the creative, aesthetic and narrative elements, and states that: "Sequences recreated through the use of actors, animation or other expressive resources are permitted, as long as they are intended to illustrate real events". Therefore, the Catalan regulations once again emphasise an element of the concept of "creative or creation documentary", the possibility of including fictionalised recreations to illustrate real events.

The Regional Ministry of Culture, Language Policy and Tourism of the Principality of Asturias has announced the availability of subsidies "for professionals and companies implementing cultural projects and undertaking training and mobility actions (Line 4-Aid to the audiovisual and film sector)". The term "artistic and cultural activities" is defined as "shows, exhibitions and activities in the following sectors: music, opera, literature, theatre, dance, plastic arts, film and audiovisuals, and video games". This encompasses "actions for production projects," which are defined as "audiovisual works of fiction, non-fiction, or animation, fixed in any medium or format, intended for exhibition on cinema, television, or internet platforms." It is noteworthy that the term "documentary" is absent from the definition, which instead employs the term "non-fiction" without offering a clear definition. This term is used merely to distinguish non-fiction films from those of the fiction and animation genres. This is similar to the approach taken with the terms "documentary" and "experimental cinema" in the national standard.

The Department of Culture, Heritage and Linguistic Policy of the Consell de Mallorca (Balearic Islands) provides financial support for Balearic cinema through allocations for "the production of short films, documentaries and fiction feature films". In this instance, the largest amount has been allocated to documentaries, which is an unusual occurrence in other national and regional calls for proposals. In defining the term "documentary," the department initially distinguishes it from other potential cinematic forms, stating that "documentary series may be considered, provided that they align with the intrinsic documentary genre and do not fall within the categories of television reports, current affairs, and/or advertising." It is evident that these regulations attach significance to the "author's point of view" and its foundation in reality with respect to the subjects addressed. It defines the documentary genre in opposition to television reports, as well as elements of promotion and advertising. Furthermore, a distinction is drawn between this and experimental productions, which are equated with video creation. This is one of the few defining references to experimental productions that can be found in the documents analysed. Conversely, the Fundació Mallorca Turisme, in its call for subsidies to the sector, offers a definition of "fictionalised documentary" as a "piece (...) in which narrative fiction dominates over documentary intentionality". While the incorporation of fictional elements into documentary narratives has been acknowledged, this instance sees a greater inclination towards the incorporation of fiction than that of non-fiction.

In the case of the regulatory bases for grants from the Regional Ministry of Universities, Science, Innovation and Culture of the Canary Islands Government, it is stated that "documentaries are understood to be those projects that express the vision of an author on a specific reality, being a work of research or analysis on a specific subject, which are preferably intended for cinema". This definition is similar to those already discussed, emphasising the creative aspect of the documentary and the importance of the "author's vision" in terms of its commercialisation in cinemas.

Article 33 of the Basque Government's Regional Ministry of Culture and Linguistic Policy's order on "subsidies for audiovisual production" defines a "creation documentary" as a feature-length film "whose subject has been taken from reality and which is an original work of research or analysis on a specific subject (...) and which is intended for cinema and/or television". In this context, the addition of the adjective "creation" introduces a significant nuance to the concept, emphasising the distinctive role of authorship within this genre. Concurrently, as in the preceding definitions, there is once again an emphasis on originality, research and analysis of real-life events, and their intended destination, which is primarily cinematic. In addition, the regulatory framework for aid in the Navarre region also makes reference to "creation documentaries", although no definition is provided.

Similarly, the Community of Madrid is committed to the term "creative documentary" in the regulatory bases for its aid to the film sector. The aforementioned support is extended to audiovisual projects, "including feature films and series, irrespective of whether they are fiction, documentary, or

animation". The regulatory framework does not provide an explicit definition of what constitutes a "documentary" or "creative documentary." However, it does delineate the characteristics of a work that is not a "documentary" or "creative documentary":

Short films, live recordings, game shows, talk shows, reality shows, educational programmes, learning and how-to programmes, tourism documentaries, making-offs, features, news programmes, projects that include pornographic, racist or violence-promoting material, promotional works, institutional productions to promote organisations or their activities, video clips, video games, student stage films or graduation plays.

A number of Spanish autonomous communities, including Aragón, Cantabria, Castilla-La Mancha, Castilla y León, Extremadura, Galicia, Murcia, La Rioja and Valencia, have established calls for film and audiovisual subsidies within their cultural competences. These calls offer a range of support and encouragement for the production of feature films and short documentaries, as set out in the regulatory bases of the respective communities. Nevertheless, the official documents of these Autonomous Communities do not define the term, and in any case only refer to the definitions set out in the national Film Act (2007), whose regulatory framework supports the calls for film subsidies in these Autonomous Communities.

4. Discussion

In relation to the initial hypothesis, the documentary content analysis methodology has revealed a lack of standardisation in the terminology employed by public regulatory and financial support regulations for non-fiction films. However, a couple of issues must be qualified in relation to this, resulting from the process of inductive inference in the analysis. These issues are fundamentally due to two questions. The first issue is that the majority of the regulations analysed do not address the specific categorisations of "documentary", "non-fiction" or "experimental" films. This is because they consider that there are already Spanish (Film Law 55/2007) or European (Regulation No. 651, 2014) guidelines that address these categorisations, and therefore, they prefer not to regulate them specifically. Nevertheless, there are instances, such as in the Balearic Islands, the Canary Islands, Catalonia, and the Basque Country, where the documentary is designated by a particular appellation and its definition is circumscribed. Furthermore, the draft law on cinema and audiovisual culture, published on 21 June 2024, is expected to be approved shortly. This draft law defines 'audiovisual work' and includes both documentary and experimental cinema within this definition. It may therefore be assumed that these forms of cinema will also be included in the legislation when it is approved in most of the autonomous regions. The second reason is that many regulatory institutions prefer to establish what is not considered documentary. This is generally done by distancing it from reportage and, ultimately, from television documentary. This is rather than venturing to establish a definition that specifies narrative and aesthetic parameters. In conclusion, the term "non-fiction" is defined as follows: 1) Primarily through the use of the term "documentary"; 2) Primarily in contrast to other potential cinematic forms; 3) Primarily within the context of national and European regulatory frameworks.

In any case, with regard to non-fiction cinema, it is established that there is no institutional standardisation, beyond certain nuances that have been identified. These include the authorial vision or originality, which is based on reality and with the intention of being marketed in cinemas. In light of the current landscape of increasingly creative and hybrid non-fiction, ambiguities may emerge with regard to the eligibility of such works for funding. Fundamentally, and beyond questions such as the extent to which a work must be derived from or based on reality to be considered a documentary; the question concerns the new landscape of contemporary media culture. Despite receiving public funding, most documentary films are unable to gain theatrical distribution (ProDocs, 2021). Consequently, many filmmakers have turned to alternative avenues for exhibition, including digital platforms, film festivals, and museum spaces. Therefore, the stipulation that they be intended for cinematic exhibition is increasingly anachronistic in the context of the digital age, particularly if this criterion is used solely to distinguish them from television documentaries or documentaries intended for cultural dissemination.

Conversely, it is evident that the revised regulations fail to adequately reflect the current state of hybridisation between fiction and non-fiction in the conceptualisation and categorisation of existing

practices within the Spanish institutional context. The mere fact that the term "non-fiction" is only referenced in two normative documents indicates that the academic and creative discourse surrounding this cinematic mode has not yet fully permeated these domains. It is acknowledged that the term 'documentary' is the most established concept in the audiovisual imaginary and vocabulary. However, the number of new discursive forms that are currently being adopted invites a reconsideration of the terminology, or in any case a clarification of what is meant by the term. There are no references to the terms "essay film", "expanded or interactive documentary" or, in a very slight manner, to "experimental". This illustrates the intention to distinguish it from its more reportage or television-oriented forms in the majority of grants, or to emphasise its more creative aspect – "creation documentary"/"creative documentary" – to a greater extent. In conclusion, the idea of economic and political interest in separating the three main modes of representation – fiction, documentary and animation – does not appear to be reflected in the documents analysed, nor in the institutional regulations and norms of the Spanish film industry.

However, as previously stated, the absence of standardisation in the context of more creative, hybrid and experimental cinemas may not be perceived as a pejorative element in and of itself. It is argued by many authors that it is precisely this lack of consensus that has allowed non-fiction cinema to function as a breeding ground for the contemporary hybridisation of fictional, non-fictional and experimental discourses. It is therefore necessary to question whether non-fiction film truly participates, or at least to a significant extent, within the logic of the film industry, and to what extent these aids currently achieve this. As evidenced by the ProDocs (2021) report, contemporary documentary production is facing a number of significant challenges. These issues provide a valuable foundation for new lines of research that explore the interconnections between documentary, production, and industry. It is of interest to note the emergence of a film movement in Galicia, known as Novo Cinema Galego, which commenced in 2005. This was due to the fact that "these creators have chosen to produce away from the industrial system, protected by institutional aid and, on numerous occasions, have opted for self-production as a formula for carrying out personal and enormously risky projects" (Martínez Martínez and Gallego Reguera, 2012, p. 166).

5. Conclusions

This research, based on a bibliographical review and later on a documentary content analysis, has permitted the undertaking of a study of the presence and conceptualisation of non-fiction cinema in Spain from a legislative and industrial perspective, as well as within the context of the growing hybridisation between fiction and non-fiction in contemporary media culture. In relation to the aforementioned principal objective, it can be concluded that there is no uniform characterisation of the manner in which non-fiction cinema is presented in the majority of regulations pertaining to the regulation and institutional support of non-fiction cinema – or of audiovisuals in general.

Furthermore, it can be concluded that the definitions and appearances of non-fiction cinema in these regulatory frameworks and film production aids do not represent this field of hybridisation between fiction and non-fiction to a significant extent. However, there are indications of a potential shift in direction, which can be attributed to two main factors: It seems likely that the autonomous application of the still national Draft Law on Cinema and Audiovisual Culture will become a reality in the near future. This law includes documentary and experimental cinema in the definition of "audiovisual work". In addition, some documents have begun to use more creative and diverse concepts and definitions, such as creation, creative or fictionalised documentaries.

As future lines of research, and within the context of film as a cultural industry, we propose a comparative analysis of more creative and experimental non-fiction films with national and regional aid programmes. This analysis will serve to verify the production resulting directly from these more specific institutional support programmes, which have been the subject of this research.

6. Acknowledgements

This work has been developed within the framework of the R&D&I Project 'Transmedialización e hibridación de ficción y no ficción en la cultura mediática contemporánea' (FICTRANS) (PID2021-124434NB-I00), of the State Programme to Promote Scientific-Technical Research and its Transfer, of the State Plan for Scientific, Technical and Innovation Research 2021-2023, Ministry of Science and

Innovation. (Programa Estatal para Impulsar la Investigación Científico-Técnica y su Transferencia, del Plan Estatal de Investigación Científica, Técnica y de Innovación 2021-2023, Ministerio de Ciencia e Innovación). PI1: Domingo Sánchez-Mesa Martínez. PI2: Juan Ángel Jódar Marín.

In turn, this work has been carried out within the framework of the University Teacher Training Grants (FPU2021) of the Ministry of Science, Innovation and Universities.

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Annex 1. Table of documents

DOCUMENT	NATURE	ORIGIN
Ley 55/2007, de 28 de diciembre, del Cine	Law	State
Real Decreto 1084/2015, de 4 de diciembre, por el que se desarrolla la Ley 55/2007, de 28 de diciembre, del Cine.	Law	State
Anteproyecto de Ley del cine y de la cultura audiovisual	Law	State
Ley 9/2011, de 9 de noviembre, de los medios públicos de comunicación audiovisual de Galicia.	Law	Regional
Ley 6/1999, de 1 de septiembre, del Audiovisual de Galicia.	Law	Regional
Ley 6/2018, de 9 de julio, del Cine de Andalucía.	Law	Regional
Ley 10/2018, de 9 de octubre, audiovisual de Andalucía.	Law	Regional
Ley 10/2018, de 18 de mayo, de creación del Consell del Audiovisual de la Comunitat Valenciana (CACV).	Law	Regional
Ley 1/2006, de 19 de abril, del sector audiovisual de la Comunitat Valenciana	Law	Regional
Ley 15/2014, de 4 de diciembre, del impuesto sobre la provisión de contenidos por parte de prestadores de servicios de comunicaciones electrónicas y de fomento del sector audiovisual y la difusión cultural digital.	Law	Regional
Ley 20/2010, de 7 de julio, del cine de Cataluña	Law	Regional
Ley 11/2007, de 11 de octubre, de la Corporación Catalana de Medios Audiovisuales	Law	Regional
Ley 22/2005, de 29 de diciembre, de la comunicación audiovisual de Cataluña	Law	Regional
Ley 2/2000, de 4 de mayo, del Consejo del Audiovisual de Cataluña	Law	Regional
Orden CUD/582/2020, de 26 de junio, por la que se establecen las bases reguladoras de las ayudas estatales para la producción de largometrajes y de cortometrajes y regula la estructura del Registro Administrativo de Empresas Cinematográficas y Audiovisuales.	Aids	State
Resolución de 31 de mayo de 2024, de la Dirección General del Instituto de la Cinematografía y de las Artes Audiovisuales por la que se convocan para el año 2024 ayudas selectivas para la producción de largometrajes sobre proyecto.	Aids	State
Resolución de 14 de junio de 2024 de la Dirección General del Instituto de la Cinematografía y de las Artes Audiovisuales, O.A., por la que se convocan para el año 2024 ayudas generales para la producción de largometrajes sobre proyecto.	Aids	State
ANDALUCÍA_Orden de Consejería de Cultura y Patrimonio Histórico, de 11 mayo 2022. Establece las bases reguladoras de concesión de subvenciones, en régimen de concurrencia competitiva, a la producción de proyectos de largometrajes, de documentales y de otras obras audiovisuales en Andalucía	Aids	Regional
ANDALUCÍA_Resolución de 5 de mayo de 2023, de la Agencia Andaluza de Instituciones Culturales, por la que se convocan para el año 2023 las subvenciones, en régimen de concurrencia competitiva, a la producción de proyectos de largometrajes, de documentales y de otras obras audiovisuales en Andalucía.	Aids	Regional
ASTURIAS_Resolución de 20 de diciembre de 2023, de la Viceconsejería de Cultura, Política Llingüística y Deporte, por la que se aprueba anticipadamente la convocatoria de subvenciones de 2024, en régimen de concurrencia competitiva, dirigidas a profesionales y empresas para la ejecución de proyectos culturales y acciones de formación y movilidad (Línea 4-Ayudas al sector del audiovisual y del cine).	Aids	Regional
ARAGÓN_ORDEN PIC/399/2024, de 19 de abril, por la que se convocan ayudas a la producción audiovisual en el año 2024, para la realización de medimetrajes o largometrajes por empresas del sector audiovisual.	Aids	Regional

ARAGÓN_ORDEN ECD/243/2023, de 27 de febrero, por la que se convoca a los profesionales vinculados al mundo audiovisual aragonés para la participación en el programa filmar en el año 2023.	Aids	Regional
BALEARES_Convocatoria de subvenciones 2023 para dar apoyo a la realización de proyectos cinematográficos o audiovisuales	Aids	Regional
BALEARES_Ordenanza General de Subvenciones del Consell de Mallorca	Aids	Regional
CANARIAS_Orden de 3 de agosto de 2023, por la que se convocan, para el ejercicio 2023, subvenciones destinadas al desarrollo de largometrajes y series de televisión de ficción, animación o documentales, así como la producción de cortometrajes, se aprueban las bases que han de regir las mismas y se aprueba el gasto correspondiente por importe de quinientos veinte mil (520.000,00) euros.	Aids	Regional
CANARIAS_Bases de la convocatoria de subvenciones destinadas al desarrollo de largometrajes y series de televisión de ficción, animación o documentales y a la producción de cortometrajes para el ejercicio 2023.	Aids	Regional
CANARIAS_Orden de 3 de agosto de 2023, por la que se convocan, para el ejercicio 2023, subvenciones destinadas a la producción de largometrajes y series de televisión de ficción, animación o documentales, se aprueban las bases que han de regir las mismas y se aprueba el gasto correspondiente por importe de un millón doscientos ochenta mil (1.280.000,00) euros.	Aids	Regional
CANARIAS_Bases de la convocatoria de subvenciones destinadas a la producción de largometrajes y series de televisión de ficción, animación o documentales para el ejercicio 2023.	Aids	Regional
CANTABRIA_Extracto de la convocatoria por la Sociedad Regional de Educación, Cultura y Deporte, S.L. de ayudas al desarrollo de largometrajes y series audiovisuales, realizada por Resolución SRECD/17/06/2024, de 1 de julio de 2024.	Aids	Regional
CANTABRIA_Orden UIC/12/2022 de 16 de mayo, por la que se establecen las bases generales reguladoras para la concesión por la Sociedad Regional de Educación, Cultura y Deporte de ayudas al desarrollo de largometrajes y series audiovisuales	Aids	Regional
CANTABRIA_Extracto de la convocatoria por la Sociedad Regional de Educación, Cultura y Deporte, S.L. de ayudas a la producción de largometrajes y series audiovisuales, realizada por Resolución SRECD/18/06/2024, de 1 de julio de 2024.	Aids	Regional
CANTABRIA_Orden UIC/13/2022, de 16 de mayo, de la Consejería de Universidades, Igualdad, Cultura y Deporte del Gobierno de Cantabria, por la que se aprueban y establecen las bases generales reguladoras para la concesión por la Sociedad Regional de Educación, Cultura y Deporte, S. L., de ayudas a la producción de largometrajes y series audiovisuales	Aids	Regional
CASTILLA-LEÓN_Orden CYT/788/2020, de 21 de agosto, por la que se establecen las bases reguladoras para la concesión de subvenciones destinadas a financiar la preproducción, producción y distribución de largometrajes, documentales y de ficción, y pilotos de series de animación y de televisión.	Aids	Regional
CASTILLA-LEÓN_Orden de la Consejería de Cultura, Turismo y Deporte, por la que se convocan subvenciones correspondientes al año 2024 destinadas a financiar la preproducción, producción y distribución de largometrajes, documentales y de ficción, y pilotos de series de animación y de televisión.	Aids	Regional
CASTILLA-LA MANCHA_Orden 85/2021, de 10 de junio, de la Consejería de Educación, Cultura y Deportes, por la que se establecen las bases reguladoras para la concesión de subvenciones destinadas a la producción de largometrajes en Castilla-La Mancha. [2021/7157]	Aids	Regional
CASTILLA-LA MANCHA_Orden 139/2020, de 20 de agosto, de la Consejería de Educación, Cultura y Deportes, por la que se establecen las bases reguladoras para la concesión de subvenciones destinadas al desarrollo de proyectos de largometrajes en Castilla-La Mancha. [2020/5973]	Aids	Regional
CATALUÑA_Text refós de les bases específiques que han de regir la concessió de subvencions per a la producció d'obres audiovisuals documentals	Aids	Regional

CATALUÑA_Bases específiques que han de regir la concessió de subvencions per a la producció de llargmetratges cinematogràfics	Aids	Regional
CATALUÑA_Text refós de les bases específiques que han de regir la concessió de subvencions per al desenvolupament de projectes audiovisuals	Aids	Regional
CATALUÑA_Convocatòria de la Corporació Catalana de Mitjans Audiovisuals, SA per a grans formats d'entreteniment, formats ficció, sèries documentals i altres formats d'entreteniment	Aids	Regional
COMUNITAT-VALENCIANA_Orden 1/2023, de 1 de septiembre, de la Vicepresidencia Primera y Conselleria de Cultura y Deporte, por la cual se aprueban las bases reguladoras para la concesión de las subvenciones para la producción de obras audiovisuales.	Aids	Regional
COMUNITAT-VALENCIANA_Resolución de 19 de septiembre de 2023, del director general del Institut Valencià de Cultura, por la que se convocan subvenciones para la producción de obras audiovisuales en la Comunitat Valenciana para los ejercicios 2023, 2024 y 2025.	Aids	Regional
GALICIA_Resolución de 16 de julio de 2024 por la que se establecen las bases reguladoras, en régimen de concurrencia competitiva, de las subvenciones para el desarrollo de proyectos audiovisuales gallegos y se convocan para el año 2024 (código de procedimiento CT207B).	Aids	Regional
GALICIA_Resolución de 28 de diciembre de 2023 por la que se establecen las bases reguladoras, en régimen de concurrencia competitiva, de las subvenciones para la producción y coproducción de proyectos audiovisuales gallegos, y se convocan para el año 2024 (código de procedimiento CT207A).	Aids	Regional
EUSKADI_Orden de 18 de abril de 2023, del Consejero de Cultura y Política Lingüística, por la que se convoca y regula la concesión de subvenciones, en el ejercicio 2023, a la producción audiovisual.	Aids	Regional
EUSKADI_Orden de 9 de mayo de 2023, del Consejero de Cultura y Política Lingüística, por la que se regula y convoca el régimen de concesión de subvenciones, en el ejercicio 2023, al desarrollo de proyectos audiovisuales.	Aids	Regional
EUSKADI_Orden de 27 de diciembre de 2022, del Consejero de Cultura y Política Lingüística, por la que se regula y convoca el régimen de concesión de subvenciones, durante el ejercicio 2023, a la creación cultural.	Aids	Regional
EXTREMADURA_Orden de 29 de marzo de 2021 por la que se establecen las bases reguladoras de las ayudas a la producción de largometrajes de la Comunidad Autónoma de Extremadura.	Aids	Regional
EXTREMADURA_Resolución de 20 de marzo de 2023, de la Secretaría General, por la que se convocan las ayudas destinadas a la producción de largometrajes de la Comunidad Autónoma de Extremadura durante el año 2023.	Aids	Regional
LA_RIOJA_Orden HAP/10/2021, de 17 de marzo, por la que se establecen las bases reguladoras para la concesión de subvenciones para la producción y emisión de contenidos audiovisuales	Aids	Regional
LA_RIOJA_Resolución 1198, de 17 de junio, Convocatoria de subvenciones para la producción y emisión de contenidos audiovisuales.	Aids	Regional
MADRID_Orden 829/2021, de 7 de agosto, de la Consejería de Cultura, Turismo y Deporte, por la que se establecen las bases reguladoras de ayudas a empresas audiovisuales para la producción de largometrajes en la Comunidad de Madrid	Aids	Regional
MADRID_Orden 396 / 2024 de la Consejería de Cultura, Turismo y Deporte, por la que se establece la convocatoria de ayudas a empresas audiovisuales para la producción de largometrajes en la Comunidad de Madrid en 2024	Aids	Regional

MADRID_ Orden N 440/2020, de 23 de junio, de la Consejería de Cultura y Turismo, por la que se establecen las bases reguladoras de ayudas a empresas audiovisuales para el desarrollo de producciones audiovisuales en la Comunidad de Madrid.	Aids	Regional
MADRID_Orden 2403 / 2023 de la Consejería de Cultura, Turismo y Deporte por la que se establece la convocatoria de ayudas a empresas audiovisuales para el desarrollo de proyectos audiovisuales en la Comunidad de Madrid en 2024.	Aids	Regional
MURCIA_Ayudas a la producción de obras audiovisuales para cine, televisión y otras plataformas digitales (código 2666) (SIA 2452036)	Aids	Regional
MURCIA_Orden de 2 de agosto de 2021 de la Consejería de Economía, Hacienda y Administración Digital por la que se modifica la Orden de 18 de octubre de 2018 del Consejero de Hacienda, por la que se establecen las bases reguladoras para la concesión de ayudas dirigidas a las empresas del sector audiovisual de la Región de Murcia.	Aids	Regional
NAVARRA_ORDEN FORAL 59E/2023, de 4 de mayo, de la consejera de Cultura y Deporte, por la que se aprueba la convocatoria de la subvención "Generazinema Producción 2023". Identificación BDNS: 692882.	Aids	Regional
NAVARRA_Bases reguladoras de la convocatoria de ayudas Generazinema Producción 2022/2024.	Aids	Regional
NAVARRA_ORDEN FORAL 27E/2024, de 8 de abril, de la consejera de Cultura, Deporte y Turismo, por la que se aprueba la convocatoria de la subvención "Generazinema Desarrollo 2024/2025". Identificación BDNS: 753502.	Aids	Regional
NAVARRA_Bases reguladoras de la convocatoria de ayudas Generazinema desarrollo 2022/2024.	Aids	Regional