[ES] The CNMC sanctions NBC Universal Global Networks Spain for exceeding the time limit for commercial communications set by the Spanish General Law on Audiovisual Communication

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Azahara Cañedo & Marta Rodriguez Castro

The National Commission on Markets and Competition (CNMC), the body that acts in Spain as the audiovisual authority and, therefore, oversees compliance with Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication (LGCA), has imposed two fines on NBC Universal Global Networks España S.L.U. (NBCU), amounting to a total of €4 516. The reason for those sanctions was the broadcasting of audiovisual commercial communications that exceeded the time limits set out in Article 137.1 (a) and (b) of the LGCA.

The sanctioning procedure began following a request submitted on 20 November 2023 by the *Agencija za komunikacijska omrežja in Storitve Republike Slovenije* (the audiovisual regulator of Slovenia - AKOS), regarding the broadcasts of DIVA - a channel operated by NBCU - on 13 and 14 October 2023. Since the service provider is established in Spain, Spanish jurisdiction applies in this case the LGCA and the CNMC is the body responsible for conducting the sanctioning procedure.

According to the established facts in the CNMC resolution, on 13 October 2023, DIVA exceeded the permitted time for audiovisual commercial communications by 3 minutes and 28 seconds during the 6 p.m.-midnight time slot while, on 14 October 2023, it exceeded the limit by 3 minutes and 2 seconds in the 6 a.m. - 6 p.m. time slot.

NBC Universal Global Networks Spain stated that the excess broadcast time of audiovisual commercial communications was due to a technical failure in the main broadcasting server “United Media Networks AG”, which affected the DIVA channel’s transmission and caused delays in the advertising blocks. Moreover, this technical issue also led to a desynchronisation between audio and video in many of the commercials; while the video displayed the advertisement, the audio corresponded to a film.

When determining the financial penalty for this serious infringement, the CNMC took into account - as mitigating factors - the fact that the technical failure led to low viewing figures and did not result in any competitive advantage for the provider. It also considered that the overrun of the advertising limit was minimal (only a few minutes) and that corrective measures had been implemented to

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prevent similar future infringements.

Resolución del procedimiento sancionador incoado a NBC Universal Global Networks España, S.L.U., por el incumplimiento de lo dispuesto en el artículo 137.1 de la Ley 13/2022

https://www.cnmc.es/sites/default/files/6162781.pdf

Resolution of the sanctioning procedure initiated against NBC Universal Global Networks España, S.L.U., for non-compliance with the provisions of Article 137.1 of Law 13/2022

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