

[ES] Supreme Court confirms exclusion of FC Barcelona and Real Madrid from audiovisual rights body was unlawful

IRIS 2026-5:1/6

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On 10 April 2026, the Spanish Supreme Court upheld the nullity of LaLiga's decision to exclude FC Barcelona and Real Madrid from the deliberations of the Audiovisual Rights Control Body, the body responsible for supervising key aspects of the collective marketing of professional football broadcasting rights under Royal Decree-Law 5/2015. The dispute arose from meetings held on 1 March, 12 April and 19 May 2022, in which the two clubs were prevented from taking part in deliberations and votes on the basis of an alleged conflict of interest linked to their support for the Super League project.

Under Royal Decree-Law 5/2015, clubs participating in professional competitions assign their relevant audiovisual rights for collective exploitation. This model seeks to combine central marketing, redistribution of revenues and regulatory oversight. Within that structure, the Audiovisual Rights Control Body performs an important supervisory function in relation to issues such as tender procedures, compliance with statutory obligations and the distribution of revenue generated by the sale of rights.

The litigation was brought by FC Barcelona and Real Madrid after the clubs were excluded from discussion of certain agenda items in the Control Body. Lower courts had already found that the exclusion measures were unlawful. In particular, they considered both the substantive justification for the alleged conflict of interest and the procedure used to decide the recusal of the clubs. The Supreme Court did not reopen every aspect of that assessment in detail, but it allowed the lower ruling to stand.

In this context, the Supreme Court endorsed the lower courts' view that the participation of eligible clubs in the Control Body cannot be treated as a discretionary matter left entirely to internal governance preferences. Because the collective sale system is imposed by statute and has direct economic consequences for participating clubs, access to the body entrusted with oversight cannot be restricted without a sufficiently solid legal basis and appropriate procedural guarantees.

The ruling therefore treats participation in the Control Body as a statutory entitlement connected to the compulsory transfer of rights into a centralised marketing system. The exclusion of clubs from deliberation is not simply an internal organisational issue. It may affect the validity of decisions adopted by the body, particularly where those decisions concern commercially sensitive matters such as packaging, tender design, oversight of implementation or the allocation of revenue resulting from the collective exploitation of rights.

The Court also confirmed the relevance of neutrality in the handling of conflicts of interest. A key point in the case was that the assessment of the alleged conflict could not properly be made by the same authority that had promoted the recusal of the clubs. Even if there were arguments in favour of examining a possible conflict, the procedure still had to respect minimum guarantees of impartiality. In that respect, the judgment underlines that procedural safeguards are not secondary formalities, but elements capable of determining the lawfulness of decisions affecting the commercialisation of audiovisual rights.

The judgment may have consequences beyond the immediate dispute between LaLiga and the two clubs. By linking procedural fairness inside the Control Body to the legality of decisions taken under the centralised rights regime, the ruling may influence how future tenders, compliance decisions and internal governance measures are designed and reviewed.

- **Validity of commercial decisions:** if a governance body is improperly constituted, or if relevant stakeholders are excluded without due process, decisions on the tendering, packaging or allocation of rights may become vulnerable to challenge. This is particularly important in a market in which commercial arrangements are complex and often extend across several seasons.

- **Legal certainty:** the ruling highlights the importance of procedural safeguards in a sector based on long-term and high-value audiovisual rights agreements. Broadcasters and other market participants generally require predictability not only in the tender rules themselves, but also in the governance processes behind them.

- **Role of key clubs:** the judgment indicates that clubs with major economic weight in the system cannot be excluded from supervisory structures without sufficient legal justification. This does not create an unlimited veto, but it does confirm that the participation rights of those subject to the statutory regime must be taken seriously.

- **Broader regulatory context:** the emphasis on neutrality, procedural guarantees and the limits of internal discretion is consistent with wider scrutiny of how concentrated commercial and governance powers are exercised in sports media markets. In Spain, questions about the scope of LaLiga's powers under

Royal Decree-Law 5/2015 have also appeared in competition and regulatory discussions concerning the marketing of rights.

The ruling suggests that the governance of collective audiovisual rights systems is not merely an internal matter of private association law, but a legal issue capable of affecting the stability of rights commercialisation. Where participation in a collective system is compulsory and the resulting decisions have substantial commercial effects, courts may be willing to examine whether decision-making structures and recusal mechanisms comply with basic standards of legality and impartiality.

The judgment also points to the need for governance mechanisms that protect participation rights and ensure independent decision-making in conflict situations. For collective audiovisual rights bodies, this may mean greater attention to recusal procedures, clearer internal rules and a sharper distinction between the promotion of a measure and the authority deciding whether that measure should apply.

Tribunal Supremo, STS 547/2026, 10 de Abril de 2026

<https://vlex.es/vid/1117695527>

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