[ES] Agreements Signed in 1993 for the Televising of the Spanish Football League Were Unlawful

IRIS 1998-10:1/13

Alberto Pérez Gómez
Entidad publica empresarial RED.ES

The Audiencia Nacional (AN) confirmed the 1993 decision of the Spanish anti-trust authority (Tribunal de Defensa de la Competencia - TDC) that the agreements for the televising of Spanish Football League matches between the Spanish Professional Football League (Liga Nacional de Fútbol Profesional - LNFP) and some Spanish broadcasters (TVE, Canal Plus and the Federación de Organismos de RadioTelevisión Autonómica -FORTA-, the Association of Regional Broadcasters) were unlawful.

The TDC had taken this decision because the scope of the exclusivity rights was too wide: they had been signed for a very long term (eight years), and they included world-wide broadcasting rights for all competitions organised by the LNFP, commercial exploitation of videos, highlights programmes, etc. The TDC also had found unlawful the LFNP's agreed obligation not to sell any rights to any other broadcasters, and, in addition, to extend the agreement for another term of five years if FORTA, TVE and Canal Plus would match any other broadcaster's bid. The TDC had imposed a fine of 147 million pesetas on the LNFP for abusing its dominant position. The Resolution adopted by the TDC was appealed before the administrative section of the AN. The Spanish broadcasters Antena Tres TV and Telecinco, which had lodged the original complaint before the TDC, asked the AN to enforce, on a provisional basis, the Resolution adopted by the TDC, and to suspend the application of the agreements. Both the Audiencia Nacional and the Tribunal Supremo decided not to grant the provisional order, and so, the plaintiffs had to wait for the judgement of the AN. More than five years later, the AN has finally decided to uphold the view of the TDC. In the meantime, the unlawful agreements were applied until their expiry in 1998. Nevertheless, the judgement of the AN confirms the fine imposed on the LNFP, and allows Antena Tres TV and Telecinco to seek damages in civil proceedings. However, that will not happen in the immediate future, as the FORTA has appealed the judgement of the AN to the Tribunal Supremo.

Sentencia de la Audiencia Nacional, Sala de lo Contencioso-Administrativo, Sección 6ª, LNFP y televisiones autonómicas (TVG, Canal Sur, Televisió de Catalunya, ETB, RTVV y Telemadrid)/ TDC, y Antena Tres TV y Gestevisión Telecinco, de 17 de Julio de 1998.

© European Audiovisual Observatory (Council of Europe) 2026

Judgement of the Audiencia Nacional, Sala de lo Contencioso-Administrativo, Sección 6ª, LNFP and televisiones autonómicas (TVG, Canal Sur, Televisió de Catalunya, ETB, RTVV and Telemadrid) v. TDC, and Antena Tres TV and Gestevisión Telecinco, of 17 July 1998.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026