[ES] Creation of National Commission for Markets and Competition

IRIS 2014-2:1/16

Francisco Javier Cabrera Blázquez
European Audiovisual Observatory

The *Comisión Nacional de los Mercados y la Competencia* (national commission for markets and competition - CNMC) was created by Act No. 3/2013, which was adopted on 4 June 2013. The commission combines functions involving the smooth running of the markets and sectors which until now have been controlled by various authorities with responsibility for the sectors of energy, the telecoms market, competition, the railways, the postal sector, airports, and the audiovisual media. These attributions have earned it the nickname of "super-regulato"r (*superregulador*).

The Council of the CNMC is its decision-making body for the functions of arbitration, provision of advice, promotion of competition, and settlement of differences attributed to the CNMC. It has ten members, appointed by the Government on proposals from the Minister for the Economy and Competition. The Parliament, by means of a resolution adopted by an absolute majority, is able to veto a proposed nomination within a period of one month. The terms of office of members of the Council shall be six years, and they may not be re-elected. Membership of the Council will be renewed partially every two years.

The Directorate of Telecommunications and the Audiovisual Sector is the department within the CNMC responsible for regulating, supervising and checking the smooth running of the markets for electronic communications and audiovisual communication. For the audiovisual communication market, the CNMC has been attributed the following functions:

- ensuring observance of the obligations on the quotas for European works on the part of national television service providers, and the financing for production of works of this type;

- ensuring transparency in audiovisual communication;

- ensuring respect for the rights of children and handicapped people;

- ensuring supervision to ensure that audiovisual content complies with current legislation and the codes of auto-regulation;

© European Audiovisual Observatory (Council of Europe) 2026

- ensuring respect for the codes of auto-regulation in respect of audiovisual content checking their compliance with the legislation in force;

- ensuring respect for the obligations and limitations on commercial audiovisual communications;

- ensuring respect for obligations regarding the acquisition of exclusive rights for audiovisual content, the unencrypted broadcasting of content included on the list of events of general interest, and the sale and purchase of exclusive rights for Spanish football competitions;

- checking compliance with the public-service mission entrusted to public-service media bodies at the national level, and the sufficiency of the public resources allocated to them;

- ensuring the freedom to receive in Spain audiovisual media services whose editors are established in a member State of the European Union;

- adopting measures aimed at guaranteeing the application of Spanish legislation in the case of a supplier of audiovisual services directed at Spain would be established in another European Union member State in order to circumvent the Spanish rules;

- deciding on the non-promotional nature of the public-service or charitable messages;

- exercising the other functions conferred on it by both the Act and the Decree.

The Ministry of Industry, Energy and Tourism nevertheless inherits certain functions which previously belonged to the commission for the telecommunications market (*Comisión del Mercado de las Comunicaciones*), which ceased to exist when the new Act was adopted, including taxes on telecoms activities and notifying suppliers of audiovisual media services. For its part, the Presidential Ministry is responsible for adopting the list of events of general interest.

In the field of electronic communications and audiovisual communication, the CNMC carries out its duties by virtue of the provisions of *Ley 32/2003, de 3 noviembre, General de Telecomunicaciones* (Act No. 3/2013 and General Act No. 32/2003 of 3 November 2003 on telecommunications; see IRIS 2004-1/21 and IRIS 2003-6/25), and *Ley 7/2010, de 31 de marzo, General de la Comunicación* (General Act No. 7/2010 of 31 March 2010 on audiovisual communication; see IRIS 2012-8/20 and IRIS 2010-4/21), and the implementing regulations for these Acts. It should be noted that Act No. 7/2010 on audiovisual communication originally provided for the creation of an independent regulatory authority - the *Consejo Estatal de Medios Audiovisuales* (National Council for the audiovisual media -

© European Audiovisual Observatory (Council of Europe) 2026

CEMA); however, the present Government decided not to create this council but to replace it by the “super-regulator”.

Ley 3/2013, de 4 de junio, de creación de la Comisión Nacional de los Mercados y la Competencia

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-5940

Act No. 3/2013 of 4 June 2013 creating the national commission on markets and competition

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026