[ES] Spanish broadcasting authority finds advertising rules were breached

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In two decisions of 9 April 2015, the Spanish Comisión Nacional de los Mercados y la Competencia (National Commission for Markets and Competition - CNMC) imposed sanctions against Spanish media service providers for breaches of advertising regulations.

The CNMC found that both Atresmedia (SNC/DTSA/1753/14/ATRESMEDIA) and Mediaset (SNC/DTSA/1748/14/MEDIASET) had harmed the integrity of programmes through the way they had interrupted them with advertising. Programmes of various genres had repeatedly been interrupted in the middle of scenes and conversations, sometimes even in the middle of sentences and words.

The broadcasters referred to a particular form of advertising ('pauta única', meaning 'common pattern'), in which the same advertising spot was broadcast simultaneously on several channels within the same broadcasting group. The time at which the spot was shown was based on the programme schedule of the channel with the largest audience. It was not always possible to take into account what was being shown on smaller channels at the same time.

The CNMC rejected this argument. Broadcasters were free to introduce new forms of advertising as long as they were admissible under the law. However, the practical problems they caused should not be passed on to the viewers. Both media service providers were therefore fined EUR 150,000.

In another decision of 16 April 2015 (SNC/DTSA/1634/14/MEDIASET), the CNMC sanctioned Mediaset for exceeding the maximum duration of advertising. The case essentially concerned self-advertising on TV channels Telecinco, Cuatro and FDF, which is limited to five minutes per hour under the Spanish Act on Audiovisual Communication (Ley 7/2010 General de la Comunicación Audiovisual). According to the CNMC, however, the TV broadcasters' definition of "own programmes" had been too broad and the spots had therefore been allocated to the wrong category. Instead, they should have been treated as normal advertising. On these grounds, the CNMC ruled that six infringements had been committed over several days in June 2014 and imposed a fine of EUR 49,263.

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Resolución del procedimiento sancionador, incoado a Atresmedia Corporación de Medios de Comunicación, S. A., por la vulneración de lo dispuesto en el artículo 14.4, primer párrafo, de la ley 7/2010, de 31 de marzo, general de comunicación audiovisual (SNC/DTSA/1753/14/Atresmedia)

http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1504_Abril/150409_Res_SNC-DTSA-1753-14-ATRESMEDIA.pdf

CNMC decision of 9 April 2015, SNC/DTSA/1753/14/Atresmedia

Resolución del procedimiento sancionador incoado a Mediaset España Comunicación, S. A., por la vulneración de lo dispuesto en el artículo 14.4, primer párrafo, de la ley 7/2010, de 31 de marzo, general de comunicación audiovisual (SNC/DTSA/1748/14/MEDIASET)

http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1504_Abril/150409_Res_SNC-DTSA-1748-14-MEDIASET.pdf

CNMC decision of 9 April 2015, SNC/DTSA/1748/14/MEDIAS

Resolución del procedimiento sancionador, incoado a Mediaset España Comunicación, S. A., por vulneración de lo dispuesto en el artículo 14.1 de la ley 7/2010, de 31 de marzo, general de comunicación audiovisual (SNC/DTSA/1634/14/MEDIASET)

http://www.cnmc.es/Portals/0/Ficheros/Telecomunicaciones/Resoluciones/2015/1504_Abril/150416_RES_SNC-DTSA-1634-14-MEDIASET.pdf

CNMC decision of 16 April 2015, SNC/DTSA/1634/14/MEDIASET

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