[ES] Competition issues in relation to advertising in certain Spanish TV Channels

IRIS 2017-6:1/13

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TNT and 13 TV are two channels managed and controlled by Mediaset España. Its major Spanish competitor, Atresmedia, filed a claim before the Spanish Competition Authorities, the Comisión Nacional de los Mercados y la Competencia (National Commission for Markets and Competition - CNMC), requesting a review of the conditions under which Mediaset managed the advertising of these channels, because Atresmedia considered that they altered the competitive conditions of the TV advertising market in Spain.

The CNMC dismissed the review requested by Atresmedia, considering that there were no indications of infringement of the competition rules in the agreements for the management of the advertising of these channels by Mediaset España.

The CNMC also dismissed a request by Atresmedia of the conditions that prevent it from marketing the advertisement of open channels of third parties. The CNMC maintained the conditions derived from the merger process of Antena 3 and La Sexta (see IRIS 2015-8/13) by not admitting, as Atresmedia intended, that a substantial and sustained modification of the conditions of competition in the television advertising market in Spain had taken place as a result of the agreements between Mediaset España and 13TV and TNT.

The CNMC concluded that the contract with 13TV had no restrictive effects on the television advertising market given the low commercial weight of the channel, the short duration of the agreement signed, and the conditions themselves with regard to the establishment of the commercial policy by Mediaset España. With regard to the agreement signed with TNT, the CNMC considered that the potential risk of a restrictive competition agreement was much lower, given that it is a pay-TV channel the commercial strategy of which is not based on obtaining advertising revenue and which has a much lower audience than any open television channel.

Competencia desestima la denuncia de Atresmedia a Mediaset por la comercialización de 13TV y TNT, 20 abril 2017

http://www.cineytele.com/2017/04/20/competencia-desestima-la-denuncia-de-atresmedia-a-mediaset-por-la-comercializacion-de-13tv-y-tnt/

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Competition authority dismisses Atresmedia's complaint against Mediaset over advertising of 13 TV and TNT", 20 April 2017

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