[ES] CNMC requires two broadcasters to ensure that their magazine programmes and gatherings comply with the Audiovisual Law

IRIS 2018-9:1/11

Enric Enrich
Enrich Advocats, Barcelona

On 26 July 2018, the Spanish Comisión Nacional de los Mercados y la Competencia (National Commission of Markets and Competition, CNMC), in two separate decisions, required that two broadcasters, Atresmedia and Mediaset, comply with the principles of Law 7/2010 of March 31 on General Audiovisual Communication (LGCA).

Entertainment programmes are subject to a balance between the right to freedom of expression and information (as long as that information is true and correct) and the right of individuals to protect their image, intimacy and honour. Both rights are awarded the same level of protection in the Spanish Constitution, but, depending on the particulars of each case, one prevails over the other. The LGCA prohibits the broadcast of content that may incite hatred against any personal or social circumstance. In addition, the LGCA recognises the principle that information should comply with the requirements of veracity. The CNMC requested the broadcasters Atresmedia and Mediaset to avoid broadcasting contents in their magazine-type programmes and gatherings that may entail hatred or disrespect for the honour, privacy and image of individuals, and reminded them of the duty of diligence when verifying the veracity of the information. This request came after complaints were filed by an individual following the way information was handled with respect to a person who was initially suspected, and subsequently exonerated in connection with the disappearance and murder of a minor in Almería last February. The images were aired on Antena 3, La Sexta and Telecinco.

The CNMC required the broadcasters to ensure that any information given regarding events that arouse interest in society not include hypotheses or conjectures about possible culprits when these are identified or information is given to identify them. Nor should they spread rumors, speculation or unconfirmed information; not even when it is part of an entertainment rather than a purely informative programme.

Atresmedia SNC / DTSA / 094/18

https://www.cnmc.es/expedientes/sncdtsa09418

© European Audiovisual Observatory (Council of Europe) 2026

Atresmedia SNC / DTSA / 094/18

Mediaset SNC / DTSA / 095/18

https://www.cnmc.es/expedientes/sncdtsa09518

Mediaset SNC / DTSA / 095/18

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026