Spanish regulator CNMC fines RTVE for violating the Audiovisual Law

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RTVE, the Spanish public service media corporation, has been fined by the regulator, the National Markets and Competition Commission (*Comision Nacional de los Mercados y la Competencia – CNMC*), for an infringement of Spanish Audiovisual Law 7/2010 (*Ley General de la Comunicación Audiovisual*). The illegal conduct infringed Article 43.2, which regulates the financing of public service broadcasters and stipulates that state-owned media may not engage in any form of commercial activity except as provided for by their own legal framework. In the case of RTVE, Law 8/2009 (*Ley de financiación de la Corporación de Radio y Televisión Española*) specifies the abolition of advertising, with some exceptions such as self-promotion and sports & cultural sponsorships (Article 7.1).

The sanctioned events took place on 23 and 26 March 2019 during the broadcasting of two soccer matches of the Spanish National team held within the framework of the UEFA European Championship. Specifically, RTVE broadcast up to 40 advertising overlays of various commercial brands during the transmission of the matches. Despite the fact that RTVE stated in its submissions that such advertising constituted an inseparable part of the acquisition of broadcasting rights for sports competitions and that it was covered by the exceptions specified in its financing law, the regulator concluded that the conditions for such an exception had not been met.

RTVE was handed a fine of EUR 100 000 for an “ongoing administrative offence of a minor nature” – the maximum amount for this type of infringement, taking into account the fact that this was a repeat offence (RTVE had already been sanctioned three times regarding this matter), its ongoing nature and its social repercussions.

In the event that RTVE wishes to lodge an appeal against this decision, it must do so with the National High Court (*Audiencia Nacional*) within two months.

Resolución Expte. SNC/DTSA/058/19 CORPORACIÓN RADIO TELEVISIÓN ESPAÑOLA S.A

https://www.cnmc.es/expedientes/sncdtsa05819

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Decision on file SNC/DTSA/058/19 Televisión Española corporation (PLC)

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