[ES] Supreme Court confirms that Catalan public service broadcaster violated principles of neutrality and pluralism during elections

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Francisco Javier Cabrera Blázquez
European Audiovisual Observatory

On 6 March 2020, the Third Chamber of the Spanish Supreme Court (*Tribunal Supremo*) dismissed the appeal of the *Corporació Catalana de Mitjans Audiovisuals,* CCMA (a regional public service broadcaster), against resolutions of the Central Electoral Board (*Junta Electoral Central* - JEC) issued in December 2017. In these decisions, which were taken in the context of the elections to the Parliament of Catalonia called for on 21 December of that year, the JEC had ruled that TV3 and Catalunya Radio, both part of the CCMA, had violated the principles of news neutrality and political pluralism on four occasions (see also IRIS 2018-1:1/16, IRIS 2019-5:1/11 and IRIS 2019-6:1/10).

In its decision, the Supreme Court confirmed that the content was indeed partisan and that the programmes in question were not compatible with the principles of information neutrality or with the requirement of respect for pluralism in the programming of publicly-owned media during an election period, as required by Article 66.1 of the Organic Law on the General Electoral System (LOREG).

According to the decision, "the concept of informative neutrality is [...] the expression in electoral periods of the reinforced demand for the public media to be objective, as required of all public administrations by Article 103.1 of the Constitution and of the one that imposes its Article 20.3 to respect at all times political and social pluralism. The bias in information that translates into an advantage for those who see their candidates accepted and a disadvantage for the others is radically incompatible with these principles." The Supreme Court emphasised that, among other things, the regional broadcaster had become “the spokesperson for party initiatives” and had done so “in a way that is disproportionate to the treatment given to the other participants in the elections.” Moreover, it affirmed that there was no doubt that there had been reiteration in the performance of the regional broadcaster.

The Supreme Court explained that the elections of 21 December 2017 were called and held under exceptional circumstances, which had led to the application of Article 155 of the Constitution, an exceptional legal mechanism whereby the state may coerce Autonomous Communities that fail to comply with the obligations imposed by the Spanish Constitution of 1978 or other laws, or that seriously undermine the general interest of Spain, to comply with such obligations or to

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protect the aforementioned general interest. In the Supreme Court's view, the gravity of the situation should have led the Catalan public service broadcaster to be extremely zealous in making an effort to maintain its informational neutrality in the elections of 21 December 2017, and to respect the principle of political pluralism.

El Tribunal Supremo confirma que hubo infracciones a los principios de neutralidad informativa de TV3 y Catalunya Radio en proceso electoral 21-D de 2017

http://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-confirma-que-hubo-infracciones-a-los-principios-de-neutralidad-informativa-de-TV3-y-Catalunya-Radio-en-proceso-electoral-21-D-de-2017

The Supreme Court confirms that there were violations of the principles of news neutrality of TV3 and Catalunya Radio in the electoral process 21-D 2017

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