

Regulatory Alert**September 2014****SPANISH AUDIOVISUAL WATCHDOG PUNISHES TV OPERATORS FOR BREACHING RULES ON ADVERTISING AND HARMFUL CONTENTS**

The Spanish National Markets and Competition Commission (**NMCC**) has recently fined TV operators Mediaset, Atresmedia and Net TV three TV operators for breaching the rules on advertising and inappropriate contents enshrined in Law 7/2010 on Audiovisual Communication (**Audiovisual Act**).

The NMCC, created in 2013 as the result of the integration into one agency of the competition Authority and several sectorial regulators, is endowed with surveillance powers regarding audiovisual communications. The recently published sanctioning decisions prove that super-regulator is set to enforce such powers.

By way of background, Mediaset and Atresmedia are the two main open TV private operators active Spain following the relatively recent television mergers in Spain. Mediaset operates, amongst other channels, Telecinco and Cuatro, whereas the most important channels operated by rival Atresmedia are Antena3 and La Sexta. Telecinco and Antena3 are amongst the most viewed open TV channels in Spain. Net TV is a much smaller player, which best known channel is Intereconomía.

With regard to the advertising related sanctions, the Audiovisual Act limits the time that TV operators can devote to advertising to 12 minutes per hour (in line with the provision set out in Directive 2007/65/EC, which the Audiovisual Act implements in Spain). Surpassing the mentioned limit amounts to a minor infringement according to the Audiovisual Act. The NMCC has found that the three sanctioned TV operators had exceeded the 12 minutes in different instances (Net TV in four occasions, and Atresmedia and Mediaset two times each). Fines related to those infringements totaled around Euro 90,000.

On the broadcasting of inappropriate contents, the Audiovisual Act sets out that any content that may harm the development of minors (violent or sexual contents, for instance) can only be aired between 22:00 and 6:00. In addition, the Act provides for the existence of the so-called times of special protection (between 8:00 and 9:00, and between 17:00 and 20:00), during which only contents rated for all audiences can be aired.

The NMCC has found that both Mediaset and Atresmedia broadcasted contents that may harm minors during special protection time zones. In particular, both Atresmedia and Mediaset aired news coverages on prostitution during Antena3 and Telecinco morning shows. Both companies have been fined Euro 150,000 (of up to Euro 500,000 possible fine). As a curiosity, both rivals complained against each other before the NMCC

*Editorial Board:*Pedro Callol García (pedro.callol@callollaw.com)Jorge Manzarbeitia Pérez (jorge.manzarbeitia@callollaw.com)Manuel Cañadas Bouwen (manuel.canadas@callollaw.com)Santiago Roca Arribas (santiago.roca@callollaw.com)

Regulatory Alert

September 2014

Beatriz Concepción Font (beatriz.concepcion@callollaw.com)

María Sainz Suelves (maria.sainz@callollaw.com)

Callol Law is a Spanish independent law boutique primarily focused on EU & competition law and business regulation.

More information at: www.callollaw.com

**The information contained in this alert must not be applied to particular cases without prior legal advice.*