

MEDIA CAPTURE MONITORING REPORT: **SPAIN**

MEASURING EMFA
COMPLIANCE

December 2025



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The International Press Institute (IPI) and the Media and Journalism Research Center (MJRC) have partnered up to produce the Media Capture Monitoring Report on Spain, a new annual report to measure media capture in the country and the degree to which the Member State meets the new EU regulation to combat the problem.

In August 2025, the European Media Freedom Act (EMFA) came into full force and Member States are required to enact reforms to align with the new regulation.

The Spanish report focuses on EMFA elements directly addressing media capture, namely, the independence of public service media and of media regulators, the misuse of state funds to influence media, and ensuring ownership transparency and media pluralism.

The report examines the standards prescribed by law and how they are currently implemented in practice. It also sets out the areas of reform needed to bring the country into line with EMFA while also making recommendations for where reform can go further.

The report is intended an important tool for journalist and media rights groups and national policy makers to guide reform and monitor the degree to which Spain is meeting its obligations.

The Media Capture project is a part of the Media Freedom Rapid Response (MFRR), a Europe-wide mechanism which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. The project is co-funded by the European Commission.

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**MEDIA FREEDOM
RAPID RESPONSE**



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Independence of media regulators

Spain's transposition of the European Media Freedom Act (EMFA) places the National Commission for Markets and Competition (CNMC) at the centre of media oversight, with independence framed as a legal baseline rather than an empirical given. Law 3/2013 establishes the CNMC as an independent administrative authority with organisational and functional autonomy, a status subsequently reinforced in the audiovisual field by Law 13/2022 and, prospectively, by new functions linked to digital and media governance. This architecture broadly aligns with EMFA's emphasis on independent and impartial regulation, transparent decision-making, and public accountability. At the same time, the CNMC's administrative "attachment" to the Ministry of Economy and its reliance on the general State budget indicate that legal insulation coexists with operational dependencies, factors that EMFA-style compliance assessments typically treat as relevant when evaluating independence in practice.

Appointment, tenure, and dismissal rules are formalised and relatively robust. Council members, including the chair, are appointed by Royal Decree following a parliamentary hearing, subject to a potential veto by an absolute majority of Congress. Terms are six years and non-renewable, and the grounds for removal are exhaustively listed in law. These provisions are consistent with EU expectations that appointments be transparent, merit-based, and protected against arbitrary dismissal. Nonetheless, the inherently political nature of government appointments, and the experience surrounding the 2013 reorganisation, when the consolidation of regulators triggered litigation on security of tenure, suggest that the Spanish model, while formally compliant, is not entirely insulated from partisan dynamics. In methodological terms, this reflects a compliance profile that is strong in law yet requires ongoing observation of implementation effects.

Accountability and transparency mechanisms are comparatively mature. The statute defines the CNMC's powers across sectors, including audiovisual media, and embeds routine publication duties (resolutions, reports, and plans) as well as parliamentary reporting. Decisions concluding the administrative route are subject to judicial review by independent courts, with possible appeal before the Supreme Court. This layered oversight is compatible with EMFA's procedural guarantees and helps preserve proportionality and legal certainty. That said, appeals can be lengthy and sometimes result in annulments or modifications of sanctions. These outcomes do not necessarily denote regulatory weakness but underscore the importance of rigorous reasoning and evidence standards in enforcement, particularly in complex media and competition cases.

Resource adequacy remains the most salient warning from an EMFA perspective. The CNMC's budget is public and itemised within the State budget, which ensures transparency; however, it is restrictive, limiting rapid reallocation and staff scaling. The regulator itself has noted shortfalls relative to its expanded mandates under the Digital Services Act and EMFA, including recent requests for additional funding and personnel. On balance, Spain exhibits a high degree of formal conformity with EMFA-relevant principles, including legal independence, tenure security, accountability, and judicial control, while effective independence appears partially conditioned by structural factors,

notably budgetary dependence and politically mediated appointments. Further convergence with EMFA's spirit would benefit from enhanced budgetary flexibility and sustained safeguards to reinforce functional independence over time.

Legislation in line with EMFA provisions: Yes

Effective independence: Partially

Independence of public service media

Law 17/2006 on State-Owned Radio and Television established the legal foundation for RTVE's editorial and functional independence, requiring the broadcaster to provide objective, truthful, and pluralistic information, free from government interference. Over time, however, successive reforms have substantially reshaped RTVE's governance model, particularly the procedures for appointing members of its Board of Directors, leading to recurrent crises within its governing bodies.

Since 2006, the appointment system has undergone several transformations, oscillating between models that required broad parliamentary consensus and others that allowed appointments by simple majority. The latest reform, enacted through Royal Decree-Law 5/2024, expanded the Board to 15 members and reintroduced the possibility of appointment by absolute majority in a second parliamentary vote. Although the law stipulates that members must possess relevant professional experience and that gender balance must be respected, there is no independent mechanism overseeing the selection process, and many current board members maintain close ties to the political parties that nominated them. This persistent politicisation of appointments continues to weaken the effective independence of RTVE's governance structures.

In financial terms, Law 8/2009 eliminated commercial advertising from RTVE's radio and television services and introduced a public funding model based on state budget allocations and sectoral levies. However, the absence of updated Framework Mandates and Programme Contracts has undermined strategic planning and transparency in resource allocation, leaving RTVE financially dependent on annual budgetary negotiations. As a result, while Spain's legal framework formally upholds the principles of editorial and financial independence, RTVE's governance in practice remains strongly conditioned by political dynamics.

Legislation in line with EMFA provisions: Partially

Effective independence: No

Misuse of state funds to influence media output

The Law on Institutional Advertising and Communication (LPCI) of 2005 regulates the use of public funds for media advertising, yet it does not establish effective mechanisms to ensure a plural, transparent, and non-discriminatory distribution of public resources among media outlets. Royal Decree 947/2006 assigns the Commission for Institutional Advertising and Communication, attached to the State Secretariat for Communication, the task of planning and coordinating campaigns carried out by the General State

Administration (AGE). However, neither this regulation nor the Annual Advertising and Communication Plans published since 2006 provide information on distribution criteria, allocated amounts, or detailed media plans, which hinders both parliamentary and public oversight of public spending.

National legislation refers to principles of transparency, objectivity, competition, and efficiency, but without defining clear procedures or measurable indicators. The procurement of advertising space is centralised through Framework Agreements (2014, 2017, 2020, and 2023), which regulate the technical aspects of planning, contracting, and monitoring, while leaving broad discretionary power to ministries in selecting outlets and determining the final distribution of funds. Although the latest Framework Agreement (AM 50/2023) sets parameters such as audience, profitability, and affinity, there is no obligation to publish the actual implementation of media plans or the criteria applied in each campaign.

Annual institutional advertising reports likewise fail to include data on the beneficiary media outlets or the economic distribution of campaigns, while public procurement and subsidy portals provide only fragmentary and difficult-to-access information. This structural opacity prevents a proper assessment of the impact of institutional advertising on the media ecosystem, particularly regarding the concentration of public investment in specific groups or outlets, which may distort pluralism and competition in the information market.

The CNMC exercises limited and largely reactive oversight, focused mainly on defending market competition and authorising campaigns exempt from advertising quotas, without issuing systematic reports on fund allocation or potential market distortions. There are no independent bodies that regularly audit institutional advertising, and civil-society initiatives aimed at fulfilling this role remain isolated and non-binding. The 2025 Draft Law on Democratic Governance seeks to address some of these shortcomings by expanding the CNMC's powers and linking access to institutional advertising to registration in a national and regional media registry, with the aim of strengthening transparency, accountability, and integrity in public spending.

Legislation in line with EMFA provisions: Partially

Fair and transparent allocation of state funds to media: Partially

Media pluralism and political/state influence over news media

Since 2022, Law 13/2022 (LGCA) has strengthened transparency in the audiovisual sector through active disclosure duties for television and radio providers, both linear and on-demand, as well as for video-sharing platforms. These obligations are supported by a State Register coordinated with regional registers and feeding into the Commission's centralised database. However, the scope remains sectoral: the press and non-audiovisual digital media are excluded, and there is no horizontal obligation for news media to publish beneficial ownership information on their websites. Spain's Central Register of Beneficial Ownership grants access only on a legitimate-interest basis and therefore does not substitute for a comprehensive, public national database of media ownership and

funding, as envisaged in EMFA Article 6.

Regarding public funding, Law 29/2005 mandates an annual report on central government advertising campaigns covering amounts, awardees, and, where applicable, media plans. However, this contractual, campaign-based approach does not include per-outlet breakdowns and does not require disclosure of revenues received from third-country public authorities. As a result, Spain's framework enhances traceability within the audiovisual field but still falls short of EMFA's horizontal reach and granularity.

On concentrations, the LDC and Royal Decree 261/2008 establish prior notification requirements, standardised forms, publicity and confidentiality safeguards, clear deadlines, and investigative powers for the CNMC, while the LGCA adds pro-pluralism structural limits for free-to-air television and radio. Nevertheless, Spain lacks a cross-cutting pluralism test requiring an autonomous, case-by-case assessment of the effects on pluralism and editorial independence across all media markets, including the online environment, as required by EMFA Article 22.

Legislation in line with EMFA provisions: Partially
Effective media pluralism: Partially

Analysis

Independence of media regulators

This section discusses how Article 30 of the AVMSD (Directive 2010/13/EU) is implemented.

Summary

Spain has formally transposed Article 30 of the Audiovisual Media Services Directive (2010/13/EU) into national law. The independent regulatory authority chosen for Spain is the National Commission for Markets and Competition (Comisión Nacional de los Mercados y la Competencia, CNMC), which was created under Law 3/2013 and assigned new functions under Law 13/2022 and the 2025 draft law on democratic governance in digital services and media.

The Spanish case represents an anomaly within the European Union, as Spain lacks a dedicated national audiovisual authority. At the regional level, however, two such bodies operate: the Consell de l'Audiovisual de Catalunya (CAC) in Catalonia and the Consejo Audiovisual de Andalucía in Andalusia. The region of Navarra also maintained its own audiovisual council until 2011, when it was dissolved as part of public spending cuts.

Legal and operational independence

The National Commission for Markets and Competition (CNMC) is legally independent from the government, but its functional independence is subject to certain limitations. On paper, the CNMC is defined as an “independent administrative authority”. Article 3 of Law 3/2013 explicitly requires it to act with complete independence from the government, public administrations, and private interests. Its Council operates as a collegiate body, taking decisions collectively, a structure that, a priori, should reduce the risk of unilateral external influence.

Law 3/2013, which established the CNMC, defines it as a public entity with its own legal personality and “full organisational and functional autonomy, and full independence from the government, public administrations, and market agents.” This means that the regulator is institutionally separate from any ministry and operates without direct political interference. However, for administrative purposes, the CNMC is nominally “attached” to the Ministry of Economy.¹ The fact that the body is legally independent does not necessarily guarantee full independence in practice.

In fact, the CNMC itself has publicly acknowledged several times that its operational autonomy is constrained. In 2021, its president, Cani Fernández, told the Congress of Deputies that the regulator operated with a “restrictive budget” controlled by the General State Budget, rather than a flexible, self-managed budget such as that of the Bank of Spain or the National Securities Market Commission (CNMV).² According to her, this structure prevents the CNMC from reallocating funds or expanding its staff when new regulatory requirements arise, thus limiting its effectiveness.

More recently, in September 2025, the CNMC again requested additional resources to fulfil its new responsibilities as coordinator of digital services and supervisor of the media under the Digital Services Act (DSA) and the European Media Freedom Act (EMFA). Although it welcomed these new competences, the authority acknowledged “shortcomings in the allocation of organisational and human resources” and requested additional funding to create two new sub-directorates and hire around 50 additional employees.³

Composition of the regulator’s board

The conditions and procedures for the appointment and dismissal of the CNMC Council members are clearly defined in law and, on paper, comply with the independence standards of the Audiovisual Media Services Directive (AVMSD), although some aspects may still allow for political influence. Law 3/2013⁴ establishes detailed rules on appointments: the members of the CNMC Council, including the chairperson, are

¹ Law 3/2013, art. 2(4).

² Miguel Ángel Noceda, “La presidenta de la CNMC exige cambios en la ley para dar mayor independencia al organismo” (The CNMC president calls for legal changes to grant greater independence to the body), El País, 3 February 2021, <https://elpais.com/economia/2021-02-03/la-presidenta-de-la-cnmc-exige-cambios-en-la-ley-para-dar-mayor-independencia-al-organismo.html>.

³ Ramón Muñoz, “La CNMC pide más fondos para el control de servicios digitales y medios de comunicación” (The CNMC requests more funds to oversee digital services and media), El País, Madrid, 12 September 2025, <https://elpais.com/economia/2025-09-12/la-cnmc-pide-mas-fondos-para-el-control-de-servicios-digitales-y-medios-de-comunicacion.html>.

⁴ Law 3/2013, Art. 15.

appointed by the Government through Royal Decree, on the proposal of the Minister of Economy, from among persons of recognised competence, following a parliamentary hearing. Notably, the Congress of Deputies may veto a proposed candidate by absolute majority within one month. This transparent, merit-based procedure, combined with parliamentary oversight, largely satisfies the AVMSD's independence requirements. Article 15(2) further sets the term of office at six years, non-renewable, with a rotation mechanism whereby one third of the members are replaced every two years, a protection against political capture through the electoral cycle.

There is no representative of the opposition or NGOs in the regulatory authority. The CNMC Council is structured as a technocratic body rather than a representative one. The law does not reserve seats for opposition parties or any other entities, including civil society organisations.

Furthermore, CNMC Council members are full-time regulators subject to strict incompatibility rules and may not hold political, professional, or industrial positions concurrently. While informal political negotiations may influence appointments to some degree, in practice the Council consists of independent experts, often drawn from academia or from previous senior roles in public administration, rather than representatives of political parties or non-governmental organisations.

Dismissals are strictly limited to specific legal grounds such as incapacity, incompatibility, or serious misconduct.⁵ Arbitrary or politically motivated dismissals are not permitted, thus protecting the regulator from undue external influence. Article 23 provides an exhaustive list of dismissal grounds: Council members may leave office only if (a) they resign and the Government accepts the resignation; (b) their term expires; (c) an incompatibility arises; (d) they are convicted of a serious offence; (e) they suffer permanent incapacity; or (f) they are dismissed for a serious breach of their duties or ethical obligations, which must be approved by the Government following a disciplinary investigation initiated by the Minister. In all cases, dismissals must be justified by law and formalised by Royal Decree, published in the official gazette, ensuring transparency.

Nevertheless, the appointment system has faced criticism in practice. When the CNMC was created in 2013, the European Commission expressed concern that the appointment and dismissal procedures might undermine the body's independence.⁶ Other experts similarly argued that the system encourages partisan bargaining rather than purely merit-based selection.

The establishment of the CNMC also led to the abrupt dismissal of the boards of directors of the previous sectoral regulators, a move viewed by several EU analysts as contrary to the principle of security of tenure. Two former telecommunications regulators successfully challenged their dismissal in court and were reinstated, with the rulings concluding that

⁵ Law 3/2013, Art. 23.

⁶ Rallo Lombarte, A. (2014). La Comisión Nacional de los Mercados y la Competencia: los reparos de las instituciones europeas sobre la independencia del regulador. *Teoría y Realidad Constitucional*, (34), 193–234. <https://doi.org/10.5944/trc.34.2014.14084>.

their removal violated EU requirements regarding the independence of national regulatory authorities.⁷

Independence of the regulator's members

Independence is formally guaranteed in national law, although in practice it appears to have certain limitations. Spanish legislation is explicit in this regard: the law prohibits CNMC members from requesting or accepting instructions from any public or private entity.⁸ This provision formally transposes into national law the independence requirement set out in Article 30 of Directive 2010/13/EU.

However, in practice, the regulator's functional independence can be questioned due to its dependence on certain processes that remain under government control. As CNMC President Cani Fernández noted in 2021, the National Commission for Markets and Competition lacks "organisational and management autonomy," meaning that it cannot freely determine its internal structure, manage its personnel, or adjust its budget without government approval.⁹ While this does not automatically undermine the institution's integrity, it does create potential for external influence over the CNMC's operational capacity through budgetary or administrative constraints.

Financial autonomy

National regulatory authorities have adequate financial and human resources ensured by national law, but there are important nuances to this. The CNMC prepares its own annual budget through a preliminary draft budget.¹⁰ The CNMC's budget must comply with public accounting standards and is subject to external financial controls by the State Comptroller and the Court of Auditors, ensuring transparency and accountability. Since the CNMC's funding forms part of the State Budget, published annually in the Official State Gazette, and the Commission is required to make its annual accounts public, the CNMC's finances are fully accessible to the public. This arrangement meets the AVMSD requirement that national regulators have an official and transparent budget line.

However, the CNMC operates under what its president has described as a "restrictive budget", meaning that the Commission cannot freely reallocate or increase expenditures as new needs arise; any such adjustments typically require government and parliamentary approval. In this context, in September 2025, when the CNMC was assigned new responsibilities under the DSA and the EMFA, it publicly requested additional funding to sustainably fulfil its expanded regulatory mandate.¹¹

⁷ Europa Press, "El Supremo obliga al Gobierno a reincorporar al expresidente y un exconsejero de la CMT a la CNMC" (The Supreme Court orders the Government to reinstate the former president and a former board member of the CMT to the CNMC), Europa Press Economía/Finanzas, 25 January 2017, <https://www.europapress.es/economia/noticia-supremo-obliga-gobierno-reincorporar-expresidente-exconsejero-cmt-cnmc-20170125160921.html>.

⁸ Law 3/2013, art. 24.

⁹ Miguel Ángel Noceda, "La presidenta de la CNMC exige cambios...", cit.

¹⁰ Law 3/2013, art. 34.

¹¹ Ramón Muñoz, "La CNMC pide más fondos...", cit.

Tasks and accountability

The tasks and powers of the CNMC are clearly defined in national law, and accountability mechanisms are firmly established. Law 3/2013 specifies the CNMC's functions sector by sector.¹² For instance, Article 9¹³ outlines the CNMC's responsibilities in the field of audiovisual media, including supervising compliance with audiovisual obligations, maintaining a register of media service providers, promoting co-regulation, and publishing annual reports on the sector. Other provisions define the regulator's responsibilities in telecommunications, energy, competition, postal services, and transport. The law also empowers the CNMC to conduct inspections and impose sanctions. Article 29, in particular, establishes its competence to carry out inspections and apply sanctions under the relevant sectoral laws (including the Audiovisual Law of 2022). Moreover, where explicitly authorised, the CNMC may issue binding regulatory standards.

Accountability is likewise enshrined in law. The CNMC is accountable to both Parliament and the judiciary. In practice, this means that each year it must submit an annual report on its activities and financial performance to Parliament, and the chairperson appears before the Congress of Deputies to answer any questions arising from that report.

Transparency towards the public is also a statutory requirement. The CNMC must publish its key decisions, reports, and annual action plan, allowing for public scrutiny.¹⁴ This obligation extends to a wide range of information, including the organisational structure of the CNMC, the curricula vitae of Council members and the agendas and resolutions of the Council, all of which must be made publicly available in electronic format. In practice, the CNMC fulfils these obligations through its transparency portal¹⁵ and the Official State Gazette's website, where formal acts are published.

The CNMC also has an online database of resolutions and regularly publishes press releases summarising the most important resolutions. For example, sanctioning decisions in the audiovisual and competition sectors, when final, are routinely published once they are adopted. The only exception is the aforementioned protection of confidential or personal data, but even in this case, the existence and outcome of the decision, including the names of the offending companies, are disclosed.

Internally, CNMC governance is guided by a statute and a code of conduct that ensure objectivity and impartiality in decision-making. Finally, as a public authority, all CNMC decisions are subject to judicial review, providing an additional layer of external oversight over the exercise of its powers.

Appeal mechanisms

There are effective appeal mechanisms at national level for CNMC decisions. By law, most CNMC decisions are directly subject to judicial review by independent courts. Article 36 of

¹² Law 3/2013, articles 5 to 10.

¹³ As amended by the Audiovisual Law of 2022.

¹⁴ Law 3/2013, art. 37.

¹⁵ See <https://www.cnmc.es/somos-cnmc/transparencia>.

of Law 3/2013 establishes the available avenues of appeal: decisions of the CNMC Council (whether adopted by the president or by the board, in plenary session or in chambers) bring the administrative process to an end and may only be challenged before the contentious-administrative courts. In other words, once the CNMC issues a final decision, such as a sanction or a regulatory order, the affected party may file an appeal directly before the courts, with no further administrative remedies available. This ensures that an independent judicial authority is responsible for reviewing the appeal, in line with Article 30(6) of the Audiovisual Media Services Directive, which requires that appeals be heard by a body independent of the parties involved.

Decisions adopted by lower bodies within the CNMC (for example, concerning internal personnel matters) can first be appealed internally before the CNMC Council, in accordance with general administrative procedures. Once such decisions become final, they may be reviewed by the contentious-administrative courts—typically the National Court (Audiencia Nacional). Subsequent appeals may be lodged before the Supreme Court (Tribunal Supremo) on points of law. Both judicial bodies are fully independent from the CNMC and the Government.

Appeals against CNMC decisions are common, and Spanish courts both uphold and overturn a significant number of them. According to the CNMC's 2023 Annual Report, in the railway sector the National Court dismissed three appeals against CNMC decisions, while another was rejected by the Supreme Court, thereby confirming the regulator's sanctions. In the postal sector, the High Court issued five rulings: two confirming CNMC decisions and three annulling them. The overall pattern in previous years has been broadly similar. All these appeals were handled within the Spanish judicial system; none were referred to the Court of Justice of the European Union or to the European Commission.

Two caveats are worth noting. First, these judicial appeals often take several years to resolve, which can reduce the effectiveness and deterrent value of regulation. Second, a notable share of CNMC sanctions are annulled or modified on appeal, raising questions about the robustness and consistency of the authority's enforcement practices.

There are illustrative examples of both outcomes. In the so-called “rubbish cartel” case, the National Court overturned the CNMC's decision to fine 51 waste management companies more than €90 million.¹⁶ Conversely, in December 2024, the Supreme Court upheld the CNMC's decision in the Telefónica football rights case, confirming a €5.5 million fine against the company.¹⁷

¹⁶ CincoDías, “La Audiencia Nacional anula las multas al cártel de la basura” (The National Court annuls the fines imposed on the ‘rubbish cartel’), *Noticias Ambientales*, 4 May 2018, <https://www.cienciasambientales.com/es/noticias-ambientales/audiencia-nacional-anula-multas-cartel-basura-16204>.

¹⁷ CincoDías, “El Supremo ratifica la multa de 5,5 millones de la CNMC a Telefónica por la ‘guerra del fútbol’” (The Supreme Court upholds the CNMC's €5.5 million fine against Telefónica over the ‘football war’), *CincoDías*, Madrid, 3 December 2024, <https://cincodias.elpais.com/companias/2024-12-03/el-supremo-ratifica-la-multa-de-55-millones-de-la-cnmc-a-telefonica-por-la-guerra-del-futbol.html>.

It should also be noted that the filing of an appeal does not automatically suspend the CNMC's decision unless a court grants precautionary measures. This safeguard ensures that CNMC decisions and sanctions can take effect while the appeal is pending, maintaining the continuity and authority of regulatory enforcement.

Power to request information

Law 3/2013¹⁸ establishes a general obligation for all persons and entities to provide any information requested by the CNMC for the performance of its duties. The law also specifies that such requests must be duly justified and clearly defined. Furthermore, Article 29 affirms the CNMC's powers of inspection and enforcement, referencing its authority under various sectoral laws, including the Audiovisual Media Law, to obtain information and impose sanctions where necessary.

This framework grants the CNMC a clear legal right to demand information from companies, individuals, and public authorities alike. However, the law also requires that these requests be justified and proportionate to their purpose, specifying in each case what information is sought and for what legal function. Requests must be issued in a timely manner and in the proper form.

The CNMC also holds formal investigative powers. It can conduct inspections and gather evidence under the relevant sectoral laws.¹⁹ For instance, under the General Audiovisual Law, the CNMC may require broadcasters or video-sharing platform providers to submit data or documents relevant to regulatory compliance.

Failure to comply with CNMC information requests may result in penalties. A recent example is the case of the telecommunications company Avatel, which was fined for providing late or inaccurate responses to CNMC requests.²⁰

Independent monitoring of the regulator's activity

Article 37(1)(d) of Law 3/2013 requires the CNMC to publish an annual report detailing its accounts, activities, objectives, and results, and to submit it to Parliament. This report is also made publicly available on the CNMC's official website. Each Annual Report includes statistics on the application of relevant laws, key regulatory decisions, sectoral analyses, organisational information, and financial statements.

In addition, Law 13/2022 establishes further reporting obligations: the CNMC must publish a dedicated annual report on the audiovisual sector, which complements the general Annual Report. Both reports are reviewed by Parliament and accessible to the public.

¹⁸ Law 3/2013, art. 28(1).

¹⁹ Law 3/2013, art. 29.

²⁰ See more in this CNMC announcement: <https://www.cnmc.es/prensa/sanciona-avatel-telecom-no-aportar-informacion-20250206>.

Independence of public service media

This section discusses how Article 5 of the EMFA is implemented.

Summary

In Spain, public service media operate at two levels: a national level, represented by Radiotelevisión Española (RTVE), and a regional level made up of public broadcasters belonging to the different Autonomous Communities. This chapter focuses on the implementation of the EMFA at the national level, as the regional landscape is highly heterogeneous, with each region regulating its own PSM system. That said, the regional dimension remains highly relevant. Further attention should be given to how the EMFA is influencing revisions to regional media legislation, especially as some Autonomous Communities, such as Galicia, have recently adopted new media laws.

Law 17/2006 of 5 June on state-owned radio and television²¹ represented a significant institutional effort to establish a legal framework guaranteeing the independence and neutrality of the RTVE Corporation, Spain's nationwide public broadcaster. Since then, this foundational law regulating RTVE has been amended several times, primarily affecting the procedures for appointing its governing bodies, their terms of office, and their respective powers, as detailed below.

Editorial and operational independence

With regard to the editorial independence of the RTVE Corporation, Law 17/2006 assigns to Radio y Televisión Española, S.A. the obligation to “guarantee objective, truthful and pluralistic information, which must fully comply with the criteria of professional independence and with the political, social, and ideological pluralism present in our society”.²² Furthermore, it establishes that “Corporación RTVE shall enjoy autonomy in its management and shall act independently of the Government and the General State Administration,”²³ meaning that, in legal terms, RTVE's functional independence is explicitly protected. This principle of independence also extends to the members of RTVE's Board of Directors, who must perform their duties with absolute independence, without receiving instructions, guidelines, or any kind of imperative indication from the Government, the General State Administration, or any other institution or entity.²⁴

Law 17/2006 also introduced an important innovation aimed at further strengthening RTVE's independence: the creation of the News Councils. These internal bodies, composed of RTVE's news professionals, are tasked with safeguarding the independence, objectivity, and accuracy of the broadcaster's news content, and their members are appointed by the Board of Directors. In addition to promoting the independence of RTVE's newsrooms²⁵, the News Councils issue non-binding opinions on the appointments of the heads of the

²¹ Law 17/2006, of June 5, on state-owned radio and television, see more at <https://www.boe.es/buscar/act.php?id=BOE-A-2006-9958>.

²² Law 17/2006, art. 3.2.b.

²³ Law 17/2006, art. 5.3.

²⁴ Law 17/2006, art. 15.6.

²⁵ RTVE has three news councils, one for each newsroom: Radio Nacional de España (9 members), Televisión Española (13 members) and the Interactive Media News Council (3 members).

corporation's news services. They have also regularly published statements assessing legislative developments that affect RTVE's governance and independence.

Legal provisions guaranteeing plurality of information

Article 28 of Law 17/2006 provides the legal guarantee that the RTVE Corporation must operate in accordance with the principle of pluralism. The first paragraph stipulates that "Corporación RTVE shall ensure that its programming reflects the social, ideological, political and cultural plurality of Spanish society", an objective closely linked to the right of access granted to significant social and political groups.

Governance bodies: composition

The composition of the Board of Directors of the RTVE Corporation has been one of the aspects most affected by successive reforms of Spain's public media regulation.

Since the adoption of Law 17/2006, the procedure for appointing members to the RTVE Board of Directors has undergone several changes. In 2006, a 12-member board was established, eight members elected by the Congress of Deputies and four by the Senate, appointed for a six-year term by a two-thirds majority in each chamber, which required a high level of parliamentary consensus. In 2012, under the absolute majority of the Popular Party, the board was reduced to nine members, and the possibility of appointing them by absolute majority in a second vote was introduced, thereby lowering the consensus threshold. In 2017, with the adoption of Law 5/2017, the board was expanded to ten members (six from the Congress and four from the Senate); the option of appointment by absolute majority in a second round was abolished; and a public competition based on the evaluation of candidates' merits by an expert committee was introduced. In 2018, faced with a political deadlock in implementing this system, the figure of a Sole Provisional Administrator appointed by Congress was created.

The appointment of the current Board of Directors is governed by Royal Decree-Law 5/2024, which expanded the board to 15 members (11 from the Congress and four from the Senate) to ensure broader political representation in light of the end of the PP-PSOE (Socialists) two-party system and the consolidation of a more fragmented parliament. In addition, Royal Decree-Law 5/2024 once again lowered the majority required for appointment: a two-thirds majority in the first vote, and, failing that, an absolute majority in the second vote.

The Chair of the RTVE Corporation is elected from among the 15 members of the Board of Directors. The Congress of Deputies must appoint the Chair under the same voting rules as those governing the board's selection: a two-thirds majority in the first vote or an

²⁶ See more at <https://www.consejoinformativostve.es/439-un-acuerdo-decepcionante>.

²⁷ See more at <https://www.boe.es/boe/dias/2012/04/21/pdfs/BOE-A-2012-5338.pdf>.

²⁸ See more at <https://www.boe.es/boe/dias/2017/09/30/pdfs/BOE-A-2017-11091.pdf>.

²⁹ See more at <https://www.boe.es/boe/dias/2018/06/23/pdfs/BOE-A-2018-8577.pdf>.

³⁰ See more at <https://www.boe.es/boe/dias/2024/10/23/pdfs/BOE-A-2024-21699.pdf>.

absolute majority in the second. If the second vote fails, the Government may propose the appointment of a Sole Provisional Administrator for a maximum period of three months, subject to approval by a two-thirds majority in the first vote or an absolute majority in the second.

Governance bodies: appointment

Royal Decree-Law 5/2024 defines both the composition of the RTVE Board of Directors and the parliamentary majorities required for its appointment by the Congress of Deputies and the Senate. It further stipulates that the 15 board members must be “persons with sufficient qualifications and professional experience” and that “the principle of balanced representation of women and men in its composition” must be respected.³¹ Beyond these two principles of suitability and equality, neither this Royal Decree-Law nor Law 17/2006 establishes any formal protocol for the selection or evaluation of candidates.

The earlier attempt to appoint the Board of Directors through a public competition, as envisaged by Law 5/2017—where candidates’ management projects and professional records were assessed by an expert committee—proved unsuccessful. Current legislation has reverted to a system in which members of the Board of Directors are nominated by parliamentary groups: 11 by the Congress of Deputies and four by the Senate. The proposed candidates must appear at a public hearing before the Appointments Committees of both chambers, allowing Parliament to assess their suitability for the role.

However, the only eligibility criteria for this assessment remain those set out in Article 14 of Law 17/2006, which provides that “persons with higher education or recognised competence who have performed administrative, senior management, control or advisory functions, or functions of similar responsibility, in public or private entities for a period of not less than five years, or who have relevant merits in the field of communication, professional experience, teaching or research, shall be presumed to have sufficient professional qualifications and experience to perform the duties of a director of the Spanish Radio and Television Corporation”.

Following the entry into force of the new procedure for appointing members of the Board of Directors, the board is once again composed of representatives from different political parties, in proportion to their representation in each parliamentary chamber. The RTVE Board of Directors currently comprises 15 members: five proposed by the PSOE, two by Sumar, one by Podemos, one by ERC, one by the PNV, one by Junts per Catalunya, and four by the PP.

Beyond this initial level of political representation, both from the governing parties and the opposition, several members of the Board of Directors maintain notable personal or professional links with the parties that nominated them as follows:

- Esther de la Mata Ahedo (PSOE) – former Director of Communications for Minister Félix Bolaños

³¹ Royal Decree-Law 5/2024, art. 1.2.

- Mercedes de Pablo Candón (PSOE) – former Director of Canal Sur during a PSOE administration in Andalusia and candidate on the party's electoral lists in Seville
- Rosa León Conde (PSOE) – former PSOE councillor on Madrid City Council
- Angélica Rubio Cerezales (PSOE) – served at Moncloa during the government of José Luis Rodríguez Zapatero.
- Marta Ribas Frías (Sumar) – former member of En Comú in the Parliament of Catalonia, representing Esquerra Verda.
- Sergi Sol i Bros (ERC) – former Head of Communications for Esquerra Nacional and for Oriol Junqueras.
- María Roncesvalles Solana Arana (PNV) – former Minister of Education in the Government of Navarre.
- Rubén Moreno Palanques (PP) – former Member of Parliament and Senator for the PP.
- Ignacio Ruiz-Jarabo Colomer (PP) – former Head of the Tax Agency during the government of José María Aznar.
- Mariano Muniesa de Caveda (Podemos) – candidate on the Unidas Podemos list for the Community of Madrid in 2021.
- Miquel Calçada i Olivella (Junts per Catalunya) – included on the Junts pel Sí lists and later nominated as a senator.³²

There is no independent body that supervises the process of appointing and/or dismissing the president of the RTVE Corporation or the members of its Board of Directors.

Governance bodies: term

According to Royal Decree-Law 5/2024, the term of office of the members of the RTVE Board of Directors is six years from the date of their appointment, and they may be reappointed only once. This term therefore differs from that of Spanish deputies and senators (four years) and from that of members of the European Parliament (five years).

Governance bodies: dismissal conditions

Law 17/2006 stipulates³³ that members of the RTVE Board of Directors shall cease to hold office, in addition to voluntary resignation or upon completion of their mandate, in the following cases: permanent incapacity to perform their duties, final conviction for any intentional crime, supervening incompatibility, or by a reasoned decision of the Board of Directors. The Board may propose to the Congress of Deputies the dismissal of one of its members if supported by a two-thirds majority, following a preliminary investigation. In turn, the Congress of Deputies must also approve the dismissal by a two-thirds majority.

Furthermore, the law³⁴ outlines several circumstances that entail the collective dismissal of all members of the Board of Directors for management-related reasons. These include: a). The existence of grounds for a mandatory reduction of share capital due to losses, in accordance with the Companies Act.³⁵; b). A situation where losses reduce equity to less than half of the share capital; and c). significant budgetary deviations.

³² Based on information from the Media and Journalism Research Center.

³³ Law 17/2006, art. 13.

³⁴ Law 17/2006, art. 13.

³⁵ Royal Decree 1564/1989.

In the latter case, two quantitative criteria are established: (a) a deterioration in the budgeted result equal to or greater than 10% of the approved compensation for the provision of the public service; or (b) a deviation of 10% or more in the total allocations of either the operating budget or the capital budget.

Law 17/2006 does not provide an appeal mechanism capable of suspending or reviewing a dismissal decision adopted by the Congress of Deputies. However, a dismissed member may challenge the decision before the ordinary courts or the Constitutional Court on the grounds of rights violations.

Funding

The funding of Corporación RTVE is regulated by Law 8/2009³⁶, which complements Law 17/2006 by reinforcing the independence of RTVE — in this case, through financial autonomy. The main changes introduced by Law 8/2009 were the prohibition of advertising (which led to a significant reduction in commercial revenues for the public broadcaster) and the establishment of a levy payable by all providers of television broadcasting and video-sharing services via the platform.³⁷ In line with earlier legislation, the law maintains that public funding for RTVE's fulfilment of its public service mission must be provided through the General State Budget.

No cases of irregular state aid to Spanish public media have been identified in recent years. The last case referred to the European Commission dates back to 2009, following the reform of RTVE's funding model, when the Commission concluded that the new system constituted compatible state aid.

To determine the level of funding allocated to RTVE for carrying out its public service obligations, Law 17/2006 introduced two key governance instruments: the Framework Mandate and the Programme Contract. The Framework Mandates, approved by the Spanish Parliament for renewable periods of eight years, set out the general objectives of RTVE's public service remit. The Programme Contracts, in turn, must be signed by the Government and RTVE to operationalise these objectives over four-year periods. They specify the public contributions to be drawn from the General State Budget, the mechanisms for adapting objectives to economic changes, the consequences of non-compliance, and the procedures for monitoring implementation.

However, the introduction of these two mechanisms has proven largely ineffective. Since the entry into force of Law 17/2006, only one Framework Mandate, covering the period 2008–2016, was ever approved³⁸, and it was never renewed. Moreover, no Programme

³⁶ Law 8/2009 of 28 August on the funding of Corporación de Radio y Televisión Española, see more at <https://www.boe.es/buscar/act.php?id=BOE-A-2009-13988&tn=1&p=20220708>.

³⁷ Providers of free-to-air linear television broadcasting services must contribute 3% of their gross operating income, up to a maximum of 15% of the total income forecast for the RTVE Corporation. In the case of providers of conditional access linear television audiovisual communication services, on-demand providers and providers of video exchange services via platforms, the contribution is 1.5%, without exceeding 20% of the total income forecast for the RTVE Corporation.

³⁸ Framework mandate to the RTVE Corporation provided for in Article 4 of Law 17/2006, of 5 June, on State-owned Radio and Television, approved by the Plenary Sessions of the Congress of Deputies and the Senate: <https://www.boe.es/boe/dias/2008/06/30/pdfs/A28833-28843.pdf>

Contract has ever been made public. As a result, there are no transparent or objective criteria to determine the level of RTVE's funding. Furthermore, the annual approval of compensation in the State Budget leaves the management bodies of the public broadcaster in a vulnerable position, as their future financing is not guaranteed, a situation that may ultimately undermine RTVE's independence.

The RTVE Corporation has not participated in the television or radio advertising market since the entry into force of Law 8/2009. However, it still receives limited advertising revenue through television sponsorships. In addition, work is underway to commercially exploit the RTVE Play digital platform through the insertion of advertising. The rates for both television programme sponsorships and advertising on RTVE Play are published on the public corporation's website.³⁹ RTVE, however, does not disclose a list of its sponsors. The public media programming is distributed free of charge.

At the regional level, public radio and television broadcasters continue to receive funding from advertising, both in traditional media and, where applicable, through their own digital platforms.

One of the functions of the CNMC is to ensure that the resources allocated to the RTVE Corporation are adequate. It therefore addresses this aspect in its annual reports, although it acknowledges that "the outdated nature of the Framework Mandate and the absence of Programme Contracts establishing, on a triennial basis, the main lines of action and economic investment of CRTVE prevent this Commission from issuing, in terms that would be normatively appropriate, an assessment of the adequacy of the funding provided to the Corporation for the development of the planning and objectives established in the corresponding Programme Contracts."⁴⁰

Despite these limitations, the CNMC includes in its annual reports a dedicated chapter analysing the evolution of RTVE's budget, its income and expenditure structure, the net cost of fulfilling its public service obligations, and the cost per inhabitant of public service provision in Spain.

Independent monitoring mechanisms

In Spain, the supervision of Corporación RTVE is entrusted to three bodies: the Spanish Parliament, the National Commission for Markets and Competition (CNMC), and the Court of Auditors. Parliamentary oversight is exercised through the Joint Committee for Parliamentary Control of the RTVE Corporation and its Companies⁴¹, which is responsible for ensuring compliance with the public service obligations assigned to RTVE. The CNMC, in turn, monitors the fulfilment of RTVE's public service mission in radio and television and may issue recommendations and resolutions directed at the public broadcaster.

³⁹ See more at <https://www.rtve.es/comercial/ventas-nacional/ofertas/>.

⁴⁰ See more at <https://www.cnmc.es/sites/default/files/6035417.pdf>.

⁴¹ This Joint Committee is composed of 39 members (18 senators and 21 members of Congress): <https://www.senado.es/web/actividadparlamentaria/sesionescomision/detallecomisiones/composicion/index.html?id=G013005&legis=15&esMixta=S>

The CNMC is a public body with its own legal personality, independent from the Government but subject to parliamentary scrutiny. It performs the functions of a media authority, in addition to regulating other key sectors such as energy, telecommunications, and air and rail transport.⁴² In 2010, Law 13/2010 of 31 March, the General Audiovisual Communication Law, provided for the creation of a dedicated regulatory body, the State Council for Audiovisual Media (CEMA), which, in the end, was never established. The updated General Audiovisual Communication Law, Law 13/2022 of 7 July, no longer includes provisions for such a body, confirming instead that the CNMC will continue to perform these regulatory and supervisory functions.

Accordingly, the CNMC supervises RTVE's compliance with its public service remit and publishes annual reports assessing its performance. It is also responsible for ensuring that the resources allocated to the public broadcaster are adequate and for handling complaints concerning compliance with the public service mission.

It is not uncommon for the CNMC to receive complaints regarding programmes broadcast by the RTVE Corporation. In such cases, the supervisory body analyses the facts reported and issues a decision, which is subsequently published on its website. A recent example of a sanction imposed on RTVE concerns the entertainment programme *Grand Prix*, which was reported to the CNMC in 2023 by the Union of Commercial Free-to-Air Television Stations (UTECA) for including advertising that breached the legal conditions applicable to sponsorship. The CNMC fined the public corporation €405,000 for committing a serious and continuous infringement.⁴³

The CNMC publishes all its decisions concerning the RTVE Corporation's public service obligations on its website.⁴⁴ In addition, all other decisions and resolutions adopted by the CNMC are likewise made publicly available.⁴⁵

The CNMC also assumes the powers to monitor the provision of plurality of information and opinions to their audiences in an impartial manner, and produces reports on compliance with public service obligations relating to pluralism. However, these reports are published with considerable delay and intermittently: for example, in 2024, the report for 2021 was published.⁴⁶

⁴² See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2010-5292>.

⁴³ See more at <https://www.cnmc.es/sites/default/files/5618917.pdf>.

⁴⁴ See more at <https://www.cnmc.es/sectores-que-regulamos/audiovisual/resoluciones-de-expedientes-de-mision-de-servicio-publico-CRTVE-en-el-ambito-audiovisual>.

⁴⁵ See more at https://www.cnmc.es/somos-cnmc/transparencia/actuaciones?t=rtve&idambito=7&idprocedim=All&idtipoexp=All&field_exp_numero=&field_exp_sectores=&datefrom=&dateeto=.

⁴⁶ See the report at <https://www.cnmc.es/sites/default/files/5367161.pdf>.

Misuse of state funds to influence media output

This section discusses how Article 25 of the EMFA is implemented.

Summary

Spain regulates institutional advertising (as state advertising is known in Spain) through the 2005 Law on Advertising and Institutional Communication (LPCI)⁴⁷, which makes no reference to media pluralism and does not establish a framework for the distribution of public funds to media companies. Royal Decree 947/2006, which regulates the Institutional Advertising and Communication Commission and the preparation of the Annual Advertising and Communication Plan of the General State Administration (AGE)⁴⁸, assigns the planning, evaluation, and coordination of campaigns to this Commission. The body is attached to the Ministry of the Presidency through the Secretary of State for Communication.

However, the Decree also fails to specify how institutional advertising funds should be distributed to ensure pluralism. The Commission, which reports to the Secretariat of State for Communication, is responsible for drawing up the Annual Advertising and Communication Plan of the AGE. This plan does not include media distribution schemes but merely sets out the needs and forecasts of each AGE body regarding institutional advertising for the year following its publication.

The Annual Report on Institutional Advertising and Communication, which compiles the campaigns carried out by the AGE each year, likewise provides no information on how funds are distributed among media outlets, the amounts allocated to each, or the criteria applied. It only lists the media agencies awarded public tenders for each campaign.

It is worth noting that the 2005 Law distinguishes between institutional advertising campaigns, which are designed to disseminate public messages, and communication campaigns, which use means other than conventional advertising to convey information. Commercial advertising by the General State Administration is expressly excluded from the LPCI's scope.

Finally, 12 Autonomous Communities have enacted their own laws regulating institutional advertising: the Basque Country⁴⁹, Canary Islands⁵⁰, Asturias⁵¹, Aragon⁵², Andalusia⁵³, Murcia⁵⁴, La Rioja⁵⁵, Balearic Islands⁵⁶, Extremadura⁵⁷, Valencian Community⁵⁸, Catalonia⁵⁹, and Castile and León⁶⁰.

⁴⁷ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2005-21524&tn=1&p=20230509> (hereafter the LPCI Law).

⁴⁸ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2006-15575&tn=1&p=20060907>.

⁴⁹ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2011-2620>.

⁵⁰ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2007-5236>.

⁵¹ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2007-5236>.

⁵² See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2003-9260>.

⁵³ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2005-7990>.

⁵⁴ See more at https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-366.

⁵⁵ See more at <https://www.boe.es/buscar/doc.php?id=BOE-A-2017-6071>.

⁵⁶ See more at <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-975>.

⁵⁷ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2014-754>.

⁵⁸ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2018-8947>.

⁵⁹ See more at <https://www.boe.es/buscar/act.php?id=BOE-A-2001-1619>.

⁶⁰ See more at <https://www.boe.es/buscar/doc.php?id=BOE-A-2009-9629>.

State funding spending: legal provisions, criteria for distribution and tender procedures

The LPCI Law, in its explanatory memorandum, identifies the priority objectives of institutional advertising and communication campaigns as ensuring public utility, professionalism, transparency, and institutional loyalty in their development.

Article 8 of the law, entitled Contracts, stipulates that contracts shall be awarded in accordance with the applicable regulations, strictly respecting the principles of publicity and competition, and always based on objective criteria such as economic cost and the expected effectiveness of the media plan. These criteria also apply to subcontractors.

Responsibility for fund distribution lies with the Institutional Advertising and Communication Commission, which must draw up the Annual Institutional Advertising and Communication Plan including all advertising campaigns planned by the AGE and its affiliated entities, for approval by the Council of Ministers. This plan must include the list of campaigns, their budgets, the companies awarded contracts, and the corresponding media plans.

However, neither the 2005 law nor the plans published under it provide information on the criteria of transparency, objectivity, proportionality, or non-discrimination, beyond the brief reference to “objective criteria” in Article 8, which is not further defined.

Since 2014, regulations governing public sector procurement in relation to institutional advertising have incorporated a Framework Agreement (MA) following the recommendations of the Public Administration Reform Commission (CORA). Its aim is to centralise the purchase of advertising space in the media and other communication outlets for institutional campaigns, under conditions specified in the technical specifications. Commercial and institutional advertising campaigns considered minor contracts, as well as creative services, campaign production, and post-test evaluation of results, are excluded from this framework. To date, four framework agreements have been issued.⁶¹

The technical specifications of the latest Framework Agreement stipulate that contracted media agencies must provide strategy and planning services, creative adaptation, advertising space procurement, promotional activities, technical advice, monitoring and control, campaign completion reports, and technical documentation for the Administration. However, not all terms of the Framework Agreement are pre-defined; therefore, agencies are required to conduct a second tender to award specific contracts.

The 2023 Framework Agreement further specifies that the proposed media plan is not binding on the Administration. The contracting authority, such as a ministry, may modify or select media and actions based on suitability and/or budget considerations. Consequently, ministries are responsible for contracting media agencies pre-selected under the framework agreement, which must compete in a new tender for each campaign. Contracts for creativity, commercial advertising, and minor contracts continue to be governed by general public procurement regulations.

⁶¹ See more at <https://tinyurl.com/4katpjcz>.

Finally, Law 19/2013 on transparency, access to public information and good governance, as well as Law 7/2010 on Audiovisual Communication, contain no provisions on institutional advertising.

The Annual Institutional Advertising and Communication Plan does not establish in advance any criteria or requirements regarding the suitability of different types of media for disseminating planned campaigns or contracts.

The terms of Framework Agreement 50/2023 define the content that media plans must include:

- target audience analysis and media consumption study
- media strategy to achieve campaign objectives
- recommended media mix and media selection
- schedule of chosen media
- justified explanation of weight per medium and platform for both conventional and unconventional actions, based on audience, affinity, and profitability, verified by independent entities to ensure equal and non-discriminatory treatment
- recommendations on optimal timing and seasonality
- detailed media plans including calendars, insertions, and GRP per medium, platform, and format
- expected results expressed in GRP, commercials, impressions, or other medium-specific metrics, including total coverage
- list of sources and previous research studies.

For television, the plan must include natural share, planned share, and the share derived from the tender document.

For radio, print, and digital media, it must specify both the investment and corresponding percentage, as well as audience figures and their proportionate share. In wave-based campaigns, the media plan must indicate the amounts spent per medium and their percentage variation compared with previous waves. Each campaign's plan must also include a column showing the percentage of investment per medium relative to that established in the contract tender documents. The media audience rankings used must be the most recent available at the time of plan approval, and, in the case of digital media, the latest monthly data.

However, once the tenders under the Framework Agreement are executed, the resulting media plans are implemented without specifying how the criteria for allocating funds among individual media outlets are applied in practice.

At the regional level, 12 Autonomous Communities have their own laws on institutional advertising. Of these, Murcia, La Rioja, and Extremadura explicitly refer to media pluralism; the Balearic Islands and Catalonia mention only broad principles; and the Valencian Community provides the most detailed regulations, setting criteria related to audience size, territorial coverage, and social reach.

There are social advertisements financed by political parties in Spain. The purchase of these advertising spaces is carried out through private companies and is therefore not subject to the requirements of the Institutional Advertising Law.

Transparency of state media contracts

Article 14 of the 2005 Law on Advertising and Institutional Communication requires the preparation of an annual report on advertising and communication, which must include all institutional campaigns, their cost, the contractors awarded the tenders, and, in the case of advertising campaigns, the corresponding media plans. The report must be submitted to Parliament and the Cortes Generales during the first session of each year and made available to all professional organisations in the sector.

However, none of the institutional advertising and communication reports published by the Institutional Advertising and Communication Commission since 2006 has included the media plans for the campaigns, the names of the media companies, or the amounts invested by the AGE for this purpose.

A review of these reports shows that they contain data on the investment made by each ministry, the titles and objectives of the campaigns, and the types of media used (press, radio, television, internet, etc.). They also include commercial campaigns, with information on their title, cost, and responsible ministry. Yet, they omit information expressly required by law such as the media plans, the identity of each media outlet, and the amounts allocated to them.

In addition to these reports, two electronic services provide limited public access to data on contracts and subsidies granted to the media, as well as on funds allocated to institutional advertising and communication by the State, the Autonomous Communities, and other administrations: the Open Data Portal (datos.gob.es) and the National Subsidy Advertising System.

The datos.gob.es portal offers access to the Institutional Advertising and Communication Plan⁶² and to the Annual Reports on Institutional Advertising and Communication.⁶³ However, it does not allow users to verify the media plan for each campaign or to see the amounts received by individual media outlets. It is possible to search for the campaigns of a specific ministry, but the information provided is limited to the campaign title and year, without any details about the budget, the media used, or the selection criteria applied.

Accessing information through the National Subsidy Advertising System is similarly challenging. Its search engine does not return relevant results when using keywords such as “media campaign,” “media subsidies,” or “media contract.” The same applies to the Public Sector Procurement Platform, which does not allow searches for contracts or subsidies specifically related to media or institutional campaigns.

⁶² Latest plan (2025) available here: <https://www.lamoncloa.gob.es/serviciosdeprensa/cpci/Documents/Plan%202025.pdf>

⁶³ Latest report (2024) available here: <https://www.lamoncloa.gob.es/serviciosdeprensa/cpci/Documents/Informe-2024.pdf>

Likewise, there is no access to data concerning media plans linked to commercial advertising.

In July 2025, the Council of Ministers approved the submission to Parliament of the draft Law on Democratic Governance of Digital Services and Media Regulation.⁶⁴ The proposed law grants the CNMC new powers, including the ability to sanction media outlets that fail to register in the planned national media registry (and corresponding regional registries). Although registration is not expected to be mandatory for operation, failure to register may restrict access to institutional advertising funds.

Any person may request the intervention of the Council for Transparency and Good Governance to gain access to information on media plans. However, professional associations and researchers have publicly reported, through academic publications and press releases, unsuccessful attempts to obtain such information in their formal requests to the Council.⁶⁵ For their part, media outlets are under no legal obligation to publish details of the revenue they receive from institutional advertising.

Monitoring state advertising spending

The body that monitors institutional advertising by the General State Administration is the National Commission for Markets and Competition (CNMC), whose obligations focus on three areas: ex post control of free competition in the advertising market; the preparation of reports to promote competition in the field of tendering and public procurement; and the resolution of requests for exemption from advertising calculations in the case of messages of general interest promoted by public institutions.

The body responsible for monitoring institutional advertising by the AGE is the CNMC. Its responsibilities are grouped into three main areas:

1. Ex post control of free competition in the advertising market
2. Preparation of reports to promote competition in public tendering and procurement
3. Rulings on exemptions from advertising calculations for messages of general interest promoted by public institutions.

Firstly, in relation to its ex post control function, the CNMC adjudicates cases, either following consultations or on its own initiative, concerning tenders linked to the Framework Agreement in force at any given time.

Secondly, the CNMC issues consultative or ex officio reports, which are not mandatory or binding, offering recommendations to promote effective competition and efficient economic regulation. Some of these reports have examined specific administrative clauses and technical specifications, assessing their alignment with the principles of transparency, effectiveness, accountability, efficiency, and austerity.

⁶⁴ See more at <https://digital.gob.es/comunicacion/notas-prensa/mtdfp/2025/07/2025-07-29>.

⁶⁵ Fernández-Viso, A. (2022). The role of the CNMC as overseer of the functioning of the State's institutional advertising system and its impact on the market, and proposals to strengthen it. *Derecom: International Journal of Communication Law and New Technologies*, (33), 5. <https://revistas.ucm.es/index.php/DERE/article/view/91098>

Among its other functions, the CNMC determines the non-advertising nature of public service or charitable messages for the purpose of their exemption from advertising quotas under the General Audiovisual Communication Law. In such rulings, it assesses the distinction between institutional advertising, institutional promotional campaigns, and commercial advertising campaigns.

However, the CNMC does not produce annual reports evaluating institutional advertising or proposing measures to safeguard competition in the media market. Nor does it publish data on transfers made to individual media outlets or on the distribution of funds according to media plans. In compliance with Law 15/2007 on the Defence of Competition, the CNMC issues an annual report on public aid in Spain, yet this report contains no dedicated section on institutional advertising. Consequently, no relevant CNMC reports on this subject are publicly available online.

In July 2025, the Council of Ministers approved the submission to Parliament of the draft Law on Democratic Governance of Digital Services and Media Regulation, which would assign new powers to the CNMC. These include the authority to sanction media outlets that fail to register in the forthcoming national media registry, as well as the related regional registries. In response, the CNMC has requested additional organisational and human resources to carry out these expanded responsibilities effectively.⁶⁶

When it comes to independent bodies or NGOs monitoring the allocation of state advertising expenditure to media service providers, no official entity carries out this task on a regular basis. Only two initiatives have been involved to some extent.

The Open Club of Publishers (CLABE), formerly the Spanish Association of Periodical Publishers (AEEPP), established the Observatory of Advertising and Institutional Communication⁶⁷ in 2020 “to collaborate with the Government in improving the planning of its campaigns,” ensuring management that is “more transparent, equitable, and non-discriminatory.”

However, the Observatory has not yet published any reports, despite its initial announcement to do so. It currently offers the public the possibility to submit comments or complaints about specific campaigns, which are then forwarded to the Institutional Advertising and Communication Commission.

In 2024, the Media Observatory, promoted by the Ethosfera and HAZ Foundations, released a report entitled Ranking of Transparency in Institutional Advertising by the Autonomous Communities.⁶⁸ The study assessed regional compliance with transparency criteria in institutional advertising, providing data on the departments contracting such advertising, the geographical coverage, and the media outlets receiving funds, along with the corresponding amounts. According to the report, the most transparent Autonomous Communities were Castile and León and Murcia, while the least transparent were Galicia and Cantabria.

⁶⁶ See here for more information: <https://www.cnmc.es/prensa/gobernanza-democratica-20250912>.

⁶⁷ See more at <https://clabe.org/observatorio-de-publicidad-institucional/>.

⁶⁸ See the report here: <https://observatoriodemedios.org/wp-content/uploads/2024/07/Informe-transparencia-2024.pdf>.

Media pluralism and political/state influence over news media

This section discusses how Articles 6 and 22 of the EMFA are implemented.

Summary

Since 2022, Spain has taken a significant step forward in the audiovisual field. Law 13/2022⁶⁹ establishes a comprehensive set of active disclosure obligations that serve as a transparency window for television and radio broadcasters (both linear and on-demand) and for providers of video-sharing services via platforms. This information must be made available on corporate websites “in an easily understandable and reusable electronic format”.⁷⁰ The State Register coordinates with regional registers and transmits information to the European Commission’s centralised database⁷¹, without prejudice to other general obligations (e.g. under corporate, audit, and LSSI regulations).

The Spanish legal system provides a well-defined merger control framework with clear procedural rules including prior notification, standardised forms, confidentiality and publicity safeguards, deadlines, and remedies, as well as adequate investigatory powers for the CNMC and structural safeguards in the audiovisual sector. However, there is no horizontal “plurality test” requiring that all media transactions explicitly assess their impact on media pluralism, including factors such as the online environment, conglomerate linkages, editorial independence safeguards, counterfactual sustainability, or specific pluralism commitments, as envisaged under Article 22 of EMFA.

Transparency: legal requirements

Audiovisual and video-sharing service providers are required to publish their name, address, and contact details on their websites, in a reusable format.⁷² The same article mandates the disclosure of two layers of control relevant to pluralism — the editorial managers and those holding significant shareholdings as defined in Article 38. The LGCA also requires disclosure of whether the entity is state-owned or state-controlled.⁷³

When it comes to beneficial ownership disclosure, Spain falls short of the European standard. The LGCA does not require media outlets to publish their beneficial owners on their websites. However, Spain maintains a Central Register of Beneficial Ownership (RCTR), a single, electronic, centralised registry that collects and provides information on beneficial ownership. Access is granted to authorities and obligated entities, and, following the CJEU’s doctrine, to persons or organisations with a legitimate interest, including media outlets and some civil society organisations.⁷⁴

Law 29/2005 mandates the publication of an annual report listing all advertising campaigns carried out by the General State Administration, their cost, the awarded

⁶⁹ Law 13/2022 of 7 July, the General Audiovisual Communication Law (LGCA).

⁷⁰ LGCA, art. 40.1.

⁷¹ LGCA, art. 41.2.

⁷² LGCA, art. 42.

⁷³ LGCA, art. 42.

⁷⁴ RD 609/2023, art. 1, 5 and 13.1.g.

contractors, and, in the case of advertising campaigns, the related media plans.⁷⁵ This represents a step forward in transparency, but its approach is contractual and campaign-based, and does not require media outlets themselves to disclose annual revenues by provider. Therefore, it does not yet achieve the level of granularity envisaged under the EMFA.

Spanish legislation currently lacks a publication requirement equivalent to Article 6 of EMFA for revenue received from third-country public authorities or entities. This gap must be addressed for Spain to achieve full alignment with the European transparency standard.

The State Register established by the LGCA lists the entities it covers, state audiovisual providers, public service broadcasters, aggregators, video-sharing service providers, and users of special relevance. The entries are public, freely accessible, and available free of charge in a reusable format.⁷⁶ There is cooperation with regional registers and referral to the European Commission's centralised database.⁷⁷ However, this architecture does not include the press or non-audiovisual digital media, which remain outside this sectoral registry.

In 2024, new regulatory developments extended coverage to “users of particular relevance”, namely creators or influencers, based on objective criteria of income and audience size:

- ≥ €300,000 gross annual income or ≥ 2,000,000 followers on a single platform⁷⁸
- ≥ 1,000,000 followers on one platform or ≥ 2,000,000 combined across platforms⁷⁹
- ≥ 24 videos per year.⁸⁰

These users are now required to register with the State Register.⁸¹

Spain partially complies with Article 6 EMFA. The audiovisual sector benefits from a robust transparency framework covering identity, contact information, editorial managers, significant ownership, and state participation, all under a public and federated registration system. The RCTR provides an official mechanism for consulting beneficial ownership data for those with legitimate interest. However, there remains no horizontal obligation for all media outlets, including the press and non-audiovisual digital media, to publish beneficial ownership information on their websites. Likewise, there is no requirement for media to disclose annual breakdowns of income from institutional advertising or from third-country public authorities, as explicitly required by the EMFA.

⁷⁵ Law 29/2005, art. 14.

⁷⁶ LGCA, art. 40.1.

⁷⁷ LGCA, art. 41.2.

⁷⁸ RD 444/2024, art. 3.1.a.

⁷⁹ RD 444/2024, art. 3.1.b.

⁸⁰ RD 444/2024, art. 4.

⁸¹ RD 444/2024, art. 10.

National media ownership databases

Article 6 of EMFA requires Member States not only to ensure active transparency by media outlets but also to establish national databases containing accessible, up-to-date information on ownership (including state participation), beneficial ownership, and funding flows from institutional and third-country public advertising.

In Spain, this obligation is only partially implemented. The General Audiovisual Communication Law (LGCA) and its implementing regulation (RD 444/2024) provide a public State Register for audiovisual and video-sharing service providers, now extended to include major content creators (“users of special relevance”). However, this registry remains sectoral, excluding the press and non-audiovisual digital media, and does not include beneficial ownership or detailed funding data as required by EMFA.

The Central Register of Beneficial Ownership (RCTR), created by RD 609/2023, offers a horizontal mechanism for accessing beneficial ownership data, but it does not substitute for a comprehensive media ownership database integrating ownership, control, and funding flows.

Independent assessments, including CMPF/MPM 2025 (Spain)⁸², confirm that EMFA implementation is still partial: transparency requirements are concentrated in the audiovisual sector, with no unified national database covering all media types. Full alignment with Article 6 of EMFA would require extending registry obligations, and their transparency fields, across the entire media system.

In the area of institutional advertising, Law 29/2005 requires the General State Administration to publish an annual report detailing all campaigns, the corresponding amounts, contractors, and, where applicable, the related media plans.⁸³ This measure enhances the traceability of public spending, yet it does not constitute a national media ownership database nor provide an annual aggregation by medium that would allow for identifying how much each media supplier receives in institutional advertising. Consequently, it falls short of the transparency standard envisaged under Article 6 of EMFA.

Assessment of media market concentrations

The control of concentrations in Spain is regulated by Royal Decree 261/2008, which implements Law 15/2007 on the Defence of Competition (LDC), and by the institutional framework established under Law 3/2013 creating the National Commission for Markets and Competition (CNMC). In the audiovisual sector, this framework is complemented by pro-pluralism structural limits set out in the General Audiovisual Communication Law (LGCA).

Overall, Spanish law provides substantive and procedural safeguards for assessing and conditioning transactions with potential effects on media pluralism. However, there is no

⁸² See more at <https://cadmus.eui.eu/entities/publication/a67841bb-b4b2-423b-b672-1e2babd56108>.

⁸³ Law 29/2005, art. 14.

cross-cutting “plurality test” requiring that pluralism and editorial independence be assessed autonomously across all media markets, beyond the specific safeguards applicable to the audiovisual field.

Royal Decree 261/2008 establishes a two-stage procedure with standardised notification forms (ordinary and abbreviated), confidentiality safeguards, and public access to files.⁸⁴ In the second phase, a brief notice is published to open a 10-day period for third-party submissions, following the identification of confidential information.⁸⁵ This design ensures transparency, due process, and non-discriminatory treatment. Law 3/2013 further strengthens transparency by requiring the publication of CNMC resolutions and reports once confidentiality issues are resolved.

Transactions subject to control must be notified in advance, accompanied by the required information⁸⁶, with the possibility of pre-notification consultation.⁸⁷ The CNMC has inspection and information-gathering powers.⁸⁸

The CNMC is the competent authority for merger control.⁸⁹ RD 261/2008 provides for consultations with sectoral regulators where relevant.⁹⁰ In the audiovisual field, the LGCA assigns the Ministry of Economic Affairs and Digital Transformation responsibility for maintaining the State Register, while the CNMC supervises compliance and enforces audiovisual obligations as the state audiovisual authority.⁹¹

Notification of media market concentrations

Royal Decree 261/2008 defines the notification content⁹², abbreviated procedure⁹³, and commitments regime.⁹⁴ The substantive assessment focuses on whether a transaction could impede effective competition, in line with Article 10 LDC, taking into account efficiency gains.⁹⁵

In addition, the LGCA imposes structural limits to safeguard pluralism:

- Free-to-air television: 7% audience-share threshold; guarantee of at least three private providers; and restrictions on multiplex capacity⁹⁶
- Analogue terrestrial radio: licence caps per coverage area and national-level limits⁹⁷

These parameters are objective, proportionate, and non-discriminatory, functioning as structural firewalls against excessive concentration.

⁸⁴ RD 261/2008, art. 54–57, 61–71.

⁸⁵ RD 261/2008, art. 65.4–5.

⁸⁶ RD 261/2008, art. 54–57.

⁸⁷ RD 261/2008, art. 59.

⁸⁸ Law 3/2013, arts. 27–28.

⁸⁹ Law 3/2013, art. 5.d.

⁹⁰ RD 261/2008, art. 63.

⁹¹ LGCA, art. 153.2.

⁹² RD 261/2008, art. 56.

⁹³ RD 261/2008, art. 57.

⁹⁴ RD 261/2008, art. 69.

⁹⁵ RD 261/2008, art. 6.

⁹⁶ LGCA, art. 35.

⁹⁷ LGCA, art. 78.

Upon receipt of a notification, the authority confirms the expiry of the first-phase deadline, regulates suspensions and extensions, and sets the milestones for the second phase: publication of a summary note, 10 days for third-party comments, 20 days for regional authority reports where the merger affects their territory, and deadlines for statements of facts and commitment proposals.

The current test is competition-oriented. Protection of pluralism is addressed *ex ante* through the structural limits set out in the LGCA.⁹⁸ There is, however, no horizontal procedure requiring an autonomous assessment of the impact on pluralism or editorial independence across all media markets, including the press and non-audiovisual digital media. This contrasts with the broader obligation established in Article 22 of EMFA.

In conclusion, Spanish legislation provides transparent, objective, and proportionate mechanisms for assessing potentially sensitive concentrations, including prior notification, adequate investigatory powers, participation of relevant regulators, and clearly defined deadlines. The LGCA adds important structural safeguards in the audiovisual sector. Nonetheless, the absence of a generalised “plurality test” means that full convergence with EMFA would require introducing an explicit, cross-sector assessment of media pluralism and editorial independence.

Impact of media market concentration on media pluralism

The Spanish substantive test focuses on effective competition and does not include, as an autonomous criterion, the assessment of public opinion formation, diversity of services or content, or any specific consideration of the online environment or the effects of media ownership concentration. When a transaction affects a regulated sector, the authority may request an opinion from the sectoral regulator⁹⁹; however, this mechanism does not constitute a legal test of pluralism within the meaning of Article 22 of EMFA. At the same time, the LGCA establishes *ex ante* structural limits designed to safeguard pluralism in linear television¹⁰⁰ and radio.¹⁰¹

In free-to-air television, Article 35 LGCA prohibits acquiring a significant stake in more than one national provider when one of them exceeds 27% of the average annual audience, guarantees the existence of at least three private providers with national coverage, and restricts multiplex capacity. In radio, Article 78 LGCA limits the accumulation of licences both by area and at the national level.

These *ex ante* safeguards preserve diversity in television and radio but do not constitute a case-by-case “plurality test” within merger control proceedings. In the past decade, several transactions have had potential implications for the structure of media pluralism. These transactions have been processed under the merger control framework established by the Law on the Defence of Competition (LDC) and its implementing regulation, Royal Decree 261/2008. During this period, no media transaction has been prohibited by the national competition authority. Had a prohibition been issued, its legal basis would have been the

⁹⁸ LGCA, art. 35 and 78.

⁹⁹ RD 261/2008, art. 63.

¹⁰⁰ LGCA, art. 35.

¹⁰¹ LGCA, art. 78.

existence of a significant impediment to the maintenance of effective competition under Article 10 of the LDC, with the decision adopted by the CNMC Council.

Impact of media market concentration on editorial independence

Neither Royal Decree 261/2008 nor the Law on the Defence of Competition (LDC) requires the competition authority to assess internal safeguards of editorial independence, such as editorial statutes or ownership–editorial firewalls, as a legal criterion in merger decisions. The LGCA defines pluralism objectives and sets structural limits¹⁰², but these are not applied as evaluative criteria within the merger control procedure itself.

¹⁰² LGCA, art. 35 and 78.

Recommendations: what is needed to capture- 34

proof the Spanish media

The recommendations are structured as follows:

- a) *Recommendations aimed at aligning national legislation with the EMFA's general provisions; and*
- b) *Recommendations aimed at enhancing the media environment regardless of EMFA.*

Independence of media regulators

Brief overview of EMFA provisions

The 2018 amendment of the Audiovisual Media Services Directive (AVMSD) already set out the requirements for independent media regulators. These include functional independence from governments, impartiality and transparency, operation without instructions, clearly defined competences and powers, an effective appeal mechanism, a proper mechanism to appoint and dismiss the head and the body of the authority, and also adequate financial and human resources and enforcement powers. In light of the above, EMFA essentially reiterates the stipulations set forth in Article 30 of the AVMSD, with the notable addition of provisions pertaining to the requisite resources, specifically technical resources, and the authority to request information and data. Consequently, prior to the implementation of EMFA, Member States are obliged to adhere to the majority of the requirements pertaining to independent media regulators as outlined in Article 30 of the AVMSD.

Aligning with EMFA's general provisions: what is needed?

- Enhance budgetary autonomy. Spain should consider granting the CNMC greater financial self-management, allowing it to reallocate resources and expand staff without prior government approval. A budget model comparable to the Bank of Spain or CNMV would help secure functional independence and ensure stable funding, in line with EMFA Article 5 requirements on adequate and predictable resources.
- Strengthen appointment procedures by introducing an independent, multidisciplinary expert selection committee composed of renowned professionals, academics and authorities with economic, technical, legal, and public-interest expertise. This would strengthen the merit-based and transparent nature of appointments envisaged by EMFA. Given the CNMC's expanding remit under the Digital Services Act and EMFA, consideration should also be given to including among Council members individuals with proven expertise in media governance, journalism or digital communication, ensuring that media regulation benefits from relevant professional expertise.
- Clarify institutional independence. Redefine the CNMC's legal "attachment" to the Ministry of Economy to avoid any perception of subordination. Explicitly affirm in legislation that the CNMC operates entirely autonomously in regulatory and organizational matters, consistent with EMFA standards or non-interference.

Further enhancing the media environment: what is needed?

- Build long-term institutional capacity. Adopt a multi-year staffing and training plan to address new functions under the Digital Services Act and EMFA. Establishing a specialized Media and Digital Services Directorate within the CNMC would help consolidate expertise and ensure effective supervision of the media.
- Improve transparency and external evaluation. Develop a unified open-data portal and introduce periodic independent assessments of the CNMC's performance against EMFA benchmarks. Regular reporting to Parliament and civil society is also recommended to reinforce public confidence in the regulator's independence.

Independence of public service media

Brief overview of EMFA provisions

Article 5 of EMFA requires that governments guarantee the independent functioning of public media, including ensuring their editorial and functional independence, that procedures for appointing the management guarantee the independence of public media, that those appointed are done so on the basis of transparent, open, effective and non-discriminatory procedures and criteria, that funding is transparent, adequate, sustainable and predictable and can guarantee the editorial independence of the public media, and that an independent body is designated to monitor the application of these principles.

Aligning with EMFA's general provisions: what is needed?

- The current legislation does not specify concrete criteria to determine whether the individuals proposed by political parties are suitable to serve on RTVE's Board of Directors and to hold its presidency. More specific criteria should be established regarding the education and professional experience of the candidates.
- In order to ensure a funding system that guarantees the allocation of adequate, sustainable, and predictable financial resources in line with RTVE's public service remit, it is urgent to renew the framework mandate and approve the first programme contract.
- The political bias of the current Board of Directors, in which 11 of its 15 members have clear ties to the political party that nominated them, highlights the high level of politicization of this body. It is recommended to establish a more restrictive system of incompatibilities to guarantee the political independence of members of the Board of Directors.

Further enhancing the media environment: what is needed?

- Providing the CNMC with greater financial and human resources could facilitate more effective oversight of RTVE's public service mission, particularly in light of the additional responsibilities introduced by the EMFA to the regulator.

Misuse of state funds to influence media output

Brief overview of EMFA provisions

Article 25 of EMFA states that, while public procurement rules remain unchanged, state advertising must be awarded in accordance with transparent, objective, proportionate and non-discriminatory criteria.

Aligning with EMFA's general provisions: what is needed?

- To ensure a fair, transparent, and pluralistic use of public funds in institutional advertising, Spain should establish a robust framework of ex ante and ex post measures that reinforce accountability, diversity, and independence in the decision-making process.

Best practice would include the following:

Ex ante measures needed:

- Open public calls: Introduce clear and accessible procedures guaranteeing transparency, fair competition, and equal opportunities for all media outlets and communication platforms.
- Objective and evidence-based criteria: Define campaign objectives and communication channels using verifiable, data-driven, and scientific criteria related to audience profiles and media consumption patterns, thereby preventing decisions based on political or commercial interests.
- Independent and plural expert committees: Delegate the planning, selection, and supervision of campaigns to independent technical bodies composed of diverse experts. These committees should be appointed through competitive public procedures managed by autonomous regulatory authorities, rather than by governments.

Ex post measures needed:

- Transparent reporting on allocation and execution: Mandate detailed public reports on fund distribution and implementation, specifying amounts awarded, beneficiary media outlets, and the rationale for each allocation.
- Evaluation of outcomes and impact: Require annual assessment reports that evaluate the extent to which campaign objectives were achieved, along with indicators of effectiveness, efficiency, and social reach.
- Public and parliamentary oversight: Guarantee that all reports are publicly available and subject to parliamentary scrutiny, embedding transparency and accountability as structural principles of good governance.

Further enhancing the media environment: what is needed?

Beyond compliance with EMFA, additional reforms are needed to consolidate an independent and trustworthy media environment:

- Institutionalize open data accessibility: Ensure that all information on institutional advertising expenditures is publicly accessible and usable by journalists, researchers, and citizens.
- Strengthen the CNMC's role: Provide the National Commission for Markets and Competition (CNMC) with enhanced powers and resources to monitor compliance with EMFA principles and to issue public recommendations on media funding transparency.
- Foster a culture of accountability and ethical governance: Promote transparency in public advertising not merely as a legal requirement, but as a systemic practice essential to safeguard media pluralism, independence, and citizens' trust.

Media pluralism and political/state influence over news media

Brief overview of EMFA provisions

Article 6 of EMFA requires news media organisations to provide information about their owners, including potential conflicts of interest, and to implement measures to ensure editorial independence. Article 22 of EMFA requires governments to implement a system for the assessment of concentrations that could have a significant impact on media pluralism and editorial independence.

Aligning with EMFA's general provisions: what is needed?

Spain's framework is only partially aligned with EMFA Articles 6 and 22. Law 13/2022 (LGCA) and the State Register have put in place an operational transparency regime for the audiovisual sector, coordinated with regional registers and feeding the Commission's central database; however, coverage remains sectoral—the press and non-audiovisual digital media are not included—and there is no horizontal obligation for media websites to publish beneficial ownership. Law 29/2005 improves traceability via an annual report of advertising campaigns, yet it provides no per-outlet breakdowns and does not require disclosure of revenues from third-country public authorities; the RCTR offers legitimate-interest access but does not replace a media-specific national database of ownership and funding as envisaged by Article 6. For concentrations, the LDC and Royal Decree 261/2008 provide procedural safeguards and the LGCA adds pro-pluralism structural limits in TV and radio; nevertheless, Spain lacks a cross-cutting plurality test to autonomously assess effects on media pluralism and editorial independence across all markets, including online.

To achieve full convergence with EMFA, Spain should:

For Article 6:

- extend the State Register horizontally to include the press and non-audiovisual digital media
- introduce mandatory fields for beneficial ownership and public funding, including third-country sources.

- require website disclosures of beneficial owners and annual per-outlet public-funding breakdowns,

For Article 22:

- adopt a stand-alone, case-by-case plurality test applicable to all markets (online included).
- clarify the institutional architecture (lead authority and CNMC–audiovisual-authority cooperation)
- issue public methodological guidance covering pluralism indicators, editorial-independence safeguards, treatment of conglomerates and counterfactual analysis, so that decisions are consistent and reviewable.

Further enhancing the media environment: what is needed?

Beyond formal alignment, the operational backbone should be reinforced to close traceability gaps and strengthen substantive pluralism assessments. The following targeted measures are recommended:

- Granularity and traceability of public funding: publish per-outlet amounts (not only campaign-level data) via a single public portal in reusable formats, operationalising the Law 29/2005 framework.
- Transparent, replicable methodology: codify indicators and procedures for the new test (content diversity, editorial-independence safeguards, online effects, and counterfactual sustainability).
- Regulatory capacity: scale CNMC resources to cover EMFA/DSA tasks and the additional oversight associated with a national media register.
- Database interoperability: link the State Register, the future national media database, and the RCTR to enable integrated queries on ownership, control and funding (including third-country sources).
- Informed third-party participation: preserve public comment windows and strengthen decision transparency in proceedings applying the new plurality test.

MEDIA CAPTURE MONITORING REPORT: SPAIN

DECEMBER 2025

This report by IPI is part of the Media Freedom Rapid Response, which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers.

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