



Latest developments in administrative sanctions

Two recent judgments may have a significant impact on the actions of authorities and stakeholders.

The possibility of reducing the amount of fines

Supreme Court Judgment No. 710/2025 concerns a €100,000 fine imposed by the regional Government of Andalusia on an individual for committing a serious infringement under the Andalusian Historical Heritage Law. The individual argued that the fine was disproportionate given the circumstances and the absence of actual harm to historical heritage.

The Court reduced the fine to €10,000, holding that when the circumstances of a case render the sanction disproportionate, both the administration and the courts have the power to reduce it by applying the sanction that would correspond to a less serious infringement.

In other words, even if the law classifies certain conduct as a very serious infringement, punishable by a fine ranging from €90,001 to €1 million, the final penalty applied may be the one applicable to a serious infringement (not to a very serious one), and may thus be much lower. This could happen if the minimum fine for a very serious infringement (€90,001) would be disproportionate in light of the specific circumstances of the case.

The Court held that such a reduction does not violate the principles of legality or legal certainty, and that the principle of proportionality must prevail.

In the medicinal products sector, where current law classifies any non-compliant advertising activity as a very serious infringement, this judgment

opens the door to moderating sanctions according to the case's specific circumstances. Situations where the boundary between information and advertising is particularly blurred may benefit from this approach. Cases where an infringement occurs but no actual harm is caused to public interests, public health, or patients could also benefit from this jurisprudence.

When the sanctioning provision is too vague

In this case, National High Court Judgment No. 103/2025 considered that the minor infringement defined in Article 111.2 (a) (10) of Royal Legislative Decree 1/2015 ("failure to comply with requirements, obligations or prohibitions established in this law and its implementing provisions in such a way that do not qualify as serious or very serious infringement") constitutes an overly broad and vague sanctioning provision, incompatible with the constitutional guarantees of legality and legal certainty.

Although the provision remains in force, in sanctioning proceedings where the rule applied is excessively vague or generic, it is possible to challenge the sanction for violation of the principle of legality, relying on the reasoning in this judgment and in Judgment No. 242/2005 of the Constitutional Court.

