Partial reawarding of the TV rights for Football Ligue 1 to Amazon: the Autorité de la concurrence rejects the complaints of the Canal + Group and beIN Sports for lack of sufficient evidence

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Background

The reawarding to Amazon of the broadcasting rights for Football Ligue 1 previously held by Mediapro led the Canal + Group (GCP) and beIN Sports France to lodge a complaint with the *Autorité de la concurrence*. The complainants maintained that by granting the rights in question to Amazon for the 2021-2022 to 2023-2024 seasons for 250 million euros per season, the Ligue de Football Professionnel (LFP) had committed discrimination insofar as, at the same time, they themselves remained obliged to broadcast batch 3 matches, acquired in 2018 for 332 million euros per season.

In this instance, the *Autorité de la concurrence* found that the information provided by GCP and beIN was insufficient to conclude that the LFP had abused its dominant position by treating them differently from Amazon in the procedure for reawarding the Mediapro batches and not selecting their bid over that of Amazon.

The *Autorité* recalled that, as it had already indicated in its Decision 21-D-12 of 11 June 2021, beIN and GCP could not claim that they had been discriminated against as they held batch 3 of the 2018 call for tender, which had been divested correctly for a four-year period with a duly created and executed contract.

For these reasons, the *Autorité* rejected the complaints on the merits of the case for lack of sufficient evidence and, as a result, the associated requests for interim measures.

The procedure for awarding the audiovisual rights to Football Ligue 1

- **The 2018 call for applications**

The LFP is responsible for marketing the audiovisual rights to Football Ligue 1 on behalf of professional football clubs. In accordance with the Code du Sport (Sports Code), these rights are in principle awarded through a call for tender for a limited period (four years in this case).

In 2018, the LFP launched a call for tender that included the rights to Ligue 1 for the 2020-2021 to 2023-2024 seasons. This call for tender was divided into seven separate batches, won by three different stakeholders: Mediapro won the majority of batches (1, 2, 4, 5 and 7), beIN won batch 3 (subsequently operated under licence by GCP) and Free won batch 6.

- **The challenge to the 2021 call for tender**

At the end of 2020, LFP and Mediapro agreed to terminate the contract that bound them in advance, given the latter's financial difficulties. The LFP therefore sought to reallocate the reassigned rights. It concluded a mutual agreement with GCP for the takeover of Mediapro's batches for the remainder of the 2020-2021 season. In January 2021, it also held a new call for tender to reallocate these batches for the 2021-2022 to 2023-2024 seasons.

As a reminder, the organisation of this new consultation had already led GCP to lodge a complaint with the *Autorité de la concurrence*. GCP alleged that the LFP had committed an abuse of a dominant position, by only reawarding the rights previously held by Mediapro and not all the batches, including batch 3 which it was operating itself.

In its Decision 21-D-12 of 11 June 2021, the *Autorité* rejected this complaint for lack of sufficient evidence. While considering that the LFP held a dominant

position in the market for the purchase of the broadcasting rights to Ligue 1, it believed that as batch 3 could be separated from the other batches, it did not have to be put back on the market, and that the evidence put forward did not demonstrate the existence of discriminatory practices or the imposition of unfair settlement conditions. This analysis was then validated by the *Cour d'appel de Paris* (Paris Court of Appeal) in its Decree of 30 June 2022 [1].

- **The awarding of rights to Amazon**

The call for tender launched by the LFP in 2021, in which GCP and beIN refused to take part, was declared unsuccessful as the reserve prices were not reached. As a result, the LFP launched negotiations by mutual agreement with the various stakeholders, including GCP and beIN. These negotiations concluded in June 2021 with the reawarding of the batches previously held by Mediapro to Amazon for 250 million euros per season.

The complaint by GCP and beIN Sports

Following this mutual negotiation, GCP and beIN lodged a complaint with the *Autorité de la concurrence* due to the fact that the reawarding to Amazon of the batches previously held by Mediapro was discrimination insofar as, at the same time, they themselves were obliged to broadcast only the matches from batch 3, for 332 million euros per season.

The *Autorité's* analysis

According to GCP and beIN, LFP abused its dominant position by discriminating against them in relation to Amazon.

- **The lack of discrimination resulting from not putting batch 3 back on the market**

In accordance with its Decision of 11 June 2021 and the Decree of the Cour d'appel de Paris (Paris Court of Appeal) of 30 June 2022 [2], the *Autorité*

considered that GCP and beIN could not claim discrimination solely because they had to continue to operate batch 3 under the original conditions. As this batch could be separated from the other batches, the LFP could not treat them differently from the other companies interested in the reawarding of the other batches.

- **The lack of discrimination in the procedure for awarding the batches**

The *Autorité* found that GCP and beIN had not provided evidence indicating that the procedure organised by the LFP to reaward Mediapro's batches had been discriminatory, insofar as each interested stakeholder had the opportunity to submit a bid to the LFP. On this point, the *Autorité* found that the LFP had given beIN and GCP the opportunity to take part in the 2021 consultation, which they chose not to do, and that, in the following mutual procedure, they could have submitted a joint bid to take over the batches under the same conditions as the other candidates.

- **The LFP could reasonably accept Amazon's bid**

The *Autorité* also considered that the LFP's decision to award Mediapro's former batches to Amazon was reasonable and not discriminatory, as Amazon's bid promised the highest guaranteed income to LFP, while maintaining the presence of several competing broadcasters and the entry of a new stakeholder in the market for the acquisition of the broadcasting rights for Ligue 1.

- **The contract with Amazon does not involve the reawarding of the transfer of batch 3.**

Lastly, the *Autorité* stressed the fact that the *Cour d'appel de Paris* (Paris Court of Appeal) validated its analysis that the contract in force for batch 3 could be executed independently and severably.

It also considered that the contracts in question were reopened for competition every four years through the call for tender mechanisms and that the different bidders necessarily took this medium-term horizon into account during the 2018 consultation. Furthermore, it cannot be excluded that a drop in the price of Batch

3 could constitute discriminatory behaviour with regard to those companies that had submitted a bid for batch 3 during the 2018 call for tender.

In view of all this evidence, the *Autorité* rejected the complaints on the merits of the case due to a lack of sufficiently conclusive evidence and, as a result, the associated requests for interim measures.

[1] GCP appealed against this decree before the *Cour de cassation* (French Supreme Court).
[2] Ibid.

DECISION 22-D-22 OF 30 NOVEMBER 2022

regarding practices implemented by the Ligue de Football Professionnel in the sector of the sale of television broadcasting rights for sports competitions

Consult the full text

PRESS RELEASE OF 11 JUNE 2021

Reawarding of the football Ligue 1's TV rights: The Autorité de la concurrence rejects Canal + Group's complaint against the LFP, for lack of sufficient evidence

See the press release

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