The Autorité de la concurrence rejects Mediapro's complaint due to lack of priority

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Since Ordinance 2021-649 of 26 May 2021, which transposes a 2019 European Directive [1] ("ECN+ Directive") into French law, the *Autorité* may, pursuant to the second paragraph of Article L. 462-8 of the French Commercial Code (*Code de commerce*), "reject the complaint by reasoned decision [...] for complaints received pursuant to II and IV of Article L. 462-5, where it does not consider them a priority". This is the second time it has used this framework.

Mediapro's complaint

In its complaint, Mediapro claimed that GCP had abused its dominant position in the pay-TV distribution market by implementing various practices designed to foreclose it from the pay-TV sports channel market (unacceptable financial and commercial conditions for the distribution of its Téléfoot channel, disparaging remarks regarding its services, discrimination and loyalty offers that tie in consumers over a long period).

Dismissal due to lack of priority

The *Autorité* considers that there is no justification for it to mobilise significant internal resources to examine Mediapro's complaint, insofar as:

- the dispute brought by Mediapro before the Commercial Court(Tribunal de commerce) , which [2], concerned the same alleged abuses of a dominant position (judgment dated 31 January 2023) [3].
- as the Téléfoot channel ceased broadcasting definitively on 7 February 2021 and the Bobigny Commercial Court declared the compulsory liquidation of Mediapro Sport France SARL on 20 October 2021, Mediapro's objections of

abuse of a dominant position against GCP are essentially based on compensation.
- the complaint concerns practices whose impact on consumers or on the competitive operation of the market appears to be relative.

[1] Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018

[2] The dispute brought by Mediapro before the Commercial Court on 21 November 2020 was then joined to the one brought by GCP and it resulted in the dismissal of all their claims.

DECISION 23-D-10 OF 4 OCTOBER 2023

See full text of the decision

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