[DE] Appeal Against British List of Important Events

IRIS 2001-3:1/8

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The Kirch group which, together with the Swiss marketing company ISL, owns the broadcasting rights for the 2002 and 2006 football World Cups, has lodged a complaint against the European Commission. The European Court of Justice must therefore rule on the Commission's decision to approve the provisions of the United Kingdom's Broadcasting Act 1996, as amended by the Television Broadcasting Regulations 2000, and the ITC Code on Sports and Other Listed Events, which were designed to transpose Article 3a of the "Television without Frontiers" Directive (see IRIS 2000-3: 8). The Commission's approval of the provisions was published in the Official Journal of the European Communities in November 2000.

The holders of the broadcasting rights have queried the Commission's decision to recognise as being in line with Community law a regulation stating that all matches in the World Cup finals should be available to viewers free of charge.

According to section 7 of the ITC Code, the restrictions (concerning the exploitation of rights) only apply to broadcasting rights acquired after the entry into force of Section 101 of the 1996 Broadcasting Act, i.e., 1 October 1996. The agreement between FIFA and Kirch concerning broadcasting rights was concluded in September 1996. Recitals 18 and 20 to the "Television without Frontiers" Directive would seem to suggest that broadcasting rights are acquired at the moment when the rights-holder (the marketing company) signs the relevant contract with a television broadcaster.

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