[DE] Düsseldorf Appeal Court Confirms Cartel Law Ban on RTL and ProSiebenSat.1 Online Video Platform

IRIS 2012-8:1/16

Peter Matzneller
Institute of European Media Law (EMR), Saarbrücken/Brussels

According to the Bundeskartellamt (Federal Cartel Office - BKartA), the Oberlandesgericht Düsseldorf (Düsseldorf Appeal Court - OLG), in a judgment of 8 August 2012, rejected the complaint by RTL and ProSiebenSat.1 against its decision of March 2011 concerning the two broadcasters' joint online video platform (case no. D 332 VI Kart 4/11[V]).

The OLG Düsseldorf therefore confirmed the prohibition imposed by the BKartA and shared the cartel authority's concerns (see IRIS 2011-5/15). The BKartA had concluded that, in its proposed form, such a platform would further strengthen the two broadcasting groups' existing market-dominating duopoly in the television advertising market. It also suspected that the joint venture represented a coordination of business interests, which would breach the ban on agreements that restrict competition.

The OLG Düsseldorf ruled that its decision could not be appealed. However, both broadcasters can apply to the Bundesgerichtshof (Federal Supreme Court) for leave to appeal.

Pressemitteilung des Bundeskartellamts vom 8. August 2012

http://www.bundeskartellamt.de/wDeutsch/download/pdf/Presse/2012/2012-08-08_PM_Video_Plattform.pdf

Press release of the Federal Cartel Office, 8 August 2012

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026