Spanish war over football moves ahead: Mediapro defeats RFEF

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What has been referred to in Spain as 'the war over football', a conflict between media corporations regarding football broadcasting rights that started in 2007 (see IRIS 2011-10:1/13), moves ahead with a new episode. On this occasion, the players are Mediapro, the company that owned those rights for many years, and the *Real Federación Española de Fútbol* (RFEF), the governing body of football in Spain.

The Provincial Court of Madrid (*Audiencia Provincial de Madrid*) has sanctioned the RFEF for abuse of a dominant position. The dispute that has been taking place concerns the broadcasting rights to the 2019 final of the Copa del Rey, an important competition in Spain. According to Royal Decree-Law 5/2015 (*Real Decreto-Ley 5/2015*), the organiser of the competition, in this case the RFEF, is responsible for the commercialisation of the associated rights.

Since Mediapro considered that it was being excluded and marginalised by the RFEF from its tenders and contracts after being left out of the process of acquiring the rights to the above-mentioned match, the company requested that precautionary measures be applied to the procedure. These were admitted by a Commercial Court in May 2019 and led to the actual admission of Mediapro into the process. Soon afterwards, the RFEF filed an appeal against the inclusion of Mediapro in the process, which the Commercial Court dismissed. In the end, Mediapro’s bid was unsuccessful because the RFEF directly assigned the rights to another player, even though its offer did not reach the reserve price, nor did the process have a second round.

The decision of the Provincial Court of Madrid came to confirm what had already been ruled by the Commercial Court: that Mediapro had been excluded without valid grounds and that it had been entitled to take part in any bid issued by the RFEF or any other sporting body. Since this is the second time that a court has ruled on these facts with the same results, the RFEF has been sentenced to pay the costs incurred in this second instance. No appeal can be made against this decision.

Mediapro’s press release

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