[DE] Federal Cartels Office closes proceedings against Sky and DAZN

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On 15 April 2020, the German *Bundeskartellamt* (Federal Cartels Office) closed its proceedings against the London-based DAZN Group Ltd. and Sky Ltd., who had been suspected of signing anti-competitive agreements for the purchase of football broadcasting rights.

Pay-TV broadcaster Sky had bought the full broadcasting rights for the UEFA Champions League for the 2018/19 to 2020/21 seasons before selling some of the matches to the DAZN streaming service under a sublicensing contract. The deal meant that no Champions League matches were broadcast live on free TV. According to the cartels authority, it had been alleged that the two companies had agreed in advance to share the broadcasting rights for Germany. The *Bundeskartellamt* had therefore launched administrative proceedings against Sky and DAZN.

The companies denied reaching any agreement before Sky's purchase of the rights and said they had only started discussing plans to work together afterwards. They claimed that this was compatible with competition law under certain circumstances and that, if there had been any doubt, the competition authorities should have conducted an investigation before their cooperation began.

The *Bundeskartellamt* explained that, although the two companies' behaviour initially appeared problematic, there were several reasons for closing the proceedings against them. Firstly, the sale of broadcasting rights from 2021 onwards had shown that the market was changing very quickly, with new players competing for the rights. It was also impossible to estimate the extent of the impact that the coronavirus pandemic might have on the current football season at both national and international levels and on the companies involved, and to predict how the market would develop. There was therefore no way of knowing how serious the consequences of intervention under cartel law might be. Along with the uncertainty of the evidence, this had tipped the scales in favour of closing the proceedings on a discretionary basis.

Pressemitteilung des Bundeskartellamtes

https://www.bundeskartellamt.de/SharedDocs/Publikation/DE/Pressemitteilungen/20

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Federal Cartels Office press release

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