

WRITTEN QUESTION E-1643/10  
by Anja Weisgerber (PPE)  
to the Commission

Subject: Collective selling of media rights/application of cartel law

In its resolutions on the future of professional football in Europe (29 March 2007) and the White Paper on sport (8 May 2008) the European Parliament stated that the collective selling of television and media rights is fundamental to protecting the financial solidarity model of European sport and recommended that the Member States introduce or maintain the collective selling of media rights accompanied by corresponding solidarity mechanisms. The Commission was called on to draw up clarifying guidelines on the application of EU competition law in relation to collective selling in order to provide sport with the necessary legal certainty.

However, the Commission has not yet complied with Parliament's repeated calls for guidelines on the application of EU competition law and has not provided any clarification. Disparities in the application of competition law by the cartel authorities in the Member States are leading to legal uncertainty and serious disadvantages when it comes to selling media and television rights in some Member States. For example, the German competition authority (the Bundeskartellamt) has ruled that, in principle, collective selling breaches competition law and has made it subject to very strict conditions.

1. What steps does the Commission intend to take to ensure that, even in its decentralised application, European cartel law is interpreted in a uniform way, and thus to prevent leagues in certain Member States being discriminated against by comparison with their European counterparts? Are guidelines for uniform interpretation a feasible course of action?
2. In its White Paper on sport, the Commission recognised the collective selling of media rights as a possible means of sports funding. With the entry into force of the Treaty of Lisbon, the EU is to take account of the specific nature of sport in accordance with Article 165 of the TFEU. Does this mean that the position of collective marketing as a financing model for sport would be strengthened in cartel law owing to the special significance of the collective selling of media rights for funding amateur sport on the basis of solidarity?