Opinion of the Advisory Committee on restrictive practices and dominant positions given at its 404th meeting on 13 March 2006 concerning a preliminary draft decision in Case COMP/38.173 — Joint selling of the media rights to the FA Premier League

(2008/C 7/08)

1. The majority of the Advisory Committee agrees with the Commission that the joint selling of the media exploitation rights by the English Football Association Premier League raises competition concerns under Article 81(1) of the Treaty and the proceedings in this case can be concluded by means of a decision pursuant to Article 9 of Council Regulation (EC) No 1/2003. A minority disagrees.

2. The majority of the Advisory Committee agrees with the Commission that the Football Association Premier League’s commitments introduce greater competition into the marketing of Premier League rights, provide a transparent and non-discriminatory sales procedure, ensure that no single purchaser will be able to buy all live TV rights, improve accessibility of content for TV, radio and new media operators and make sure that all rights are being made available to the market. A minority disagrees.

3. The majority of the Advisory Committee agrees with the Commission that — in light of the commitments offered by the Football Association Premier League — there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003. A minority disagrees.

4. The majority of the Advisory Committee agrees with the Commission that the commitments shall be binding on the Football Association Premier League for a period of six years or two contract rounds, i.e. until 30 June 2013. A minority disagrees.

5. The majority of the Advisory Committee recommends the publication of its opinion in the Official Journal of the European Union. A minority disagrees.

6. The Advisory Committee asks the Commission to take into account all the other points raised during the discussion.