

Case number:	Vj-40/2002
Party:	SPORT1 TV Content Provider PLC (SPORT1 TV)
Type of case:	Abuse of dominance – restrictive practice
Decision:	Termination of proceedings
Date:	30 December 2003

Vj-40/2002
"SPORT1 TV"
(abuse of dominance)

Summary

The Competition Council of the Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH) started proceedings against SPORT1 TV and investigated whether it abused its dominant position by restricting the freedom of distributors to place channel SPORT1 freely into various programme packages. In absence of any violation the proceedings were terminated.

The GVH received several complaints regarding the fact that channel SPORT1 was available only within the most expensive programme package. The GVH investigated the question whether SPORT1 TV abused its dominant position by restricting the freedom of distributors to place the channel into whatever package they want to.

During the negotiations with the content providers, the distributors were represented by their associations. Though the terms and conditions were negotiated by the associations, the results of such negotiations (framework agreements) were only recommendations, which did not bind the distributors. The distributors were free to carry on individual negotiations with the providers. Further, the distributors were not restricted by their associations in their freedom to place a certain programme into whatever package.

According to the identical statements of the associations, the agreements contained no restrictive provisions on the placement of channel SPORT1 into the most expensive package. Neither was the signing of the contracts conditioned to the inclusion of SPORT1 into the most expensive package.

Accordingly, in absence of any violation of the law, the Competition Council terminated the proceedings.

Budapest, 30 December 2003