COMESA Competition Commission
Kang'ombe House, 5th Floor
P.O.Box 30742
Lilongwe 3, Malawi
Tel:+265(0)1 772466

Common Market for Eastern and Southern Africa

25 January 2024

PRESS RELEASE

RESTRICTIVE BUSINESS PRACTICES: COMESA COMPETITION COMMISSION FINES THE CONFEDERATION OF AFRICAN FOOTBALL (CAF) AND BEIN MEDIA GROUP LLC (beIN) FOR BREACH OF THE COMESA COMPETITION REGULATIONS

The COMESA Competition Commission (the "**Commission**") has imposed a fine of **USD 300,000** on each of CAF and beIN for breaching Article 16(1) of the COMESA Competition Regulations (the "**Regulations**").

In 2017, the Commission initiated an investigation against **CAF** in relation to agreements concluded with third parties for the commercialisation of rights pertaining to the CAF football competitions. In 2019, the Commission issued notices of investigation against Lagardère Sports S.A.S ("**Lagardère Sports**") and beIN, in connection with two Memoranda of Understanding entered into between Lagardère Sports and beIN in 2014 and 2016 respectively for the commercialisation of media rights of football competitions organized by CAF (the "**beIN Agreements**").

On 22 December 2023, the Commission's Committee Responsible for Initial Determinations (the "**CID**") found that certain provisions of the beIN Agreements were in violation of Article 16 of the Regulations. In particular, the CID held that:

a. the lack of an open tender process for the award of the pay-TV broadcast rights for CAF competitions resulted in a significant prevention, restriction or distortion of competition within the Common Market.

b. having regard to the fact that the CAF competitions were held annually or every two years, the duration of the exclusive beIN Agreements were disproportionately long and increased the likelihood of market foreclosure.

COMESA COMPETITION COMMISSION
25 JAN 2024

c. the scope of the media rights under the beIN Agreements, taken in conjunction with the lack of a tender process and the duration of the agreements, was excessive and was likely to have resulted in a significant prevention and distortion of competition in the relevant markets.

Further, the CID issued the following orders:

a. **All media rights awarded to beIN pursuant to the Agreements, with regard to its operationalisation within the Common Market, shall cease on 31 December 2024.**

b. **CAF shall award all future exclusive media rights of CAF competitions within the Common Market on the basis of an open, transparent, and non-discriminatory tender process, based on a set of objective criteria, as outlined below:**
   i. ***CAF shall, within 60 calendar days of the date from the CID's decision, submit the set of objective criteria to the Commission for its consideration and determination.***
   ii. ***Upon approval by the Commission, CAF shall widely publicise the set of objective criteria on different platforms including CAF's website.***
   iii. ***Where any material departure from the approved objective criteria is necessary due to prevailing market circumstances, CAF shall submit an amended set of objective criteria to the Commission for approval before launching any tender.***
   iv. ***CAF shall publish the results of the winning bidders on its website.***

c. **CAF shall not enter into new exclusive agreements for the exploitation of media rights of CAF competitions within the Common Market for a duration longer than four years. Where CAF has justifiable grounds to enter into a future exclusive agreement for the exploitation of media rights of CAF competitions within the Common Market for a duration exceeding four years, before implementation, CAF shall notify the agreement to the Commission for its consideration and determination within 60 calendar days from the date of notification, i.e., after submission of complete information as determined by the Commission; and**

d. **CAF shall offer the various media rights as separate, commercially viable packages on a platform neutral basis, as outlined below:**
   *i. **No single Undertaking shall be allowed to purchase all the media packages.***
   *ii. **Where CAF has justifiable grounds to grant all the media packages to a single Undertaking, CAF shall, before implementation, notify the Commission for its consideration and determination.***

COMPETITION COMMISSION
25 JAN 2024

iii. ***The Commission shall issue its determination within 60 calendar days from the date of notification, i.e., after submission of complete information as determined by the Commission.***

Any party aggrieved by the decision of the CID may refer the matter to the Appeals Board within 60 working days of the decision being made, failing which the decision of the CID shall be final and binding.

The Commission wishes to notify the public that a non-confidential version of the CID decision on the beIN Agreements shall be published on the Commission's Website (comesacompetition.org) within 30 days under the Anti-Competitive Business Practices and Conduct registry (https://comesacompetition.org/anti-competitive-business-practices-and-conduct/) under case number CCC/RFA/01/01/2017/R3. *The CID decision on the beIN Agreements marks the closure of the second investigation by the Commission in relation to the commercialisation of media rights of CAF football competitions as the CID also issued decision in relation to the agreements involving Lagardere Sports and SuperSport on 4 December 2023 (CID decision on SuperSports Agreements, under the case number CCC/RFA/01/01/2017/R2, can be accessed at the following link: https://comesacompetition.org/anti-competitive-business-practices/lagardere-sports-sas-and-supersport-international-pty-limited-in-relation-to-media-rights-of-competitions-organised-by-the-confederation-africaine-de-football/).*

.

DR WILLARD MWEMBA
DIRECTOR AND CHIEF EXECUTIVE OFFICER
COMESA COMPETITION COMMISSION
5TH FLOOR, KANGOMBE HOUSE
P.O. BOX 30742, LILONGWE 3, MALAWI
OFFICE PHONE: +265 (0) 1 772466

COMESA COMPETITION COMMISSION
25 JAN 2024