

FOOTBALL PREMATURE END ACROSS EUROPE DUE TO COVID-19 AND EU COMPETITION LAW CONCERNS

by *Amedeo Polichetti**

ABSTRACT: The European football federations and leagues' decisions to prematurely end the season may have infringed antitrust rules, namely Article 101(1) TFEU, as they failed the regularity of the competitions and penalised certain clubs to the benefit of others. Although all the antitrust complaints filed at the national level by the clubs affected by the premature league termination were dismissed by the national courts and authorities involved, this article will argue that the effects connected to the decisions may give rise to some concerns under EU competition law. In that respect, insofar as some matches – which could change the positioning of the teams in the title race and in the promotion/relegation battle – still had to be played, the premature end of the season may have had the effect of excluding actual or potential competitors and preventing competition among clubs. Furthermore, the potentially restrictive decisions may not be justified in the light of a legitimate objective nor be exempted from the application of antitrust rules according to Article 101(3) TFEU. While it is true that the exceptional Covid-19 situation required prompt action by all European football governing bodies, it is worth noting that less problematic approaches could have been followed. Particularly, the decisions taken by Italy, Spain, England and Germany to extend the suspension measures already in force and resume games following the virus slowdown have proven to be the most effective solution under an EU competition law perspective, as they favoured the restart of the leagues without altering the final positioning of the clubs.

Keywords: Competition law – Football – Premature end – Interruption – Covid-19 – Restrictive effects

SUMMARY: 1. Introduction – 2. The Antitrust complaints filed at the national level – 3. Analysis of the NFAs' decisions from an EU competition law perspective – 4. Observations on the rulings issued by the authorities and courts involved at the national level – 5. Conclusion

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