



EUROPEAN COMMISSION
Competition DG

***CASE AT. 40023 Cross-border access to
pay-TV***

(Only the English text is authentic)

ANTITRUST PROCEDURE
Council Regulation (EC) 1/2003

Article 9 Regulation (EC) 1/2003

Date: 31/03/2021

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Brussels, 31.3.2021
C(2021) 2076 final

PUBLIC VERSION

COMMISSION DECISION

of 31.3.2021

withdrawing Decision C(2019) 1772 final of 7 March 2019 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (TFEU) and Article 53 of the EEA Agreement

Case AT.40023 - Cross-border access to pay-TV

(Text with EEA relevance)

(Only the English text is authentic)

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Case AT.40023 - Cross-border access to pay-TV

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty¹, in particular Article 9(1) thereof,

Having regard to the Commission Decision of 7 March 2019, notified under document C(2019) 1772 final, making commitments binding on the addressees of this Decision,

Having regard to the judgment in Case C-132/19 P², annulling the Commission Decision of 26 July 2016, notified under document C(2016) 4740 final, making commitments binding on Viacom Inc. and Paramount Pictures International Limited (formerly Viacom Global (Netherlands) B.V.),

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Having regard to the final report of the Hearing Officer,

Whereas:

¹ OJ L 1, 4.1.2003, p.1., With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and 102, respectively, of the Treaty on the Functioning of the European Union ("TFEU"). The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82, respectively, of the EC Treaty when where appropriate. The TFEU also introduced certain changes in terminology, such as the replacement of "Community" by "Union" and "common market" by "internal market". Where the meaning remains unchanged, the terminology of the TFEU will be used throughout this Decision. For the purposes of this Decision, although the United Kingdom withdrew from the European Union as of 1 February 2020, according to Article 92 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7), the Commission continues to be competent to apply Union law as regards the United Kingdom for administrative procedures which were initiated before the end of the transition period."

² Case C-132/19 P - *Groupe Canal + v Commission*, EU:C:2020:1007

- (1) By decision of 26 July 2016, notified under document C(2016) 4740 final (the “2016 Decision”), the Commission made commitments binding on Viacom Inc. and Paramount Pictures International Limited (formerly Viacom Global (Netherlands) B.V.).
- (2) By decision of 7 March 2019, notified under document C(2019) 1772 final (the “2019 Decision”), the Commission made similar commitments binding on The Walt Disney Company and The Walt Disney Company Limited (together “Disney”), Comcast Corporation, Universal Studios International B.V. and Universal Studios Limited (together “NBCUniversal”), Sony Corporation (currently Sony Group Corporation), CPT Holdings Inc. and Colgems Productions Limited (together “Sony Pictures”), Warner Media LLC and Warner Bros. International Television Distribution Inc. (together “Warner Bros.”), and Sky UK Limited and Sky Limited (together “Sky”).
- (3) By judgment of 9 December 2020 in Case C-132/19 P Groupe Canal + v Commission³, the Court of Justice of the European Union annulled the 2016 Decision.
- (4) In light of the annulment of the 2016 Decision, it is appropriate to withdraw the 2019 Decision, since the scope of the commitments made binding by that Decision are essentially identical to those of the 2016 Decision.
- (5) On 21 January 2021, the Commission informed each of the Studios and Sky of its intention to propose that the Commission withdraw the 2019 Decision. Between 26 January 2021 and 6 February 2021, Disney, NBCUniversal, Sony Pictures, Warner Bros. and Sky confirmed that they had no observations on the proposed withdrawal.

HAS ADOPTED THIS DECISION:

Article 1

Decision C(2019) 1772 final of 7 March 2019 is withdrawn.

Article 2

This Decision is addressed to:

The Walt Disney Company
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United States of America

The Walt Disney Company Limited
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³ EU:C:2020:1007.

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United States of America

Universal Studios International B.V.
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1062 HK Amsterdam
The Netherlands

Universal Studios Limited
1 Central St. Giles
St. Giles High Street
London WC2H 8NU
United Kingdom

Sony Group Corporation
1-7-1 Konan Minato-ku
Tokyo 108-0075
Japan

CPT Holdings, Inc.
10202 West Washington Boulevard
Culver City CA 90232
United States of America

Colgems Productions Limited
12th Floor Brunel Building
2 Canalside Walk
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United Kingdom

Warner Media, LLC
One Time Warner Center
New York NY 10019-8016
United States of America

Warner Bros. International Television Distribution Inc.
4000 Warner Boulevard
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Sky Limited
Grant Way
Isleworth
Middlesex
TW7 5QD
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Sky UK Limited
Grant Way
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Done at Brussels, 31.3.2021

For the Commission

[Signed]

Margrethe VESTAGER
Executive Vice-President