• Italy: The Antitrust Authority (ICA) accepts Commitments by SISAL S.p.A. in the Italian Games and Betting market

On 13 April 2011, the ICA accepted the binding commitments proposed by SISAL S.p.A. (SISAL) which will facilitate the access by competitors to the on-line bet-collection market.

Since March 2008, SISAL has been the holder of the exclusive right for the collection of bets for Superenalotto (which is one of the most popular games in Italy). SISAL also holds the control of the network through which on-line bets are collected, as well as the company Match Point S.p.A. (Match Point), which is active in bet collection and therefore also part of the network.

In July 2009, on the basis of a complaint filed by Giochi24 Srl, the ICA opened proceedings against SISAL for an alleged violation of Article 102 TFEU consisting of exclusionary behaviours by SISAL in the collection of Superenalotto bets, such as: a) impeding the access of competitors to the on-line network for the collection of on-line bets by making a specific connection protocol unavailable to them; and b) strategically managing its website www.superenalotto.it by establishing a link to Match Point’s website (www.match-point.it), through which the latter collects on-line bets.

Following the opening of the proceedings, SISAL made the abovementioned connection protocol available to its competitors, allowing them to start the collection of bets on-line. However, the ICA extended the object of its investigation to the rules established by SISAL for the collection of on-line bets.

In April 2010 SISAL offered commitments to meet the ICA’s competition concerns. The commitments underwent a market test and were subsequently amended by SISAL. The most important commitments which have been made binding by the ICA’s decision are:

(1) to change the management of the website www.superenalotto.it establishing a link for each on-line bet collecting operator;
(2) to make the trademark “Superenalotto” available to each on-line bet collecting operator so that it may be used on their search engine websites;
(3) to allow SISAL’s competitors to establish the games they want to offer and to share with its competitors all the information it has on customers’ characteristics;
(4) to start up a help desk in order to inform the competitors about the technical aspects of the rules regulating on-line bet collecting;
(5) to renounce its ex ante control of its competitors’ commercial and promotional activities; and
(6) to extend the commitments also to the developing activity of mobile bet collection.

The ICA believes that such commitments are appropriate and necessary in order to address its concerns about SISAL’s exclusionary behaviour in the games and betting market.

Indeed, as a result of the commitments, SISAL’s competitors will be able to exert stronger competitive pressure on the market. The ICA has therefore declared SISAL’s commitments binding and has terminated the proceedings without ascertaining the alleged competition violation.

See further: http://www.agcm.it/bollettino-settimanale/5540-bollettino-152011.html