

## Safeguarding Football's Crown Jewels

In separate actions, FIFA and UEFA have lodged complaints with the European Courts. The football authorities are appealing against certain national governments policies to safeguard certain 'crown jewels' sporting events for terrestrial television only.

Under European law, European Member State governments have the option to draw up a list of sporting or other cultural events that are of 'major importance to society.' These are events which are of major importance to society, that must be broadcast on free-to-air television. The listed events that include football are the Scottish and English FA Cup, the Olympic Games, the World Cup and the European Championships. The events on this list must be broadcast live on free-to-air television to ensure that they are made available to the widest audience possible. Under this list system in the UK each terrestrial broadcaster, (the BBC, ITV Channel 4 and Chanel 5) can broadcast a listed event.

FIFA is appealing against the European Commission's (EC) decision of 25 June 2007 to approve Belgium's inclusion of all 64 World Cup matches. Similarly, UEFA is appealing against the EC's decision of 16 October 2007 to approve the UK's list of events, which includes all 'Euro 2008' matches, irrespective of the teams playing. UEFA alleges that all the Euro 2008 matches are not of major importance to British society.

Crucially the UK and Belgium lists all of the World Cup and European Championship finals games collectively as of major cultural importance to the UK. The reason behind both UEFA and FIFA challenging the list systems of the UK and Belgium is because terrestrial broadcasters cannot pay as much for the rights to the lucrative World Cup and European Championships, than a pay-tv broadcaster like Sky or Setanta. This means UEFA and FIFA cannot realise the broadcasting value for the World Cup and European Championships in the UK and Belgium because they are forced to only sell the televised games to terrestrial broadcasters.

In the UK football broadcasting market the hugely popular Premier League and Champions League competitions are not protected under the UK list at all.

The issue is essentially a consideration of what events should be deemed of 'major importance to society'. It is difficult to anticipate the outcome of these cases as there are valid arguments on both sides. UEFA and FIFA appear to be playing hardball in using the European courts to attack the current Belgian and UK governments lists.

In relation to the FIFA World Cup and the European Championship Finals, a number of European Member State governments have limited the number of games to include just the semi-finals and the final and matches involving the nation submitting the list. UEFA and FIFA are not challenging those decisions because it gives them the ability to sell the rest of the games to the highest bidder regardless of whether it is a pay-tv broadcaster or a terrestrial station.

## Big Audiences v Big Money

Listed events have the problem of not being able to realise their true pay-TV commercial value. Pay-TV broadcasters in the last decade have purchased the most popular sports events as drivers for their pay-TV platforms. The value that a terrestrial television broadcaster may attach to a match will probably differ considerably from that of a pay-TV broadcaster. The flip side is that if the allocation of sporting and socially integrating programmes of national importance is auctioned off to the highest bidder, European citizens' access to popular events would be further restricted. The anti-pay-TV camp would point to other public goods such as clean air or street lighting, benefiting the wider public and therefore adding extra benefit to the community.

Such policy decisions taken by national governments for blanket lists governing the FIFA World Cup and UEFA European Championships have been equally welcomed by consumers as much as they have been greeted with hostility (and now challenged) by certain rights holders. As a result, national governments do give priority to terrestrial broadcasters. Whilst rights holders are concerned that governments are over stepping the mark in casting the listed net too wide, many citizens view such policy as quite a refreshing counter-balance in an increasingly growing live pay-TV sports market. It would be doubtful any sports

fan would argue against the listing of events in a growing age of subscription based television services.

**Daniel Geey, Solicitor & Joe Ward**

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