

EC study challenges sports betting right



In a press release published on 15 May 2014, EGBA has welcomed the main findings of a European Commission funded study on sports organisers' rights in the European Union. The study (accessible via this [link](#)) has concluded that:

- there is no legal basis or rationale for an EU-wide right to consent to bets (ie a "sports betting right")
- *"costs associated with the administering of the right to consent to bets will always be considerable" and "there is no evidence for a link between the financial return stemming from a right to consent to bets and the financing of grassroots sport"*
- the right to consent to bets *"risks leaving less popular and less visible sports more exposed to integrity risks" as "for most sports organisers the financial return would be insufficient to cover their own integrity costs"*
- the conditions required to implement a right to consent to bets are capable of constituting an unjustified restriction on the free movement of services within the EU
- the right establishes a monopoly for sports *"leading to the creation of a dominant position within the meaning of Article 102 TFEU"* and anti-competitive concerns
- *"amending the [Database] Directive to meet the demands of the sports organisers would bear the risk of creating undesirable information monopolies."*

EGBA maintains that the study shows that sports organisers already have sufficient legal protection and the creation, at EU level, of a French style sports betting right (requiring sports betting operators to obtain the consent of sports organisers to offer bets) is not justified. It quotes the study's finding that *"it is not evident that safeguarding the integrity of sports events constitutes the principal rationale of the French right to consent to bets"*, Maarten Haijer, Secretary General of EGBA, adding: *"This very comprehensive study illustrates clearly that a sports betting right cannot act as a safeguard to keep corruption out of sport"*

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