
EXPLANATORY NOTE

(This note is not part of the Order)

This Order excludes from the Chapter I prohibition in the Competition Act 1998 (c. 41) specified agreements or decisions relating to the renewal of existing football broadcasting rights agreements between the Football Association Premier League Limited (“the Premier League”) and broadcasters, and excludes from the Chapter II prohibition conduct relating to the renewal of those agreements. The Chapter I prohibition precludes agreements between undertakings, decisions by associations of undertakings or concerted practices which may affect trade within the United Kingdom and which have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom. The Chapter II prohibition precludes conduct on the part of one or more undertakings which amounts to abuse of a dominant position in a market if it may affect trade within the United Kingdom. The Secretary of State, where satisfied that there are exceptional and compelling reasons of public policy for doing so, may exclude an agreement, decision or concerted practice, or an agreement, decision or concerted practice of a particular description, from the Chapter I prohibition, and specified conduct from the Chapter II prohibition.

Article 3 of the Order excludes from the Chapter I prohibition an agreement or a decision to the extent that it is—

- an agreement between Premier League clubs or between Premier League clubs and the Premier League, or
- a decision made by the Premier League, or
- an agreement between the Premier League and a broadcaster

to renew any of the existing agreements between the Premier League and a broadcaster relating to football broadcasting rights so that it applies on the same or substantially the same terms to broadcasting rights for the 2022 to 2023, 2023 to 2024 and 2024 to 2025 Premier League football seasons, without the Premier League carrying out a competitive tender process or auction for the sale of those rights. Article 3(2) applies the exclusion retrospectively to any such agreements or decisions which were entered into or made between 13th May 2021 and the day on which this Order comes into force.

Article 4 of the Order excludes from the Chapter II prohibition the renewal of any of the existing agreements between the Premier League and a broadcaster relating to football broadcasting rights so that it applies on the same or substantially the same terms to broadcasting rights for the 2022 to 2023, 2023 to 2024 and 2024 to 2025 Premier League football seasons, without the Premier League carrying out a competitive tender process or auction for the sale of those rights. Article 4(2) applies the exclusion retrospectively to any such conduct engaged in between 13th May 2021 and the day on which this Order comes into force.

Article 5 provides that the Order expires at the earlier of the end of the period of 14 days after the last match played in the 2024 to 2025 Premier League football season or the end of July 2025.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.