



Media relations
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Press Release

regarding judgment B-5819/2020 of 31 October 2023

Ice hockey on pay TV: sanction confirmed

The Federal Administrative Court confirms the sanction handed down by the Competition Commission against UPC for anti-competitive behaviour regarding the supply of live ice hockey broadcasts, and reduces the amount to be paid from CHF 30 million to CHF 29.1 million.

In 2016, UPC Schweiz GmbH (now Sunrise GmbH) acquired an exclusive licence to broadcast the matches of the top Swiss hockey leagues, the NLA and NLB (now the National League and the Swiss League), for seasons 2017/18 to 2021/22. As a result, within these five years, UPC came to dominate the market for live broadcasting of ice hockey matches on pay TV. The Competition Commission (ComCo) determined that UPC's behaviour constituted an abuse of market dominance and imposed a pecuniary sanction amounting to about CHF 30 million.

Unlawful behaviour

The Federal Administrative Court (FAC) determined firstly that, for nearly three years, UPC had refused to supply Swisscom (Schweiz) AG and its subsidiary Blue Entertainment AG with any live broadcasts of ice hockey matches. According to the FAC it is not objectively necessary for Swisscom – as a TV platform – to fully provide Swiss ice hockey broadcasting content since it has at its disposal comprehensive contents of Swiss football matches. Unlike the "Sports on pay TV" case (judgment [B-4003/2016](#) of 10 May 2022), the scope of what constitutes 'objectively necessary content' cannot be substantiated in this instance. Nevertheless, to compete effectively in pay TV, a broadcaster must be able to offer a limited range of Swiss ice hockey matches. Hence UPC's refusal to supply Swisscom impeded competition and consequently, UPC abused its dominant position in the market.

The FAC confirms the ruling of ComCo obligating UPC to supply all TV platforms in Switzerland either with a raw signal of National League and Swiss League ice hockey broadcasts or a feed-through of their contents on the "MySports" pay-TV channel at non-discriminatory conditions. The Court also confirms the sanction while reducing the amount to be paid to about CHF 29.1 million.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.