

The Competition College does not consider the relegation of the football club Waasland-Beveren to division 1B *prima facie* incompatible with competition law

The Competition College of the Belgian Competition Authority (BCA) has on the 2nd of July 2020 imposed on the Pro League (Belgian premium football league) one of the interim measures as requested by Foodinvest Holding nv, shareholder of the football club Waasland-Beveren (hereafter Waasland-Beveren).

Waasland-Beveren argued that the Pro League decision of 15 May 2020 to declare the 2019-2020 season closed and which resulted in the relegation of Waasland-Beveren, infringed competition law. They asked the College (i) to order the Pro League and/or the Royal Belgian Football Associations (RBFA) to maintain Waasland-Beveren in division 1A for the 2020-2021 season, and (ii) to prohibit the Pro League and/or the RBFA to impose a sanction on Waasland-Beveren for seeking legal remedies, in particular from the competition authority, in respect of the decision of the 15th of May 2020.

The College has judged that in the light of the Coronavirus crisis measures not unreasonable for the Pro League to decide on the 15th of May 2020 to end the 2019-2020 season, with as a consequence the relegation of Waasland-Beveren and to maintain for the 2020-2021 season in a division 1A with 16 clubs. The College has also concluded that this decision was the closest possible to the RBFA Football Regulations and to the sports logic.

But as it has since become possible to play matches, the College examined whether there was a risk of discrimination if the finals were played to decide on the promotion of clubs of the division 1B, and not the matches to decide on the relegation of a club from division 1A to 1B. The College has examined the possibility to play the two matches in order to decide which club would be relegated, or all remaining matches of the final day of the 2019-2020 season. Parties, including Waas-Beveren, argued against such measure.

And the College decided that it would impose a disproportionate burden on the clubs and organisers to order in an interim measure decision to play the 2020-2021 season with 17 or 18 clubs in division 1A, while it would grant to Waasland-Beveren the right to stay in division 1A without earning that right in competition.

The College ordered the Pro League to suspend the provision in the 15th of May 2020 decision that allowed for sanctions on Waasland-Beveren or any other club in the Pro league for seeking legal remedies, e.g. from the competition authority in respect of the decision of the 15th of May.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)