

## Press release

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### **The Belgian Competition Authority imposes a fine of 1.190.000 EUR on the National Lottery for having abused its dominant position when launching its sports betting product Scoore!**

The Investigation and Prosecution Service of the Belgian Competition Authority imposes a fine of 1.190.000 EUR on the National Lottery for having abused its dominant position when commercially launching its sports betting product Scoore!

#### **Description of the infringement**

The National Lottery holds a legal monopoly with regard to the organisation of public lotteries. Besides public lotteries, since 2013 the National Lottery also offers sports betting under the brand name Scoore!.

The infringement consisted in the one-off use by the National Lottery of contact details of persons registered in its IGS-database acquired in the context of its legal monopoly in order to send an e-mail in January 2013 to announce the launch of Scoore!.

The Investigation and Prosecution Service has come to the conclusion that the National Lottery did not acquire these contact details following *competition on the merits* but in the context of its legal monopoly. In addition, these data, having regard to their nature and size, could not be reproduced by competitors on the market at reasonable financial conditions and within a reasonable period of time.

Furthermore, in 2011 and 2013 the National Lottery requested and received certain commercially sensitive information about competing providers of sports betting from some distributors of Scoore!. Obtaining this commercially sensitive information reduced the uncertainty about the behavior of its competitors for the National Lottery.

#### **Sanction**

As part of the transaction, the National Lottery has acknowledged its involvement in the infringement as set out in the decision, and has accepted the sanction. For that reason it has benefited from a 10% reduction of the fine.

In addition, the National Lottery, benefited from mitigating circumstances in the calculation of the fine, i.e. the absence of proven restrictive effect on competition and full cooperation of the National Lottery during the investigation.

## Procedural background

In May 2013, the companies Stanleybet, Sagevas, WFA and PMU, active in the sector of sports betting in Belgium, filed complaints with the Belgian Competition Authority against the National Lottery. As a result of the complaints, the Investigation and Prosecution Service opened an investigation in July 2013 and carried out dawn raids at the National Lottery.

The complaints contain various objections: (i) the use of data acquired in the context of a monopoly, (ii) the blocking by the National Lottery of a license for sports betting, (iii) the use of the image of the National Lottery for the promotion of Scoore!, (iv) cross-subsidisation and the use by the National Lottery of tangible and intangible resources from its monopoly and (v) exclusivity and non-competition clauses in the agreements between the National Lottery and the newsagents.

After thorough examination of these complaints, discussions with the National Lottery in view of a settlement concerning the first objection started end of 2014. These discussions ultimately led to the aforementioned settlement decision. The four other objections have been subject to a dismissal decision.

The settlement procedure is a new tool that the Code of Economic law has given to the Investigation and Prosecution Service in order to simplify and expedite the procedure leading to the adoption of a final decision.

The settlement decision cannot be appealed.

The settlement decision is available on the website of the Belgian Competition Authority ([www.belgiancompetition.be](http://www.belgiancompetition.be)).

For more information, you may contact:

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*The BCA (composed of the Competition College and the President as the decision making body in formal procedures and the Investigation and Prosecution Service under the direction of the Competition prosecutor general) has as mission statement to promote and to safeguard the existence of an effective competition in Belgium. To this end she examines and may impose sanctions on restrictive practices (cartels, abuse of dominant position). It examines also the admissibility of concentrations which might have a noticeable effect on the market. To this end the authority applies books IV and V of the Code of Economic Law as stipulated in the act of 3 April 2013 (Belgian Official Gazette of 26 April 2013) and competition rules of the European Union such as articles 101 and 102 of the TFEU (ex-articles 81 and 82 of the EC treaty). The authority takes part in the implementation of the European competition policy. She works together with other competition authorities and is member of the European competition network (ECN), the European Competition Authorities (ECA) and the International Competition Network.*