



Decision CPC: 12/2021

Case Number: 08.05.001.021.002

THE CONTROL OF CONCENTRATIONS BETWEEN ENTERPRISES LAW

No. 83(I)/2014

Notification of a concentration concerning the acquisition of the share capital of Green Pixel Productions A.E. Production and Trade audiovisual material, radio, television and other programs, and provision of related services from Alpha Media TV A.E and New TV A.E

Commission for the Protection of Competition:

Mrs. Loukia Christodoulou,	Chairperson
Mr. Andreas Karydis,	Member
Mr. Panayiotis Ousta	Member
Mr. Aristos Aristeidou Palouzas	Member
Mr. Polynikis-Panagiotis Charalambides	Member

Date of Decision: 3th of March 2021

SUMMARY OF THE DECISION

On 18/1/2021, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of Alpha Media TV A.E (hereinafter the “Alpha TV”) and New TV A.E (hereinafter the “NEW TV”), a notification of a proposed concentration. The notification was filed according to Section 10 of the Control of Concentrations between Enterprises Law 83(I)/14 (hereinafter the “Law”).

The notification concerns a concentration, according to which, Alpha TV and NEW TV, will acquire a joint control over Green Pixel Productions A.E. Production and Trade audiovisual material, radio, television and other programs, and provision of related services (hereinafter “Green Pixel”).

Companies participating at this merger are the following:

1. Alpha TV is a company duly registered in accordance with the laws of Hellenic Republic, which operates as a licensed provider of digital television station of national range. In this context, it produces (either directly or through third-party producers) television programs and / or secures television rights to broadcast and exploit audiovisual material for inclusion in the television program broadcast by the television station.

Regarding the activities of Alpha Television in the Republic of Cyprus, it is pointed out that these are mainly limited to the granting of a license, through contracts.

2. New TV is an anonymous company which exploits the known television station of national range "STAR". Star channel operates as a licensed provider of digital television station of national range.

Regarding the activities of Star Channel in the Republic of Cyprus, these are limited to granting licenses for television programs, mainly through contracts, to licensed television stations. Mainly, Star Channel has signed agreement with Omega Channel Ltd to rebroadcast the current Star Channel television program.

3. Green Pixel Productions A.E. Production and Trade audiovisual material, radio, television and other programs it's a company which produces movies, videos and TV shows. In order to achieve its activity, the company rents modern studios which are equipped with modern equipment, so that all the programs produced are in High Resolution (HD) environment. It is pointed out that Green Pixel is not active in the Republic of Cyprus.

The concentration is based on Share Purchase and Sale Agreements dated 15th of December 2020, (hereinafter "Agreement") between ALPHA TV and NEW TV (as a buyer) and Green Pixel (as the seller). Based on this Agreement, Alpha TV and New TV, will own each one of them the 50% of the share capital of Green Pixel.

Commission, taking into account the facts of the concentration, has concluded that this transaction constitutes a concentration within the meaning of section 6 (1)(a)(ii) of the Law, since it leads to a permanent change of control of Green Pixel, since it will be jointly controlled by Alpha Television and Star Channel.

Furthermore, based on the information contained in the notification, the Commission found that the criteria set by section 3 (2) (a) of the Law were satisfied and therefore the notified concentration was of major importance falling within the scope of the Law.

The relevant product/services and geographic market in this case was defined as a) the market for the provision of rights, through contracts, broadcasting and / or rebroadcasting of television programs, without making any further distinction between the acquisition of rights for sports programs, rights for cinematographic films, news content, etc in the territory of the Republic of Cyprus and b) The market for the production and supply of commissioned TV content in the territory of the Republic of Cyprus.

Noted that Alpha TV and NEW TV operate within Republic of Cyprus and provide, through a contract, the rights to broadcast and / or rebroadcast television programs to television stations licensed in Cyprus. The participants claim that the provision of these broadcasting and / or retransmission rights to the television programs of these companies is not affected by the intended merger, since Green Pixel is not active in Cyprus market and that the market of broadcasting and / or retransmission of television programs is a sub-market of the retail provision of television content in which the acquiring companies are active in Greece, with a very small turnover.

Based on the events of the notification of concentration, the Commission noted that there is a horizontal overlap in the relevant market of Cyprus in the activities of the two shareholders who acquire control over Green Pixel.

But since the market shares of companies' Alpha TV and New TV are considered negligible (*de minimis*), there is no affected market on the basis of Annex I of the Law from the horizontal relations of the companies.

In addition, the Commission noted that there are no vertical relationships between the activities of the participating companies in Cyprus. It also concluded that there are no other markets in which the notified concentration may have a significant impact, based on the provisions of the Law.

Commission, on the basis of the factual and legal circumstances, unanimously decided that this concentration does not create or strengthen a dominant position in the affected market and therefore the concentration does not raise serious doubts as to its compatibility with the operation of the competition in the market.

Therefore, the Commission, acting in accordance with section 22 of the Law, unanimously decided not to oppose the notified concentration and declare it as being compatible with the operation of the competition in the market.

Loukia Christodoulou

Chairperson of the Commission for the Protection of Competition