



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 28/2019

Case Number: 8.13.019.15

**THE CONTROL OF CONCENTRATIONS BETWEEN ENTERPRISES LAW
No. 83(I)/2014**

**Notification of a concentration concerning the acquisition of the share capital of
SK Gaming Beteiligungs GmbH by Daimler AG and 1. FC Köln GmbH & Co. KGaA**

Commission for the Protection of Competition:

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|---------------------------------------|-------------|
| Mrs. Loukia Christodoulou | Chairperson |
| Mr. Andreas Karidis, | Member |
| Mr. Panayiotis Oustas, | Member |
| Mr. Aristos Aristidou Palouzas, | Member |
| Mr Polinikis Panayiotis Charalambides | Member |

Date of decision: 24 April 2019

SUMMARY OF THE DECISION

On the 8th of March 2019, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of Daimler AG (hereafter “Daimler”) and 1. FC Köln GmbH & Co. KGaA. (hereafter “FC Köln”) 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 concerned the acquisition of the 50% of the share capital of SK Gaming Beteiligungs GmbH (hereafter “Beteiligungs” or the “Target”) by Daimler and the rest 50% by FC Köln.

Daimler is a company duly registered under the laws of Germany and is active in the production of motor vehicles and in the provision of financial services.

FC Köln GmbH is a company duly registered under the laws of Germany. It is owned by the 1. Fußball-Club Köln 01/07 e.V, a professional football club in Cologne. Its turnover is derived from license fees, shipping fees, marketing, sponsorship, sale of merchandise, tickets etc.

Beteiligungs is a holding company and it’s the general partner of SK Gaming GmbH & Co. KG. SK Gaming is a company duly registered under the laws of Germany and active in electronic sports. This company has professional teams for various electronic games that participate in tournaments and championships.

The notified concentration is carried out on the basis of certain related actions and successive stages. Specifically, according to the information in the notification, the stages at which the transaction is based are as follows:

- 1) Share Purchase Agreement between Esforce Holding Ltd (the seller) and Daimler (the buyer) for the 50% of the share capital of Beteiligungs.
- 2) Share Purchase Agreement between Esforce Holding Ltd (the seller) and FC Köln (the buyer) for the rest of the 50% of the share capital of Beteiligungs.

The Commission, taking into account the facts of the concentration, has concluded that this transaction constitutes a concentration within the meaning of section 6(1)(b) of the Law, since it leads to a permanent change of control of the Target, fulfilling on a lasting basis all the functions of an autonomous economic entity.

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 transaction was of major importance under the Law.

The Commission, for the purposes of evaluating this concentration, defined the relevant product/service market as electronic sports (esports). For the purposes of the present case, the geographic market was defined as that of the Republic of Cyprus for the above said relevant product market.

According with the undertaking concerned, this concentration does not lead to any horizontal overlap or a vertical relation or any other relation. The target is active in the electronic sports (esports) relevant market. FC Köln currently is not active in Cyprus and Daimler is active in different markets from the target in Cyprus. Therefore, the Commission concluded that there is no affected market.

Considering the above, the Commission concludes that there is no affected market based on Annex I of the Law.

The Commission, on the basis of the factual and legal circumstances, unanimously decided that this concentration does not create or strengthen a dominant position as there is no 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