



Decision CPC: 14/2021

Case Number: 08.05.001.021.006

THE CONTROL OF CONCENTRATIONS BETWEEN ENTERPRISES LAW

No. 83(I)/2014

Notification of a concentration concerning the acquisition of the exclusive control of the online betting activities and other online games under the brand Stoiximan, by the Football Prediction Organization SA, via OPAP Investment Limited

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: 12th of March 2021

SUMMARY OF THE DECISION

On the 21/1/2021, the Commission for the Protection of Competition (hereinafter the "Commission") received on behalf of the Football Prediction Organization SA (hereinafter the "OPAP"), 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, OPAP, will acquire full control of the electronic gambling activities of Kaizen Gaming International Ltd (former GML Interactive Malta Ltd) (hereinafter "Kaizen") under the name "Stoiximan" (hereinafter "Target") via OPAP Investment Ltd.

The companies participating at this merger are the following:

1. OPAP is a company duly registered in accordance with the laws of the Hellenic Republic, listed at the Athens Stock Exchange Market, which is active in the gambling sector.

OPAP Investment Limited, which is the company that will acquire the Target company, is a private limited liability company, duly registered in accordance with the laws of Republic of Cyprus. The above mentioned company, is also active in the gambling sector and is a subsidiary of OPAP.

2. Stoiximan, is part of Kaizen, and is the Target Enterprise in this transaction which is active in the provision of electronic betting ("online betting") (mainly sports betting and betting on the results of other non-sporting games) in Greece and Cyprus.

According to the notification data, the acquisition by OPAP of the sole control over the Target will take place according to the Framework Agreement between the parties.

The Commission, considering the above facts and circumstances surrounding the merger in question, concludes that the participants demonstrate a good faith intention of concluding an agreement to complete all the stages listed in the notification.

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)(a)(ii) of the Law, since it leads to a permanent change of control of the Target by OPAP on Stoixaman Business.

Furthermore, based on the information contained in the notification, the Commission found that the criteria set by section 3(2)(α) 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 markets as the gambling market which is divided into a) electronic games and b) land-based bets. For the purposes of the present case, the geographic market of the relevant markets was defined as that of the Republic of Cyprus.

As already mentioned, OPAP already exercises joint control over Stoiximan. Following the completion of the transaction, OPAP will exercise sole control over

Stoiximan Business, which will be transferred in its entirety to Stoiximan Ltd. Consequently, the transaction in question will not create any new overlapping activities between OPAP and the Target Company which did not already exist before the merger. Therefore, according to the notification, there is no horizontal or vertical overlap in the activities of the participants in the concentration, in Cyprus.

According to the provisions of the Law, and more precisely Articles 20 and 21, the criteria on the basis of which a concentration is declared compatible or incompatible with the requirements of the competitive market concerns the significant obstruction of effective competition in the Republic or in a significant part of it, especially as a result of establishing or strengthening a dominant position in the affected markets.

Considering the above, the Commission concludes that there is no affected market based on Annex I of the Law. Furthermore, there are no other markets which the notified concentration may have a significant impact.

The Commission, on the basis of the factual and legal circumstances, unanimously decided that this concentration does not create or strengthen a dominant position 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