



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 72/2019

Case Number: 8.13.019.37

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

Notification of a concentration concerning the joint control of the electronic betting operations of the GML Interactive Ltd known as "Stoiximan" by OPAP SA, Deep Investments Ltd and Padian Ltd.

Commission for the Protection of Competition:

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: 20 December 2019

SUMMARY OF THE DECISION

On the 3rd of September 2019, the Commission for the Protection of Competition (hereinafter the "Commission") received on behalf OPAP SA (hereinafter "OPAP SA"), Deep Investments Ltd (hereinafter "Deep") and Padian Ltd (hereinafter "Deep") 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 the joint control of the electronic betting activities (operations) of the GML Interactive Ltd (hereinafter "GML"), known as "Stoiximan", (hereinafter the "Target").

OPAP is a company listed on the Athens Stock Exchange, which operates in the numerical lottery and betting sector and more generally in the betting and gaming industry.

Deep is a company duly registered under the laws of Malta. Deep is own by an individual who is active in the media sector through the digital publishing group 24 Media Holdings S.A. (hereinafter referred to as "24Media"). This group owns information and entertainment websites, the information and entertainment website Huffingtonpost.gr and radio stations in Greece. In addition, 24Media offers advertising space on the websites and radio stations it operates and provides relevant consultation services to advertisers.

Padian is a company duly registered under the laws of Malta. Padian is own by an individual who is active in the field of sports marketing through ProGame SA which is no operations in Cyprus.

GML is control by the TCB and is a company duly registered under the laws of Malta. GML is an online gambling company. It operates under the brands Stoiximan and Betano. Stoiximan is an online bookmaker in Greece and Cyprus.

The notification concerns the electronic gaming operations of GML under the brand Stoiximan in Cyprus.

TCB is a company duly registered under the laws of Malta and is active in the gaming industry through GML.

The transaction is based on an Agreement for the Purchase of Shares between OPAP Investment Limited and TCB, GML and the shareholders of TCB dated 20/9/2018, (hereafter the "Agreement") and a Preliminary Agreement dated 20/9/2018. The notified concentration is carried out on the basis of certain related actions and successive stages. The final result will be the acquisition of the Target.

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 Target that will be jointly controlled by OPAP, Deep και Padian, that will permanently fulfil all the functions of an autonomous economic entity. In addition, OPAP, Deep και Padian will acquire the control of TCB which controls Betano (not active in Cyprus).

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 market as the (a) gaming services, and the sub markets (1) online gaming services (2) land-based gaming and (b) the provision of online advertising space. For the purposes of the present case, the geographic market of the relevant markets was defined as that of the Republic of Cyprus.

According with the undertaking concerned, this concentration does not lead to a horizontal overlap in the above markets or other markets which the notified concentration may have significant impact. Therefore, the Commission concluded that there is no affected market.

The Commission concludes that there is a vertical relationship in the activities of GML and 24 MEDIA, which is controlled by Deep. Also, the Commission concludes that there is a vertical relationship in the activities of OPAP and 24 MEDIA.

The market share of 24 MEDIA in the provision of online advertising space in the Republic of Cyprus was [0-5]%.

The market share of GML in the relevant market of the online gaming services in the Republic of Cyprus was [30-40] % and the market share of OPAP in the relevant market of the land-based gaming was 100% in the Republic of Cyprus since it has the exclusivity on this market under the agreement between the Hellenic Republic and the Republic of Cyprus.

Accordingly, the Commission proceeded to examine the compatibility criteria set out in section 19 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 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