[NL] No Permit Required for Fox Entertainment Group's Acquisition of Dutch Soccer Broadcasting Rights

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On 29 November 2012, the Raad van Bestuur (Board of Directors) of the Nederlandse Mededingingsautoriteit (Competition Authority - NMa) decided that the acquisition of Eredivisie Media & Marketing (EMM), exploiter of the Dutch premier league soccer broadcasting rights on behalf of the top league clubs, by Fox International Channels is a concentration that does not require a permit.

Fox would obtain a 51 percent share in EMM as a result of the acquisition. According to the Board, the concentration does not lead to horizontal effects that could lead to a significant impediment of the competition on the national markets for broadcasting rights to audiovisual content, transmission of television signals on a wholesale level, and television advertisements. The Board's main reason for this conclusion is Fox' and EMM's small market share on these markets. While the Board notes that a further distinction can be made with regard to the markets for broadcasting rights of audiovisual content on the basis of types of rights or types of content, it does not see soccer rights as a separate market. In addition, the Board states that there is no need for a further subdivision of the market to assess the concentration in question, as this would not influence the evaluation of the transaction.

With regard to vertical effects - excluding other market parties from content ('input foreclosure') or from potential markets ('customer foreclosure') - the Board asserts it has no reason to presume that the concentration will lead to vertical effects resulting in significant hindrance to competition. As to input foreclosure, the decision states that Fox does not merely offer its broad variety of content to its own television stations and that television stations have several options to obtain alluring broadcasting rights for content. With regard to customer foreclosure, the Board notes that the television stations of the parties to the concentration make up only a limited share of the market, partly due to the large number of other television stations than those of Fox and EMM.

In conclusion, the Board holds that it has found no reason that the concentration of which it was notified could substantially impede actual competition on the Dutch market or on a part thereof. Therefore, it clears the acquisition.

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Besluit van de Raad van Bestuur van de Nederlandse Mededingingsautoriteit, zaak 7500/Fox - Eredivisie, 29 november 2012

http://www.nma.nl/images/7500BCM22-203560.pdf

Decision of the Board of Directors of the Netherlands Competition Authority, case 7500/Fox - Eredivisie, 29 November 2012

Besluit NMa inzake melding voorgenomen concentratie Fox Entertainment groep, Eredivisie Beheer B.V. en Eredivisie Media & Marketing C.V., NMa, Staatscourant Nr. 25298 7 december 2012

https://zoek.officielebekendmakingen.nl/stcrt-2012-25298.html

Decision NMa with regard to the intended concentration Fox Entertainment Group, Eredivisie Beheer B.V. and Eredivisie Media & Marketing C.V., the Netherlands Government Gazette Nr. 25298 7 December 2012

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