

[ES] CNMC approves Telefónica acquisition of DTS

IRIS 2015-6:1/13

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On 23 April 2015, the National Commission for Markets and Competition (Comisión Nacional de los Mercados y la Competencia - CNMC) approved the merger of the telecommunications company Telefónica and the broadcasting company Distribuidora de Televisión Digital (DTS). The approval is subject to certain monitored commitments, which are valid for five years and may be extended for three additional years. Telefónica currently holds 44% of DTS share capital and, under the merger, will purchase 56% of the share capital held by the media company Prisa in DTS, meaning Telefónica will have sole control over DTS.

The CNMC merger procedure had begun in late 2014, following a decision adopted by the European Commission in August 2014 and, on 25 February 2015, Telefónica submitted its first proposed commitments to address any competition issues resulting from the merger. Following some modifications, the CNMC has now approved the fourth proposal from Telefónica. First, in relation to the pay-TV market in Spain, Telefónica made a number of commitments, including agreeing not to hinder the mobility of current and future pay-TV customers and to maintain existing contracts DTS has with other communications operators. Second, in relation to wholesale markets for individual audiovisual content and TV channels in Spain, Telefónica's commitments include making available to other pay-TV operators wholesale offers of premium channels (including channels with rights to broadcast major sporting events, such as the La Liga football competition). Finally, Telefónica also made a number of commitments in relation to access to its internet network in Spain.

The CNMC may act as an arbitrator should any dispute arise concerning Telefónica's commitments and third-party operators. Any decision by the CNMC will be binding on the parties.

Comisión Nacional de los Mercados y la Competencia, La CNMC aprueba la operación de concentración Telefónica y DTS con compromisos sometidos a vigilancia, 23 de abril de 2015

<http://cnmc.es/CNMC/Prensa/TabId/254/ArtMID/6629/ArticleID/1211/La-CNMC-aprueba-la-operaci243n-de-concentraci243n-Telef243nica-y-DTS-con-compromisos-sometidos-a-vigilancia.aspx>

