



MERGER ANNOUNCEMENT

Competition and Consumer Protection Commission clears, subject to binding commitments, the proposed acquisition by Mediaforce (Holdings) Limited through Formpress Publishing Limited of certain business assets of Midland Tribune Limited.

9 October 2019

The Competition and Consumer Protection Commission (“CCPC”) has cleared, subject to binding commitments, the proposed transaction whereby Mediaforce (Holdings) Limited through Formpress Publishing Limited (“Formpress”) would acquire certain business assets of Midland Tribune Limited (“Midland Tribune”). On 9 May 2019, the proposed transaction was notified to the CCPC under section 18(1)(b) of the Competition Act 2002, as amended (the “Act”).

The CCPC conducted an extended phase one investigation which included a Requirement for Further Information served on Formpress and Midland Tribune and the gathering of extensive information from several players in the market including customers and competitors.

During the investigation the CCPC identified potential competition concerns as follows: (i) Mediaforce (Ireland) Limited (“Mediaforce Ireland”) could potentially discriminate in favour of its own group local/regional newspapers and digital newspaper titles by channelling national advertising allocated to local/regional newspapers and digital newspaper titles to its own group titles to the detriment of competing titles; and (ii) the potential for exchange of competitively sensitive information of competing local/regional newspapers and digital titles, should there be any overlap in management or employees or roles/functions between Mediaforce Ireland and Formpress.

To address these competition concerns, both Mediaforce Ireland and Formpress submitted the following proposals to the CCPC:

(i) Non-discrimination commitment: Mediaforce Ireland is committed to channel national advertising spend to local/regional newspapers and digital newspapers on a strictly fair, reasonable and non-discriminatory basis and to apply equivalent conditions in equivalent circumstances to all Formpress and Non-Formpress local/regional newspapers and digital newspaper titles; and,

(ii) Separation of management and non-disclosure of information commitment, Mediaforce Ireland and Formpress are committed to preventing the exchange of competitively sensitive information of competitor local/regional newspapers and digital titles between them.

(iii) An independent monitoring trustee shall be appointed, who will have all the rights and powers necessary to monitor compliance with the proposals. The role of the monitoring trustee also includes consideration of how Mediaforce Ireland addresses any issues raised by third parties in relation to the non-discrimination commitment.



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The CCPC is of the view that the commitments obtained from Mediaforce Ireland and Formpress are appropriate and effective in addressing the identified potential competition concerns. The CCPC has taken these commitments into account and they form part of its determination. As a result, the commitments have become binding on Mediaforce Ireland and Formpress.

The CCPC has determined that, in its opinion, the result of the proposed transaction, taking into account the commitments obtained from Mediaforce Ireland and Formpress, will not substantially lessen competition in any market for goods or services in the State.¹ The CCPC will publish the reasons for its determination on its website no later than 60 working days after the date of the determination and after allowing the parties the opportunity to request that confidential information be removed from the published version.

Additional Information

Formpress is a private company limited by shares, incorporated in the State in 2014, with its registered office at 30 Hatch Lane, Dublin 2. Formpress is owned by Iconic Newspapers Limited which is owned by Mediaforce (Holdings) Limited. Formpress owns and operates a number of local/regional newspaper and digital newspaper titles in the State.

Mediaforce (Holdings) Limited is the owner of Mediaforce Ireland. Mediaforce Ireland was established in 2003 and acts as conduit for national advertisers and advertising agencies to channel national advertising spend to local/regional newspaper and digital newspaper titles in the State.

Midland Tribune is a private company limited by shares, incorporated in the State in 2003. Midland Tribune Limited is a wholly owned subsidiary of Alpha Publications. Midland Tribune is the owner and operator of *The Midland Tribune* and *The Tullamore Tribune* newspaper and their digital newspaper titles.

¹ Following the issuing of the CCPC's determination, the parties must submit a separate notification to the Minister for Communications, Climate Action and Environment. Section 28 of the Competition Act 2002 as amended, sets out the process by which the Minister for Communications, Climate Action and Environment will assess the merger separately in relation to media plurality.