



DETERMINATION OF MERGER NOTIFICATION M/22/043 – VIAPLAY/ FREESPORTS & PREMIER MEDIA

Section 21 of the Competition Act 2002

Proposed acquisition by Viaplay Group UK Limited of sole control of FreeSports Limited and Premier Media Broadcasting Limited.

Dated 1 September 2022

1. On 10 August 2022, in accordance with section 18(1)(b) of the Competition Act 2002, as amended (the “Act”), the Competition and Consumer Protection Commission (the “Commission”) received a notification of a proposed acquisition by Viaplay Group UK Limited (“Viaplay”) of sole control of FreeSports Limited (“FreeSports”) and Premier Media Broadcasting Limited (“Premier Media”) (the “Proposed Transaction”).
2. The Proposed Transaction will be implemented pursuant to a Share Purchase Agreement (“SPA”), dated 8 July 2022, between the Sellers¹, Viaplay and Mr. Michael O’Rourke.
3. The Commission considers that the Proposed Transaction constitutes a “media merger” for the purposes of Part 3A of the Act as Premier Media carry on a “media business” within the State, while both Viaplay and FreeSports operate a “media business” elsewhere.
4. The business activities of the undertakings involved are:
 - Viaplay is a UK registered company and part of the Viaplay Group. The Viaplay Group is a Swedish-based entertainment company which operates several TV channels, video-streaming services and subscription platforms. Viaplay also acquires and distributes content rights to a range of broadcasters, streamers and distributors. The Viaplay Group’s streaming service is currently available in several Scandinavian countries. The Viaplay Group plans to launch the service in the UK, the Netherlands, Canada, Switzerland and the US in the coming years. Neither Viaplay nor any companies of the Viaplay Group are active in the State.

¹ SSBL Limited, Mr. Richard Sweeney, Mr. Arthur Blake, Mr. Richard Webb, Handyman Limited and Mr. Patrick Hand.



- FreeSports is a UK registered company. FreeSports operates the FreeSports TV channel, which is available via Sky and Virgin Media in the UK. FreeSports is not active in the State.
 - Premier Media is an Irish registered company and the sole owner of Premier Media Broadcasting (UK) Limited. Premier Media operates the Premier Sports TV channels as well as the Boxnation TV channel. The Premier Sports TV channels are available through Sky and NOWTV in the State. The Boxnation TV channel is available through BT Sport in the State. Additionally, Premier Media directly provides the Boxnation TV channel to approximately [...] pre-existing legacy customers in the State.
5. After examination of the notification, the Commission has concluded that the Proposed Transaction falls within the scope of paragraph 2.1 of the Simplified Merger Notification Procedure Guidelines for assessing certain notifiable mergers or acquisitions under section 18(1)(b) of the Act as:
- (i) There is no horizontal overlap or vertical relationship between Viaplay and FreeSports in any market in the State; and
 - (ii) There is no horizontal overlap or vertical relationship between Viaplay and Premier Media in any market in the State.
6. In the light of this, the Commission considers that the Proposed Transaction will not substantially lessen competition in any market for goods or services in the State.

Ancillary Restraints

7. No ancillary restraints were notified.



Determination

The Competition and Consumer Protection Commission, in accordance with section 21(2)(a) of the Competition Act 2002, as amended, has determined that, in its opinion, the result of the proposed acquisition, whereby Viaplay Group UK Limited will acquire sole control of FreeSports Limited and Premier Media Broadcasting Limited, will not be to substantially lessen competition in any market for goods or services in the State, and accordingly, that the acquisition may be put into effect.

For the Competition and Consumer Protection Commission

Ibrahim Bah
Director
Competition Enforcement and Mergers Division