

MERGER ANNOUNCEMENT

Acquisition by Mediahuis N.V. of Euractiv Media Network B.V.

17 August 2023

On 11 August 2023, in accordance with section 18(1)(b) and 18(12A) of the Competition Act 2002, as amended (the 2002 Act), the Competition and Consumer Protection Commission (the CCPC) received a notification of an acquisition whereby Mediahuis N.V. (Mediahuis) acquired sole control of Euractiv Media Network B.V. (Euractiv).

The CCPC has been informed by the parties that the notification is required to be made under Section 18(1)(b) of the 2002 Act as it is a media merger and is being made pursuant to Section 18(12A) of the 2002 Act as the acquisition already completed on 11 May 2023 without having been notified to the CCPC.

The CCPC has informed the parties that pursuant to section 19(1) of the 2002 Act, any proposed merger or acquisition that is required to be notified to the CCPC shall not be put into effect until the CCPC has made a determination in relation to the merger or acquisition.

If a proposed merger or acquisition is put into effect in contravention of section 19(1) of the 2002 Act, such proposed merger or acquisition is void pursuant to section 19(2) of the 2002 Act.

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Additional Information

Media mergers

Under section 18(1)(b) of the 2002 Act, where a proposed merger or acquisition falls within a class of merger or acquisition specified in an order made by the Minister for Enterprise, Trade and Employment, it must be notified to the CCPC irrespective of the turnover of the undertakings involved. To date, the Competition Act 2002 (Section 18(5) and (6)) Order 2007 (S.I. No. 122 of 2007) is the only order made by the Minister specifying a class of merger or acquisition for the purposes of section 18(1)(b) of the 2002 Act.

This order relates to media mergers and establishes the obligation to notify to the CCPC:

- mergers or acquisitions in which two or more of the undertakings involved carry on a media business in the State, and
- mergers and acquisitions in which one or more of the undertakings involved carries on a media business in the State and one or more of the undertakings involved carries on a media business elsewhere.

Section 28B(1) of the 2002 Act requires that a media merger which has been notified either to the CCPC or to the European Commission must also be notified to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. The notification to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media must be made no later than 10 working days from the date on which the CCPC makes its final determination (i.e., a Phase 1 clearance, with or without commitments, or a Phase 2 determination where the CCPC has not cleared the merger at Phase 1) or from the date on which the European Commission makes its final determination.

The CCPC will assess the likely competitive effects of the acquisition of Euractiv by Mediahuis in order to determine whether the transaction substantially lessens competition in any market for goods and services in the State. The Commission 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.