

26 October 2011: Acquisition of TPS by Canal Plus

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Following the withdrawal of authorisation by the *Autorité de la concurrence* in September,

Vivendi and Canal Plus Group have renotified the acquisition of TPS

> *Version française* 

On Monday 24 October 2011, **Vivendi** and **Canal Plus Group** renotified the *Autorité de la concurrence* of the TPS acquisition.

The *Autorité de la concurrence* will examine the merger in view of current market conditions

As part of its examination, which will only start once it has checked that the application contains all the information necessary to start the investigation, the *Autorité de la concurrence* will assess the impact on competition of the merger in view of the current prevailing situation in the markets concerned. It will also consider the suitable remedies to the competition problems which are likely to be identified.

All interested third parties (television channels, telecommunication operators, producers, etc.) are now invited to submit their observations to the *Autorité de la concurrence*.

For information, noting Canal Plus's breach of several commitments, including some which are key, the *Autorité de la concurrence* withdrew the decision authorising the acquisition of TPS from the Canal Plus Group

On 20 September, the *Autorité de la concurrence* established in decision 11-D-12 that ten of the fifty nine commitments, subscribed by Canal Plus Group when it

took over TPS, were breached.

The breaches established mainly concerned the provision to third party distributors of seven channels, maintaining the quality of these channels and relations with independent channels (for more details, see the press release of 21 September).

The *Autorité de la concurrence* consequently withdrew the decision authorising the merger and fined Canal Plus Group 30 million Euros.

Unless they restore the previous situation before the merger, Vivendi and Canal Plus Group had to renotify the merger to the *Autorité de la concurrence* for review, within one month as of notification of the decision to the parties, which was on 24 September 2011.

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