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The investigation services of the Autorité de la concurrence today open a market test to gain stakeholder views on possible remedies to address the effects of the acquisition of sole control of TPS and CanalSatellite by Vivendi and Canal Plus groups.

The market test is published on the Autorité's website.

> *Version française*

By a decision dated 30 August 2006, the Minister for the Economy, Finance and Industry cleared the acquisition of sole control of TPS and CanalSatellite by Vivendi and Canal Plus groups, after the opinion of the Conseil de la concurrence was issued. This clearance decision was subject to the implementation of 59 commitments by the parties. On 20 September 2011, the Autorité established that 10 of these commitments – among the most significant – were breached by the parties and decided to withdraw the decision authorizing the merger.

As a consequence, on 24 October 2011 the Vivendi and Canal Plus groups, which simultaneously filed an appeal against the Autorité's withdrawal decision before the Conseil d'Etat (French Administrative Supreme Court), renotified the Autorité de la concurrence of the acquisition of sole control of TPS and CanalSatellite. The application, which initially did not contain all the required information, was then completed by the parties at the request of the investigation services. It was completed on 21 February 2012. On 28 March 2012, an in-depth examination (phase 2) of the merger was opened.

Once the ongoing investigation procedure is closed, the Autorité de la concurrence will issue a decision. At this stage of the procedure, the investigation services have already sent a report to the Vivendi and Canal Plus groups, in which the effects of the merger on competition are assessed. In accordance with Commercial Code provisions, Vivendi and Canal Plus groups have the opportunity to make written submissions on the assessment report of the investigation services. The inter partes proceedings will then continue, with a hearing of the parties that will be held by the Autorité.

At this stage of the procedure, the investigation services will gain interested stakeholders' comments on possible remedies that could be adopted to allay, if necessary, any anti-competitive effects resulting from the operation. The present consultation, whose scope includes a wide range of measures that were suggested to the investigation services by market players, is not binding on the Autorité de la concurrence. The consultation will provide, in a transparent way, the opportunity for interested stakeholders to share their analysis on remedies that could be deemed necessary at the end of the procedure.

Interested stakeholders can submit their comments by Wednesday 6 June 2012 the latest, by mail or e-mail, at the following address:

Autorité de la concurrence
Greffe du service des concentrations
11, rue de l'Echelle
75001 Paris
> Contact by email

***> Full text of the Market Test of 25 May 2012* (in French)**

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