

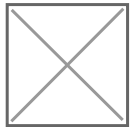
4 March 2013: Television – Market Test

Published on March 05, 2013

The Autorité de la concurrence today opens a market test to gain stakeholder views on the reference offers proposed by Canal Plus in application of the injunctions imposed by the Autorité, conditioning the clearance of the acquisition of sole control of TPS and CanalSatellite.

The Autorité publishes this market test on its website

> Version française



In its decision No. 12-DCC-100 dated 23 July 2012, the Autorité de la concurrence cleared the merger of TPS and Groupe Canal Plus ("Canal Plus") pay TV services, namely the two CanalSat and TPS satellite bouquets, subject to compliance with thirty-three injunctions. This decision was confirmed by a ruling of the Conseil d'Etat (French Administrative Supreme Court) on 21 December 2012.

Among the measures adopted, the Autorité de la concurrence sought the guarantee of transparent rules for the access of independent television channels to distribution via CanalSat. The Autorité required Canal Plus to ensure, among others, that the independent TV channels enjoyed technical, commercial and pricing conditions, for inclusion within the CanalSat offer, that were transparent, objective and non-discriminatory (injunction No. 3(b)). The Autorité also required Canal Plus to enter into separate contracts for commercial distribution and the associated transmission services, without making commercial distribution via the network subject to signature of a transmission service contract (injunction n° 3(d)).

The measures adopted by the Autorité are also designed to enable access for competing distributors to the channels produced by Canal Plus. Accordingly, the Autorité ordered Canal Plus to unbundle all the movie channels that Canal Plus produces or may produce, with the exception of the Canal+ channels, and to maintain the quality of these unbundled channels (injunction n° 6(a)).

For this purpose, the Autorité enjoined Canal Plus and Vivendi to develop three reference offers (injunctions nos. 3(c), 3(d) and 6(c)), namely:

- a model distribution deal governing the access of independent channels to distribution services by CanalSat;
- a reference offer for transmission services; and
- a reference offer governing the availability of the Canal Plus movie channels, and describing rates and technical conditions.

Canal Plus has therefore proposed a preliminary version of these reference offers that will be subject to examination by the Autorité.

The Autorité's analysis will benefit from stakeholders' views. Therefore, **interested third parties are invited to submit their comments on the reference offers proposed by Canal Plus**. Contributions must be sent to the Mergers Unit of the Autorité de la concurrence, by Monday 18 March 2013 at the latest, by post or e-mail, to the following address:

Autorité de la concurrence
Greffé du service des concentrations
11, rue de l'Echelle
75001 Paris

Send by e-mail

View the documents submitted to market test:

> Reference offer for the availability of cinema channels (Metropolitan France)

> Reference offer for the availability of movie channels (overseas départements and dependencies – “DROM”)

- > Reference offer for the inclusion of independent channels (Metropolitan France)
- > Reference offer for the inclusion of independent channels (DROM)

- > Reference offer for transmission services associated with the inclusion of independent channels (Metropolitan France)
- > Reference offer for transmission services associated with the inclusion of independent channels (DROM)

- > Press contact: André Piérard – Tel.: (+33) 1 55 04 02 28 / Contact by email