

Case summary:

Class: UP/I 034-03/17-02/011

Reg.no: 580-11/107-2017-024

Zagreb, 23 November 2017

Subject: SLOVENIA BROADBAND S.A.R.L; LUXEMBURG and NOVA TV D.D.; ZAGREB;

- **Assessment of concentration**
- **Dismissal of notification of proposed concentration**

The Croatian Competition Agency (CCA) dismissed the notification of proposed media concentration between the undertakings Slovenia Broadband and Nova TV on the basis of the fact that the media regulator, the Electronic Media Agency, previously blocked the sale of Nova TV due to the “inadmissibility of concentration” under the Electronic Media Act. In other words, within the meaning of competition rules in the media sector the notifying party must submit to the CCA also a previous clearing decision of the Electronic Media Agency ruling that the implementation of the concentration concerned would not lead to a concentration inadmissible in the sense of the Electronic Media Act. Therefore, the competition authority dismissed the notification of the proposed concentration due to lack of standing to act.

Namely, on 14 November 2017 the Electronic Media Agency blocked the merger between Slovenia Broadband and Nova TV whose implementation would create an “inadmissible” concentration within the meaning of the Electronic Media Act.

Within the meaning of competition rules – including the Regulation on notification and assessment of concentrations and the Standard notification form – the notification party in the media sector, to which separate electronic media rules apply, must submit to the CCA also the previously obtained clearance of the Electronic Media Agency ruling that the implementation of concentration would not lead to a concentration incompatible with the Electronic Media Act.

Given that Slovenia Broadband could not obtain such a clearance from the Electronic Media Agency i.e. on account of the fact that it rendered the concentration “inadmissible”, the CCA found that there were no grounds for the initiation of the compatibility assessment proceeding regarding the concentration in question within the meaning of competition rules and dismissed the notification of the concentration concerned.