



GAZDASÁGI
VERSENYHIVATAL

Change of ownership at Filmmúzeum

The Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH) authorised with conditions the acquisition of control over Filmmúzeum by Chellomedia. The buyer has to ensure, until 31 August 2011, that the broadcasting right of the channel Filmmúzeum will be available at a non-discriminative price set under usual business and technical conditions to third parties.

Chellomedia, the buyer of the Filmmúzeum channel (a movie channel, in the context of the fact that the word “Filmmúzeum” is the Hungarian name of a cinema which is specialised in film classics) is a member of the Liberty-group which is present in 19 countries. It has several undertakings in Hungary (UPC, Monor Telefon Társaság, Sport1 and TV Paprika), but also the group’s foreign members sell channels (as the channels Minimax, Romantica, Europe, Reality) in Hungary. Therefore, the possible anticompetitive effects of the concentration were examined.

The investigation revealed that even by narrowing down the relevant market to movie channels to be received in Hungary, the market share of the Liberty-group’s movie channels (Romantica, Europe) together with Filmmúzeum does not amount to an alarming percentage. Namely, there are other movie channels in Hungary with significant market share (Film+ and Hallmark), which are available to the public. Besides, the joint market share of the undertakings party to the transaction on the television advertising market is only a few percent. Therefore, only a low increase in concentration is to be expected on the advertising market of the thematic channels.

Nevertheless, certain conditions were to be imposed as the Liberty-group may become interested in not making available the channel Filmmúzeum to other broadcasters. The Liberty-group’s satellite network (UPC Direct) has several competitors (DigiTV, Antenna Digitál and IPTV). Should the Liberty-group not make available the channel to its present and future competitors, it is to be feared that the competitors would not be able to offer a competitive and appealing package of channels. This could restrict competition on the market. Therefore, the GVH obliged Chellomedia to ensure, until 31 August 2011, that the broadcasting right of the channel Filmmúzeum will be available to third parties under usual business and technical conditions, and at a non-discriminative price.

In theory, the Liberty-group might also be interested in not distributing, in its networks, other (Hungarian speaking) movie channels in order to improve the position of the Filmmúzeum channel on the market. However, the GVH is of the opinion that this is not a real threat as the Liberty-group’s market share might lessen as a result of the competitors’ (DigiTV, IPTV) expected expansion. Moreover, the Liberty-group might lose subscribers if it does not distribute a channel which is demanded by its customers.