

OFFICE FOR COMPETITION

27th May 2016

COMP-MCCAA/13/2016- Acquisition by Sportradar AG

Decision on acquisition in terms of regulations 6 (1) (ii) and 12(4) of the Control of Concentrations Regulations (LN 294 of 2002 as subsequently amended)

The Office for Competition,

Having considered the notification dated 9 May 2016 pursuant to regulation 5 of the Control of Concentrations Regulations,

Having considered the provisions of the Control of Concentrations Regulations

Facts

1. On 6 May 2016, the Office for Competition received a notification of a proposed concentration pursuant to Regulation 5 of the Control of Concentrations Regulations (hereinafter referred to as “the Regulations”), where by virtue of a Share Sale and Transfer Agreement (hereinafter referred to as “the Agreement”), Sportradar AG, a company registered and incorporated in Switzerland, (hereinafter referred to as “the Notifying Party”) intends to acquire 100% of the outstanding share capital (hereinafter referred to as “Proposed Transaction”) in the Sportsman Media Holding GmbH, a company registered and incorporated in Austria (hereinafter referred to as the “Acquired Party”).
2. The notification was filed on 6 May 2016, and accepted as a complete notification on 9 May 2016 and was notified to the public through a notice that appeared in a daily newspaper on 17 May 2016 and a notice that appeared in the Government Gazette No. 19,576 of 17 May 2016.

Parties

3. The Notifying Party, Sportradar AG, is a corporation incorporated and existing under the laws of Switzerland, having its registered office and principal place of business in Switzerland registered with the commercial register of the Canton St. Gallen under the registration number CH-320.3.062.151-0. The Notifying Party is active in the collection, analyzation, processing, marketing and monitoring of sports-related data. The Notifying Party provides its products and services to online-bookmakers, stationary betting shops and state lotteries, the sports media industry, national and international sports associations and clubs. In connection with the provision of sports-related data, Sportradar’s Security Service division

provides federations and leagues and law enforcement agencies with a system for detecting betting-related match fixing. The Notifying Party's services for the betting industry are provided under the brand Betradar while services to federations and/or the sports media industry are provided under the brands Sportradar and Sportradar Media Services.

4. Sportsman Media Holding GmbH, is a limited liability company incorporated under the laws of Austria, having its registered office in Vienna being registered with the Companies Registry maintained by the Commercial Court of Vienna under registration number FN 279045 k. Sportsman is a sports rights and sports marketing agency. Its core business consists of the acquisition and sale of media rights. Specifically, Sportsman is active through four business divisions: 1. Media Rights Marketing and Sports Marketing, 2. Sports Betting Products & Services, 3. Digital Platforms and 4. Production and Digital Services.

Transaction

5. Pursuant to a Share Sale and Transfer Agreement which was signed on 19 April 2016, the Notifying Party will acquire 100% of the outstanding share capital in the Sportsman Media Holding GmbH. Completion of the proposed concentration is conditional upon, *inter alia*, clearance from the Office for Competition within the Malta Competition and Consumer Affairs Authority.

Notifiable Concentration

6. In terms of Regulation 2 of the Regulations, a concentration refers to the acquisition by one or more undertakings, or by one or more persons already controlling at least one undertaking, whether by purchase of securities or assets, by contract or by any other means, of direct or indirect control of the whole or parts of one or more undertakings.
7. The proposed transaction brings about the acquisition by the Notifying Party of sole control on the Acquired Party in the form of sale and transfer of shares.
8. Therefore the proposed transaction constitutes a concentration within the meaning of Regulation 2 of the Regulations.

Threshold for Notification

9. The aggregate turnover of the undertakings concerned in the preceding financial year exceeds €2,329,373.40 and each of the parties concerned had a turnover in Malta equivalent to at least 10% of the combined aggregate turnover of the undertakings concerned.
10. The notified concentration, therefore, meets the notification threshold as set out in Regulation 2 of the Regulations.

Simplified Procedure

11. Following the examination of the notification, it is considered that the notified concentration falls within the scope of regulation 12(1) of the Regulations, whereby it is provided that:

“The simplified procedure will apply to the following categories of concentrations that are deemed not to raise serious doubts as to their legality in terms of the provisions of these regulations...

(ii) two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking, provided that none of the parties to the concentration are engaged in business activities in the same product and geographical market, or in a product market which is upstream or downstream of a product market in which any other party to the concentration is engaged”

Conclusion

For the above mentioned reasons and in terms of regulations 6 (1) (ii) and 12 (4) of the Regulations, it is therefore decided:

- (1) that the Concentration falls within the scope of the Regulations on Control of Concentrations;
- (2) that the Concentration does not raise serious doubts as to its lawfulness;
- (3) not to oppose the notified Concentration and to declare it a lawful Concentration.


Godwin Mangion
Director General