



**REPUBLIC OF ALBANIA**  
**-THE COMPETITION AUTHORITY-**  
**-THE COMPETITION COMMISSION-**

**D E C I S I O N**

**Nr.79, Dated 02. 05. 2008**

**On**

**The notification of concentration realized through the acquisition of common control over 67 % of the capital of Media Vizion sh.a by companies Spot AG & Ostholding GmbH**

The Competition Commission, on its meeting held on 02.05.2008, with the participation of:

- |                            |                 |
|----------------------------|-----------------|
| ▪ Mrs. Lindita Milo (Lati) | Chairwoman      |
| ▪ Mr. Lush Përpali         | Deputy chairman |
| ▪ Mrs. Servete Gruda       | Member          |
| ▪ Mr. Koço Broka           | Member          |

Discussed the following issue:

**Subject:** The notification of concentration realized through the acquisition of common control over 67 % of the capital of Media Vizion sh.a by companies Spot AG & Ost' Holding GmbH

**Legal basis:** Law No. 9121, dated 28.07.2003 "On Protection of Competition", as amended, Article 24, letter "d", Articles 10-12, Article 56, Regulation "On the implementation of the concentration procedures of the undertakings", Article 5.

Upon reviewing the report submitted by the Secretariat, on the notification of the concentration through acquisition of of common control over 67 % of the capital of Media Vizion sh.a by companies Spot AG & Ost' Holding GmbH, the Competition Commission,

## **NOTED THAT:**

1. The parties directly involved in the transaction are as follows:

**1.1** Media Vizion sha, with headquarters in Tirana, Albania, licensed for the provision of radio-television services in the domestic market is the **seller** of 67% of the capital of the company;

**1.2** Spot AG, with headquarters in Vienna, Austria, engaged in the activity of commercialization and administration of shares; and

Ost Holding GmbH, with headquarters in Vienna, Austria, engaged in the activity of commercialization and administration of shares;

are the **buyers/control holders** over the 67% share of the capital of Media Vizion sha.

2. The purchase agreement, signed by the participating parties on 20 March 2008 has as object the acquisition of of common control over Media Vizion sh.a by companies Spot AG & Ost' Holding GmbH through the purchase of 67 % of its capital. The agreement was notified at the Competition Authority on 28.03.2008, in compliance with the timeframe foreseen under Article 12, paragraph 2 of Law No. 9121, dated 28.07.2003 "On Protection of Competition".

3. This transaction that realized in a direct way the "acquisition of control" in the meaning of Article 10, paragraphs 1 and 2, is considered as concentration.

4. The transaction must undergo the procedures for the control of the concentrations as foreseen under Chapter IV of Law No. 9121, dated 28.07.2003 "On Protection of Competition", on condition that is satisfied the condition stipulated under paragraph 1, letters "a: and "b" of Article 12 of the same Law.

5. The total international market turnover of the buyers is:

- In the year 2006 is: 561, 4 million Lek
- In the year 2007 is: 976,5 million Lek; and

The total domestic market turnover of the seller is:

- In the year 2006 is: 157 million Lek
- In the year 2007 is: 295.3 million Lek

6. Referring to the information on international and domestic market turnover realized in the year preceding the transaction, as declared by the

participating parties, results that the notified transaction does not satisfy the condition stipulated under Article 12, paragraph 1 of Law No. 9121, dated 28.07.2003 “On Protection of Competition.

**FOR THE ABOVE REASONS:**

Pursuant to Article 24, letter “d” and Article 56, paragraph 1 of Law No. 9121, dated 28.07.2003 “On Protection of Competition”, as amended, and Article 5 of Regulation “On the implementation of the concentration procedures of the undertakings”, the Competition Commission,

**DECIDED:**

1. The notification of the concentration “On the acquisition of common control over 67% of the capital on Media Vision sha, with headquarters in Albania, by companies Spot Holding AG and Ost Holding GmbH, with headquarters in Austria”, does not satisfy the criteria stipulated under Article 12, paragraph 1, letters “a” and “b” of Law No. 9121, dated 28.07.2003 “On Protection of Competition”, and therefore is not considered as eligible for authorization by the Competition Commission.
2. This decision enters into effect immediately.

**THE COMPETITION COMMISSION**

**Lush Përpali**  
(\_\_\_\_\_)  
**Deputy Chairman**

**Servete Gruda**  
(\_\_\_\_\_)  
**Member**

**Koço Broka**  
(\_\_\_\_\_)  
**Member**

**Lindita Milo (Lati)**  
**CHAIRWOMAN**