



EUROPEAN COMMISSION  
DG Competition

***Case M.8409 - PROSIEBENSAT 1 MEDIA / TELEVISION  
FRANCAISE 1 / MEDIASET / JV***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 30/08/2017

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## EUROPEAN COMMISSION

Brussels, 30.8.2017  
C(2017) 6033 final

PUBLIC VERSION

### **To the notifying parties:**

**Subject: Case M.8409 - PROSIEBENSAT 1 MEDIA / TELEVISION FRANCAISE 1 /  
MEDIASET / JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 27 July 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings ProSiebenSat.1 Media SE ('P7S1', Germany), Television Française 1 S.A. ('TF1', France), belonging to the Bouygues Group and Mediaset S.p.A. ('Mediaset', Italy), controlled by the Fininvest group acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company constituting a joint venture (the 'JV') by way of a purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for P7S1: the holding company of one of Germany's major free-to-air television networks. The core business of P7S1 and its subsidiaries is free-to-air television financed by advertising offered in Germany, Austria and Switzerland. In addition, P7S1 is mainly active in the areas of multimedia and merchandising.
  - for TF1: the holding company of one of France's major free-to-air television networks. TF1 and its subsidiaries operate French-language free-to-air and pay-TV channels and are engaged in various business activities related to the audio-visual sector. TF1 is part

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 253, 04.08.2017, p. 10.

of the Bouygues Group, a diversified group of companies with activities in the construction, telecoms and media sectors.

- for Mediaset: the holding company of one of Italy’s major television networks. Through its controlling stake in Mediaset España Comunicación S.A., Mediaset also holds one of Spain’s major TV networks. They operate Italian-language and Spanish-language free-to-air television and pay-TV channels and are engaged in various business activities related to the audio-visual sector including the sale of advertising across various distribution platforms. Mediaset is part of the Fininvest group of companies with activities in the media, publishing, sports and financial sectors.
  - for the JV: international marketing and sale of video advertising inventory served before, during and after video content available on digital media operated by the Parties or by third parties.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

*For the Commission*

*(Signed)*

*Johannes LAITENBERGER*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.