

## Merger Control

### Belgium/EU: European Commission (EC) clears Shazam/Apple merger unconditionally

- ▶ On 6 September the EC [announced](#) that the proposed acquisition of the music recognition software provider Shazam by Apple was cleared unconditionally after a Phase II review.
- ▶ In March this year the EC initiated proceedings after receiving referrals from seven national competition authorities, including Austria's competition authority (BWB).
- ▶ The EC assessed whether the acquisition would allow Apple to obtain sensitive data of competing music streaming platforms' customers, which could enable Apple to persuade them to switch to its own Apple Music streaming platform. Another part of the investigation was the potential harm to Apple's competitors in music streaming services if Apple were to discontinue referrals from Shazam to streaming services other than Apple Music.
- ▶ The EC ultimately found that obtaining Shazam's data would not enable Apple to foreclose on its competitors' music streaming services from the market and thus the merger raises no competition concerns.

### Bulgaria: First sanction for incomplete information in merger notification

- ▶ Through Decision No 1046 / 20.09.18, the Commission for Protection of the Competition (the "**CPC**") authorised the acquisition of sole control by Speedy AD of Rapid Express and Logistics OOD and ordered immediate enforcement of its decision (Bulgarian press release can be found on [www.cpc.bg](http://www.cpc.bg)).
- ▶ At the same time, the CPC imposed a sanction on Speedy AD for not providing full and accurate information at the date of submission of the merger notification, which was essential for the overall assessment of the concerned relevant markets. The relevant information had been obtained from a competitor.
- ▶ The sanction imposed is approx. EUR 102,000, which represents 0.2 % of the total turnover of the sanctioned undertaking.
- ▶ This is the first ever such sanction imposed in Bulgaria. The decision of the CPC can be appealed before the Supreme Administrative Court.