ORLEN/POLSKA PRESS – UOKiK PRESIDENT’S APPROVAL

* **The President of UOKiK, Tomasz Chróstny, has approved the takeover of Polska Press by PKN Orlen.**
* **During the proceedings which have been conducted the Authority took into account the market shares of the undertakings in question, influence on the competition and the remaining factors provided for in the antitrust law.**
* **The transaction does not pose a threat to competition on any of the markets analysed – for this reason, the companies have been given the consent for the merger.**

**[Warsaw, 5 February 2021]** Orlen leads the capital group operating in the oil and petrochemical industry. It deals with extraction and manufacturing of natural gas and crude oil, as well as trade in asphalts and fuels, including aviation ones. Orlen group consists of Ruch, which distributes press and sells it to retail clients, mainly through a network of newspaper stands. Furthermore, it operates on the advertising market both as an advertiser, and a media house through Sigma Bis. Polska Press leads a capital group which operates mainly in media on 15 local markets in Poland. It publishes 20 regional dailies, nearly 120 weeklies and press available for free. It sells advertising space in press and on the internet, as well as provides printing services. The group owns printing houses and websites, including naszemiasto.pl. **The transaction consists in taking over by PKN Orlen of direct control of Polska Press.**

The application for approval of the concentration was submitted to the Office of Competition and Consumer Protection on 10 December 2020. Over that period, the President of UOKiK analysed the consequences of the transaction planned. Based on the knowledge and information provided by the parties, as well as after the analysis of the market and possible consequences of the takeover, UOKiK gave the concentration approval.

*- The concentration planned will not affect the competition on the local press publishing market, on which Polska Press is present, but PKN Orlen has not been present yet. The only thing which will change is the owner of Polska Press, whereas the market share of its individual members will remain unchanged. After a meticulous analysis of the material collected and assessment of the market consequences of the merger, the criteria for giving unconditional consent for the concentration of PKN Orlen and Polska Press have been met -* says the President of UOKiK, Tomasz Chróstny.

In the case of the transaction between Orlen and Polska Press, we deal with vertical concentration taking place between entities which operate at different levels of trade in press. **It means, in practice, that the operations of the concentration’s participants do not overlap.**

The President of UOKiK based his assessment of the concentration’s consequences, among other things, on the information and data collected during the proceedings, including those provided by the parties to the transaction and from entities which compete with Ruch and which are Polska Press clients. The analysis also covered all materials received in connection with the proceedings in question, including those sent by Helsinki Foundation for Human Rights, Towarzystwo Dziennikarskie [*Journalist Society*] and Commissioner for Human Rights.

*- In the case of this concentration, we have received various opinions not related to our scope of competence. Some of them expressed concern that the concentration could lead to a threat to media pluralism or limitation of the freedom of speech. The law stipulates that the only reason for which the President of UOKiK may forbid concentration is a significant restriction of competition, assessed on the basis of clearly determined and measurable economic criteria. The President of UOKiK, in the area of his decision-making activity, is independent and must not take into account, in the legal and subject-matter assessment of the concentration, any criteria suggested to him – both in this and in any other case. Consequently, the use in the concentration proceedings of any subjective criteria and criteria or concept categories which have not been clearly defined in the anti-trust law must be ruled out. Taking such criteria into account would be a breach of law. We always conduct proceedings related to concentration control on the basis of in-depth subject-matter analysis and the methodological tools we have developed, disregarding any outside pressure or emotions* – President of UOKiK, Tomasz Chróstny, points out.

According to the law, the transaction is subject to notification to the President of UOKiK if it involves undertakings whose total turnover in the preceding year exceeded EUR 1 billion worldwide or EUR 50 million in Poland. When assessing the concentration, the President of the Office may grant consent to the concentration, make it subject to additional conditions or prohibit the transaction. [The website of UOKiK](https://www.uokik.gov.pl/koncentracje.php) publishes information on all concentration-related anti-trust proceedings conducted by the President of the Office.