

## **The GVH accepted the commitments offered by Nielsen**

**The Hungarian Competition Authority (Gazdasági Versenyhivatal, GVH) accepted the commitments offered by Nielsen Közönségmérés Kft. (Nielsen), pursuant to which in the future it will set the prices of its databases and of the related discounts transparently, further it will elaborate a new package-structure (which separates its television audience measurement database from its analysing software), and it will also enable its customers to entrust third parties with the management and processing of the databases.**

In its proceeding against Nielsen, the GVH investigated the market of softwares used to analyse television audience measurement data for the period from January 2012 to June 2014.

### **The investigation revealed that**

1. when it sold its databases and softwares Nielsen applied a discount scheme which had a foreclosure effect, because its competitors that offered supplementary services were not able to compete with the package offered by Nielsen, which could be considered as the monopolist of the market of the television audience measurement databases, even though their data-management softwares operated effectively and their services met consumer demands to a higher level than those of Nielsen;
2. through stipulations concerning data protection applied in its contracts Nielsen restricted the ability of the television audio measurement data created by it to be analysed by external, independent softwares.

On the basis of the commitments offered by Nielsen the GVH imposed the following obligations on Nielsen:

- it shall alter the discounts relating to the joint selling of its databases and its softwares;
- it shall sell its databases also without its own-developed Arianna software;
- if it sells its databases together with the Arianna software, it shall apply separate prices and separate discounts for both the databases and the software;
- it shall amend the price of the Arianna software applied to the single categories of customers only if and to the extent that is justified by possible changes in the market value of the software and competitive pricing;
- it shall allow its customers, without the imposition of any conditions, to entrust third party software developing undertakings with the software-based management and processing of the databases, provided that the data do not fall

into the possession of the software developing undertaking in the course of the software-based data management;

- under specific conditions it shall allow its customers to entrust third party software developing undertakings with the software-based management and processing of the databases even in cases where the data falls into the possession of the software developing undertaking in the course of the software-based data management.

**When assessing a commitment application the main goal of the GVH** is to ensure the efficient protection of the public interest. Commitments enable the undertaking concerned to more efficiently bring its conduct into line with the applicable legislation, and the decision also serves as guidance for other market operators. When making a decision the GVH assesses the circumstances both for and against the acceptance of the commitment and decides on an individual basis which of the following, the acceptance of the commitment, or the finding of an infringement and the possible sanctioning of the conduct, will best ensure the protection of the public interest.

After analysing the contents of the commitment application, the GVH established that by accepting the above commitments the protection of the public interest can be ensured effectively, as both of the identified competition concerns can be removed thereby enabling the assumed infringing situation to be eliminated.

Among other factors, the GVH considered the following circumstances **in favour of the acceptance of the commitments**:

- due to the commitments the possible competition concern arising from the restriction of access to the databases of Nielsen will be removed in a short period of time, from 1 January 2016, which will additionally facilitate the efficient development of softwares managing audience measurement data, thereby strengthening the public interest attached to competition;
- the commitments meet the requirement of verifiability.

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Hungarian Competition Authority

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