Bertelsmann Music Group – Concord

MN-75023

Phase 1 Determination

Acquisition may be put into effect

10 July 2026

1. Determination and statement of reasons

Notified acquisition	Bertelsmann SE & Co. KGaA (**Bertelsmann**) proposes to merge its music publishing and recording business, Bertelsmann Music Group (**BMG**), with the music publishing and recording business operated under the Concord label and trademark (**Concord**), which is currently majority owned and controlled by Axton Holdings, LLC (**Axton**). The proposed merger transaction would involve Bertelsmann and Axton incorporating a new holding company (**New MusicCo**), to which both Bertelsmann – via subsidiaries comprising BMG – and Axton via Concord will contribute their respective music recording and publishing businesses (the **Acquisition**). Post-transaction, New MusicCo would be majority owned and controlled by Bertelsmann. Axton would hold a non-controlling minority stake in New MusicCo.
Determination	The Australian Competition and Consumer Commission has determined under section 51ABZE(1) of the C*ompetition and Consumer Act 2010* (Cth) that the Acquisition may be put into effect.
Parties to the Acquisition	Bertelsmann is a German multinational media, services and education group operating across a number of industries. BMG is the music publishing and music recording division of Bertelsmann. In Australia, BMG acquires rights from songwriters and composers and supplies music publishing services and recorded music products. Concord is an independent, US-based music publishing and recording company supporting artists globally. In Australia, Concord supplies music publishing services and recorded music products.
Overlap between the parties	The Parties overlap in the supply of music recording and music publishing services. Bertelsmann's media arm has an interest in Freemantle Australia and Eureka Productions, an acquirer of synchronisation rights. BMG and Concord both license their music publishing rights for synchronisation usage in Australia to advertisers, broadcasters, and film and TV production companies.
Reasons for determination	When making a determination in Phase 1, the Australian Competition and Consumer Commission (**ACCC**) undertakes a competition assessment and considers whether it is appropriate for an acquisition to be approved or subject to further assessment in Phase 2 in accordance with section 51ABZJ of the C*ompetition and Consumer Act 2010* (Cth) (the **Act**). In doing so, the ACCC must have regard to the object of the Act and all relevant matters, including the interests of consumers. For more information about the ACCC's approach to considering notified acquisitions, see the ACCC's merger assessment guidelines and interim merger process guidelines. In conducting its competition assessment, the ACCC has considered the information and documents that were submitted with the notification form and by third parties, market share data from prior matters and publicly available information. The ACCC has determined that the Acquisition may be put into

	effect as it considers that the Acquisition is unlikely to have the effect of substantially lessening competition in any market. In reaching its decision, and based on the material before it, the ACCC makes the following findings. • The merged firm would continue to face competition from alternative suppliers of music recording and music publishing services in Australia and globally. These competitors include Universal Music Australia, Warner Music Australia and Sony and numerous small-to-medium suppliers of music recording and music publishing services. • The merged firm would be unlikely to have the ability and incentive to foreclose rival music publishers' access to sub-publishing services because there are sufficient alternative suppliers of such services. • The merged firm would be unlikely to have the ability and incentive to foreclose rival music publishers' access to sales channels for their synchronisation rights or to foreclose rival TV and film producers' access to synchronisation rights because there are sufficient alternative suppliers and sufficient alternative acquirers of synchronisation rights.
Applications for review	A notifying party, or other person who has been allowed to do so by the Australian Competition Tribunal, may apply for review if they are dissatisfied with the determination. Pursuant to section 100C of the Act, applications for review of the determination are to be made to the Australian Competition Tribunal before the end of 14 calendar days after this statement of reasons was included on the ACCC's Acquisitions Register. To confirm whether there has been any application for review, please contact the Australian Competition Tribunal.

Determination made by Commissioner Williams pursuant to a delegation under section 25(1) of the Act