

Dear interested party,

As you may be aware, Amazon.com, Inc. (**Amazon**) proposes to acquire MGM Holdings Inc. (**MGM**). We are seeking your views on this proposal because we understand you have an interest in markets that may be affected. The Australian Competition and Consumer Commission (**ACCC**) is an independent statutory authority responsible for investigating whether mergers are likely to substantially lessen competition. We rely on information from market participants to make informed decisions.

### **The parties**

Amazon operates a range of businesses including retail, entertainment, consumer electronics and technology services. Relevantly, Amazon produces film and TV content through Amazon Studios, which is available alongside third party content on Amazon Prime Video, a video-on-demand (**VOD**) streaming service.

MGM produces films for release in cinemas, and produces and licenses films and TV content for distribution via all other means and media, including VOD, TV and physical home video. Some of MGM's most well-known films include the James Bond franchise, the Rocky franchise, The Silence of the Lambs, Legally Blonde, The Pink Panther and Tomb Raider. Some of MGM's major TV shows are The Handmaid's Tale, Fargo, Vikings, The Real Housewives, The Voice (America), Shark Tank, Survivor and Teen Wolf.

### **Information we are seeking**

Amongst other things, we are seeking to understand:

- whether MGM has or is likely to produce "must have" film and/or TV content, particularly for cinemas and rival VOD streaming providers in Australia
- whether the combined Amazon/MGM would be likely to have the ability and incentive to foreclose access to MGM titles by cinemas and rival VOD streaming providers in Australia
- the extent to which cinemas and rival VOD streaming providers in Australia would have access to film and TV content from alternative producers, in order to effectively compete with the combined Amazon/MGM
- how the possible foreclosure of rivals' access to content could impact the production of Australian film and TV content to the detriment of consumers, and your reasons
- the ability for rival VOD streaming providers in Australia to produce their own film and TV content, including the costs or other obstacles to doing so
- the extent to which the proposed acquisition would extend Amazon's Prime offer and thereby enhance Amazon's position in e-commerce in Australia
- any concerns you have about the likely competition effects of the proposed acquisition, including your reasons.

When responding, please also provide a brief description of your business and the reasons for your interest in the proposed acquisition, including an explanation of any commercial relationship you have with Amazon or MGM. This will help us to better understand your views.

We would be happy to receive your response by email, or have a discussion with you over

the phone or via Microsoft Teams.

### **How you can engage**

This matter is public and you can forward this email to anybody who may be interested. Updates regarding the ACCC's investigation will be available on the ACCC's Public Mergers Register.

If you would like to comment in writing, please do so by **12pm 19 November** by return email. Alternatively, email or call me on [marisa.kuhlewein@acc.gov.au](mailto:marisa.kuhlewein@acc.gov.au) / (07) 3835 4668 or contact Annabel Garrard at [Annabel.garrard@acc.gov.au](mailto:Annabel.garrard@acc.gov.au), if you prefer to set up a time to discuss or if you need more time to respond.

### **Confidentiality**

The ACCC treats sensitive information it receives during a merger review as confidential, and will not publish your submission. We will not disclose submissions to third parties (except our advisors/consultants) unless compelled by law (for example, under freedom of information legislation or during court proceedings) or in accordance with s155AAA of the Competition and Consumer Act 2010. Where the ACCC is required to disclose confidential information, we will notify you in advance where possible so that you have an opportunity to be heard. Therefore, please clearly indicate if any information you provide is confidential. Our [Informal Merger Review Process Guidelines](#) contain more information on confidentiality.

If you have any questions, please let me know.

Kind regards

Marisa Kuhlewein