



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No: 1150/4/8/10

**B E T W E E N**

**CTS EVENTIM AG**

Applicant

-v-

**COMPETITION COMMISSION**

Respondent

-supported by-

**LIVE NATION ENTERTAINMENT INC**

Intervener

---

**ORDER**

---

**UPON** reading the notice of application lodged by CTS Eventim AG (“Eventim”) under rules 8 and 25 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) on 19 January 2010

**AND UPON** reading the observations and submissions of the parties filed in advance of the case management conference

**AND UPON** hearing counsel for the parties at a case management conference on 10 February 2010

**AND UPON** the Competition Commission (“the Commission”) undertaking that if the matter in question were to be referred back to the Commission for reconsideration and a new decision under section 120(5)(b) of the Enterprise Act 2002 the Commission would so reconsider and reach a new decision within a period of three months from the date of the Order referring the matter back

**IT IS ORDERED THAT:**

1. The decision of the Commission contained in a report dated 22 December 2009 to clear the merger between Ticketmaster Entertainment Inc and Live Nation Inc (“the Decision”) be quashed pursuant to section 120(5)(a) of the Enterprise Act 2002 for the reasons given in the observations and submissions of the parties filed in advance of the case management conference

2. The questions contained in paragraph 2 of the Office of Fair Trading's Terms of Reference dated 10 June 2009 be referred back to the Commission pursuant to section 120(5)(b) of the Enterprise Act 2002 for the Commission to reconsider and to make a new decision
3. The Commission pay to Eventim seventy-five percent of its costs of and occasioned by the application, such costs to be assessed if not agreed by a Costs Judge of the Senior Courts Costs Office pursuant to rule 55(3) of the Tribunal Rules
4. Live Nation bear its own costs
5. There be liberty to apply

**Lord Carlile of Berriew QC**  
Chairman of the Competition Appeal Tribunal

Made: 11 February 2010  
Drawn: 11 February 2010