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Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(27.1.2026)

While the Commission cannot prejudge the outcome of any potential future merger proceedings, it remains committed to prevent a significant impediment to effective competition which generally results from the creation or strengthening of a dominant position. As to a potential acquisition of Warner Bros. Discovery by Amazon, the Commission notes though that according to public reports, Amazon did not submit an offer for Warner Bros. Discovery within a deadline for initial bids and that Warner Bros. Discovery has entered into an agreement with Netflix instead while Paramount made a competing offer.

As to the market position of Amazon, the Commission had preliminarily found Amazon in the context of a previous antitrust case to be dominant on markets for the provision of online marketplace services to third-party sellers. Furthermore, in case M.10349 – Amazon/MGM, the Commission considered whether the acquisition of MGM would strengthen Amazon's potentially dominant position in the market for the provision of marketplace services, even though it ultimately concluded that the merged entity would not have the ability to leverage Amazon's position in the market for the retail supply of audiovisual content into the market for the provision of marketplace services.

As already indicated in the current Non-Horizontal Merger Guidelines¹, the Commission can assess competitive harm linked to the access of commercially sensitive information acquired through a merger. For example, the access to commercially sensitive information could lead to higher prices (see paragraph 78 of the Non-Horizontal Merger Guidelines). The Commission assessed the question of access to commercially sensitive information for example in Case M.9660 – Google/Fitbit.

¹ Guidelines on the assessment of non-horizontal mergers under the Council Regulation on the control of concentrations between undertakings (OJ C 265, 18.10.2008, p. 7).