



Issue: Refusal of JNRS to admit Metro and other free newspapers to its readership survey

Relevant provision: Section 4 and section 5, Competition Act 2002

Outcome of investigation: File closed in January 2008 when JNRS amended its admission criteria to provide for participation of its readership survey by free newspapers.

Outline of case

In May 2006 the Competition Authority initiated an investigation following a complaint which was submitted on behalf of Metro, the free Dublin newspaper, with regard to the refusal of the Joint National Readership Survey (JNRS) to admit it to its readership survey. JNRS conducts a readership survey to measure the readership of newspapers and magazines that offer an advertising platform in Ireland. The JNRS survey is used by publications to sell advertising space to advertisers and advertising agencies acting on behalf of clients. All major daily newspapers, Sunday newspapers, evening newspapers and over 50 regional newspapers are included in the JNRS survey.

Metro's complaint was that the JNRS refusal makes it impossible for Metro to compete for advertising revenues in Ireland due to the fact that independently verifiable statistics on readership are essential before advertising agencies can justify spending significant amounts of money to place advertising in a publication on behalf of their clients.

As part of its investigation the Competition Authority obtained information from JNRS, publishers of newspapers and magazines, advertising agencies, media buying agencies as well as others. Subsequently, the Competition Authority advised JNRS of the following preliminary findings:

- Free newspapers such as Metro would not be able to compete effectively for national brand advertising against major daily newspapers unless they are able to provide independent verifiable readership statistics such as provided by the JNRS survey;
- The ability to attract national brand advertising was important to the financial viability of Metro and other newspapers;
- There was no reasonable alternative to the JNRS survey in Ireland.

The Competition Authority was of the preliminary view that the refusal to include Metro and other free newspapers in the JNRS survey would distort competition in the market for the supply of national brand advertising in print media and thereby would be a breach of Section 4 and Section 5 of the Competition Act 2002. On foot of the Competition Authority investigation, the JNRS amended its admission criteria to provide for participation in its survey by free newspapers such as Metro without admitting any liability and in January 2008 the Competition Authority closed the investigation.