



# Department for Culture Media & Sport

Diana Johnson MP  
House of Commons  
London  
SW1A 0AA

[johnsond@parliament.uk](mailto:johnsond@parliament.uk)

Secretary of State for Culture, Media and Sport  
4th Floor  
100 Parliament Street  
London SW1A 2BQ

020 7211 6000

[www.gov.uk/dcms](http://www.gov.uk/dcms)

CMS 300010/DC  
10 March 2017

Dear Diana

## **Sky / Fox merger**

I said, during Monday's debate on the Sky / Fox merger, that I would write setting out the stages that apply to media mergers.

The guidance, which can be found on my department's website, sets out that, in the first instance, and, in order to prevent undue uncertainty, the Secretary of State should aim to take an initial decision on whether to intervene within 10 working days of the transaction being formally notified. Within this period, parties to the merger are typically given 3-4 working days to make written representations. Correspondingly, as I set out in my minded-to letter to the parties on 3 March, I invited representations by Wednesday 8 March.

The guidance goes on to indicate that, if a decision is taken to intervene on media public interest grounds, Ofcom and the Competition and Markets Authority (CMA) - which replaced the Office of Fair Trading (OFT) - must provide advice within the deadline I set; this is typically 40 working days.

Having received the reports from Ofcom and the CMA, the Secretary of State may then make a decision to refer to the CMA for a more thorough, "Phase 2", investigation, and if so, may, at that time, consider undertakings in lieu of such a reference, which can take some time to consider.

If the matter is referred to the CMA for a Phase 2 investigation, the CMA will have 24 weeks to report to me (extendable in certain circumstances) at which point I will have 30 days in which to take a final decision on the merger.



As I'm sure you will appreciate, any decision I take on a merger is confined to the circumstances of that particular merger and would not prevent future proposals being made by any party. Any new proposals would, of course, have to be considered on their own merits.

As I said in my statement on Monday, this is an ongoing quasi-judicial process and we are not yet at the stage where such decisions are required.

I am copying this letter to Honourable and Right Honourable colleagues who spoke during the debate and will place a copy of this letter in the Libraries of both Houses.

A handwritten signature in blue ink that reads "Karen Bradley". The signature is written in a cursive, flowing style.

**Rt Hon Karen Bradley MP**

Secretary of State for Culture, Media and Sport