

## **21ST CENTURY FOX/SKY MERGER INQUIRY (PHASE 2)**

### **Summary of non-substantive submissions to the provisional findings**

#### **Introduction**

1. On 23 January 2018 the CMA published its provisional findings that the anticipated acquisition by 21st Century Fox, Inc (Fox) of the shares it does not already own in Sky Plc (Sky) may be expected to operate against the public interest taking account of the media plurality consideration; and may not be expected to operate against the public interest taking account of the broadcasting standards consideration.
2. As referenced in our summary of non-substantive responses to the remedies notice, most of these submissions were made in response to both the remedies notice and the provisional findings (53), out of a total of 59 non-substantive responses.<sup>1</sup> This summary presents the main views on provisional findings submitted to us by third parties, of which there were two main aspects.

#### **Summary of views raised in non-substantive responses to the provisional findings**

##### ***The media plurality public interest consideration***

3. The majority of third parties (42) submitted that they agreed with our provisional finding that the Transaction may be expected to operate against the public interest taking account of the media plurality consideration.
4. Most third parties submitted that the Transaction would give the Murdoch family increased influence over the news agenda and would create an insufficient level of media plurality in the UK. The concerns identified were largely reflective of those raised in previous consultation stages of the inquiry

---

<sup>1</sup> The difference in the number of non-substantive responses received as referenced in this summary and in the summary of non-substantive responses to the remedies notice is explained by responses to both the provisional findings and remedies notice being received after the deadline for responses to the remedies notice had passed, but within the deadline for responses to the provisional findings.

(for example in response to the issues statement) and as considered in the provisional findings.

5. A minority of third party submissions (three) were in favour of the Transaction and disagreed with the CMA's provisional finding on the media plurality public interest consideration.

***The broadcasting standards public interest consideration***

6. A majority of third parties (24) submitted that they disagreed with our provisional finding on the broadcasting standards public interest consideration.
7. Third parties raised corporate governance issues at Fox, and gave examples of the phone hacking scandal and sexual harassment allegations against employees of Fox News, as evidence that Fox is not genuinely committed to broadcasting standards in the UK.
8. Most of these third parties also submitted that the Transaction would lead to reporting of impartial and partisan news in the UK, and referred to content and reporting on Fox News in the US in relation to this point.