

Tony Close  
Director of Content Standards, Licensing  
& Enforcement  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

From: Joel Bamford

Project Director

Direct line: [✂]

5 March 2018

Dear Tony

Re. Request for information and assistance relating to the acquisition by Twenty-First Century Fox, Inc. (Fox) of the entire share capital of Sky plc (Sky) (the Fox/Sky transaction).

Further to the letter sent on 25 September 2017 setting out an agreed basis for the provision of information and assistance by Ofcom to the CMA, I write on behalf of the CMA to formally request Ofcom provides information and assistance in relation to the exercise of the CMA's functions in reviewing the Fox/Sky transaction. This request is made in reliance of section 105(3A) of the Enterprise Act 2002 (the "Act"), which states:

OFCOM shall give the CMA:

- (a) such information in their possession as the CMA may reasonably require to enable the CMA to carry out its functions under [Part 3 of the Act]; and
- (b) any other assistance which the CMA may reasonably require for the purpose of assisting it in carrying out its functions under this Part and which it is within the power of OFCOM to give.

This provision is made applicable to the exercise of the CMA's functions under The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (the Order) by virtue of Article 15 and Schedule 3 paragraph 1(1)(m) of the Order.

The information we request to enable us to exercise our functions, drawing on Ofcom's technical expertise as the UK regulator for communications, is as follows:

1. Please explain the difference between issuing a direction under a licence condition and imposing a statutory sanction, and the process for each, referring to any publicly available guidance. In your response, please set out examples of the types of requirements that Ofcom can impose on broadcasters under the directions process, and the circumstances under which these types of requirements may be imposed.

2. Please provide a list of any of the following broadcasters to whom Ofcom has issued directions pursuant to their licence as a result of breaches of Ofcom's Broadcasting Code in the period between January 2013 and October 2017.

We would like this information for the following broadcasters/services:

- ITN/ITV (including ITV News)
- Channel 4 (including Channel 4 News)
- Channel 5 (including Channel 5 News)
- Sky (including Sky News)
- Fox (including Fox News)
- RT
- Al-Jazeera
- CNN
- Discovery
- Viacom

In each case, please provide the requested details in relation to (i) all licensees controlled (eg through subsidiaries) by the broadcasters identified in the list above and (ii) the licensees that operate the services identified above (and any other licensed services provided by any such licensee).

3. With respect to the two breaches of the Broadcasting Code identified in the Ofcom Broadcast Bulletin, issue number 288, we understand that Ofcom issued directions for the licence holder of the RT and RT Europe channels to broadcast a summary of Ofcom's findings.

Please explain why in this case, Ofcom decided to issue directions rather than impose statutory sanctions on the licence holder for these two breaches of the Broadcasting Code.

Yours sincerely,

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Joel Bamford  
Project Director

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