



Department for
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By Email

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ACQUISITION BY TRINITY MIRROR PLC (“Trinity Mirror”) OF PUBLISHING ASSETS OF NORTHERN & SHELL MEDIA GROUP LIMITED (“Northern and Shell”) (“the merger”)

PUBLIC INTEREST INTERVENTION NOTICE

I refer to Trinity Mirror’s letter of 26 April 2018, provided in response to our letter of 23 April 2018 which set out that the Secretary of State for Digital, Culture, Media and Sport (“the Secretary of State”) was minded to issue a public interest Intervention Notice (“PIIN”) under section 42 of the Enterprise Act 2002 in relation to the merger.

The Secretary of State can now confirm that, for the reasons set out in the “minded to” letter

(subject to the points made below), he has issued the enclosed PIIN in relation to the merger on the following grounds:

- the need for free expression of opinion in newspapers (“free expression of opinion ground”); and
- the need for, to the extent that it is reasonable and practicable, a sufficient plurality of views in newspapers in each market for newspapers in the United Kingdom or a part of the United Kingdom (“plurality ground”).

Accordingly, the Secretary of State has asked the Competition and Markets Authority and Ofcom to report to him, in accordance with sections 44 and 44A of the Act respectively, by midnight at the end of Thursday, 31st May 2018.

Trinity Mirror’s representations

We note Trinity Mirror’s further representations made in relation to both the free expression of opinion ground and plurality ground. While the Secretary of State considers that these representations raise matters that could be usefully considered by Ofcom, nothing in them leads him to dismiss his concerns as set out in the “minded to” letter.

In particular, we note the representation made, in relation to the free expression of opinion ground, that any content sharing and pooling of resources will not cut across the independence of the individual title editorial decisions with regard to the agenda for reporting of, or opinion expressed on news or current affairs. The Secretary of State has noted this point, and considers that this is an issue that could be usefully further investigated by Ofcom.

With regard to the plurality ground, we note that Trinity Mirror considers the correct frame of reference for the number of national newspapers to be 26 national titles and not 20 as set out in the “minded to” letter. In determining the number of national newspaper titles, we recognise that other approaches could be taken. Regardless of the approach adopted, the Secretary of State nevertheless considers that there is potential for the merger to increase Trinity Mirror’s standing in the national newspaper market. Again, this is a matter Ofcom could usefully report on.

You also comment that due to the increasing number of pure online news providers and the number of voices across other media, there is sufficient plurality of viewpoints even where there may be concerns about potential alignment of editorial positions within printed newspapers. As set out in the “minded to” letter, the Secretary of State considers that it may be useful for Ofcom to consider the impact that online and other news provision may have on the assessment of the sufficiency of the plurality of views in the relevant newspaper market

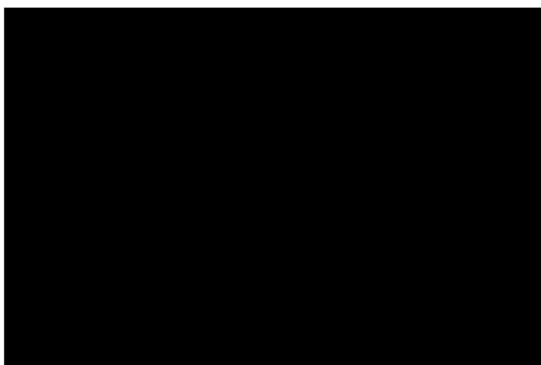
As a result, the Secretary of State remains of the view that the matters raised in the “minded to” letter warrant further investigation by Ofcom.

Conclusion

For the reasons set out in the “minded to” letter, and subject to the points made above, the Secretary of State believes that it is or may be the case that the free expression of opinion ground and plurality ground are relevant to consideration of the merger, and has issued the enclosed PIIN accordingly.

I am copying this letter to Trinity Mirror’s representatives at Hogan Lovells International LLP.

Yours sincerely



Head of Media Sponsorship, Content and Regulation
Department for Digital, Culture, Media and Sport

Encl.