

THE MICROSOFT AND ACTIVISION MERGER INQUIRY ORDER 2023

Notice of and consultation on the proposed Final Order pursuant to sections 41 and 84 of and Schedule 10 to the Enterprise Act 2002

Introduction

1. On 15 September 2022 the Competition and Markets Authority (**CMA**), in exercise of its duties under [section 33](#) of the Enterprise Act 2002 (the **Act**), referred the anticipated acquisition by Microsoft Corporation (**Microsoft**) of Activision Blizzard, Inc. (**Activision**) (the **Merger**) for further investigation and report by a group of CMA panel members.
2. The CMA published '[Anticipated acquisition by Microsoft of Activision Blizzard, Inc. Final report](#)' (the **Report**) on 26 April 2023. In the Report, the CMA decided, in accordance with [section 36](#) of the Act, that:
 - (a) the anticipated acquisition of Activision by Microsoft constitutes arrangements in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation;
 - (b) the creation of that situation may be expected to result in a substantial lessening of competition (**SLC**) in the supply of cloud gaming services in the UK, due to vertical effects resulting from input foreclosure;
 - (c) the CMA should take action for the purpose of remedying, mitigating or preventing the SLC or any adverse effect which has resulted from, or may be expected to result from, the SLC; and
 - (d) the prohibition of the Merger would be the only effective and proportionate remedy to the SLC and any adverse effects which have resulted from, or may be expected to result from, the SLC.
3. In accordance with paragraph 2(1)(a) of [Schedule 10](#) to the Act, the CMA now gives notice of the proposed Order to remedy, mitigate or prevent the SLC and any resulting adverse effect, which it identified in the Report. This Notice and the proposed Order will be published on the CMA website.

4. The CMA invites written representations on the proposed Order from any interested person or persons. Representations made in response to this Notice should reach the CMA by **17:00 UK time on 19 June 2023**. Representations should be made in writing and should be sent by email to: Microsoft.Activision@cma.gov.uk. Alternatively, written representations can be addressed to:

Principal Case Officer
Microsoft/Activision merger inquiry
Competition and Markets Authority
The Cabot
25 Cabot Square
London
E14 4QZ

5. The CMA will have regard to any written representations made in accordance with this Notice and may make modifications to the proposed Order as a result. In the absence of any written representations, or in the event that the CMA decides, on consideration of representations made, not to make material amendments to the Order, the CMA proposes to make the Order pursuant to section 84 of the Act. If the CMA considers that any representation necessitates any material change to the proposed Order, the CMA will give notice of the proposed modifications.
6. The Order may be varied or revoked by the CMA in accordance with sections 84(3) and 162 of the Act.

Martin Coleman
Group Chair
18 May 2023