

MARKET INVESTIGATION INTO THE SUPPLY OF PUBLIC CLOUD INFRASTRUCTURE SERVICES IN THE UK

Notice of extension of inquiry period under section 137(2A) of the Enterprise Act 2002¹

On 5 October 2023, the Office of Communications (Ofcom), in exercise of its powers under sections 131 and 133 of the Enterprise Act 2002 (the Act), made a reference for a market investigation into the supply of public cloud infrastructure services in the UK.² The period within which the report on this reference was to be prepared and published (the original reference period) was due to expire on 4 April 2025.

The Inquiry Group considers that completion of its investigation and the publication of its final report will not be possible within the original reference period.

The Inquiry Group has decided to extend the original reference period by 4 months under section 137(2A) of the Act to 4 August 2025 (the extended reference period) as it considers that there are special reasons (set out below) to do so. However, the Inquiry Group aims to complete the inquiry as soon as possible and in advance of this date.³

In taking this decision, the Inquiry Group has had regard to the nature and complexity of issues raised in relation to the theories of harm investigated, in particular, the licensing practices theory of harm, which was not examined in depth in Ofcom's market study. Specifically, the Inquiry Group had regard to the submissions, evidence and analyses provided in response to the CMA's working papers and the main party hearings, some of which were received after the deadline for submission of evidence as set out in the administrative timetable. These submissions required further analysis and engagement with the main parties to ensure a thorough and appropriate consideration of the complex matters raised. The Inquiry Group has also had regard to ensuring that it has sufficient time following the publication of its provisional decision report to engage with the consultation responses and to complete its investigation.

¹ Published pursuant to section 172(2) of the Enterprise Act 2002

² Terms of Reference (ofcom.org.uk)

³ See the administrative timetable published on the CMA case page.

Furthermore, the Inquiry Group has had regard to all of the above matters in the round, appreciating the need to be as comprehensive, thorough and fair as possible within the statutory timeframe.

19 September 2024