



Department for Culture, Media & Sport

The Rt Hon Ian Murray MP
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Department for Culture, Media and Sport
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Sarah Cardell
Chief Executive
Competition and Markets Authority

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Dear Sarah

In the Creative Industries Sector Plan, published in June this year, the Government committed to take action to support public service media (PSM) and the wider television ecosystem.

Our PSM providers (the BBC, Channel 4, ITV, 5, STV and S4C) sit at the heart of our hugely successful and globally admired television industry, driving growth and investment in the sector. They also deliver significant cultural and democratic benefits: bringing viewers together for moments of national importance and programmes that steer the national conversation; and providing impartial and trusted news that helps people understand the world around them, combating the rising threat of online disinformation.

However, the television market is transforming. Our PSM providers, alongside other broadcasters, are having to contend with rapid technological advances and changing audience viewing habits in an increasingly competitive and fragmented market. These trends have led broadcasters in many countries to cut costs and pursue consolidation to increase economies of scale. In this context we believe there could be significant benefits to public service media providers pursuing deeper and more strategic partnerships, particularly those that enable them to engage with hard to reach audiences and benefit their financial sustainability.

‘Transmission Critical’, Ofcom’s latest review of PSM, which was published in July, considered this issue in detail and recommended that PSM providers engage in more ambitious and strategic partnerships. As significant merger or partnership cases in the television sector do not come around regularly for consideration by regulators, we are aware that perceptions within industry may be shaped by previous decisions that were taken in a different market context. We therefore support Ofcom’s further recommendation that regulators “assess any mergers or partnerships in the context of an up-to-date assessment of market conditions, recognising there continues to be fundamental change in the sector.”



In the sector plan we committed to ask the CMA, supported by Ofcom, to set out how changes in the sector – such as the convergence of broadcast, on-demand and video sharing – could be taken into account as part of any future assessment of television and advertising markets. The commitment, and the Government's delivery against it through this letter, has been made to support the Government's objectives for PSM as a whole, and is not intended to influence or pre-empt any individual cases.

In making this commitment, we recognise the importance of the statutory framework underpinning the merger regime, which is set out in the Enterprise Act 2002. You will be aware that we have recently made changes to modernise and strengthen this regime, so that the DCMS Secretary of State is able to intervene on public interest grounds or on foreign state influence grounds in mergers involving a print or an online newspaper or a news magazine enterprise. The Secretary of State is also able to intervene on public interest grounds in a merger involving broadcasters or an enterprise which produces news programmes.

We recognise the independent role that the CMA plays within this regime and welcome the CMA's commitment to provide advice to Government in support of its industrial strategy. As such, please could the CMA set out, in the context of the Government's merger regime:

1. How you look at particular circumstances of a market at a given time, including:
 - a) How you determine counterfactuals, particularly in fast changing markets like media and television
 - b) How you take into account the interests of different groups (e.g. advertisers and consumers)
 - c) How you take account of any efficiencies from a merger and any benefits there may be to consumers;
2. How your assessment/decisional practice has evolved over time, and whether the CMA is bound by its previous decisions;
3. How your assessment/ decisional practice can respond to future market trends, and what sort of evidence you would look at as part of this; and
4. How you would work with Ofcom, and take on board their sectoral expertise.

We also recognise that not all partnerships are 'mergers' for the purposes of the UK merger regime and that there are other forms of collaboration between businesses. It would be helpful if the CMA could set out how you might assess collaborations between businesses under competition law that do not fall under the UK mergers regime.

For the avoidance of doubt, these questions are not intended to impact DCMS Secretary of State's powers to consider mergers under the public interest and foreign state influence regimes.

I am copying this letter to Dame Melanie Dawes, CEO of Ofcom and the Minister for Employment Rights and Consumer Protection.

Yours sincerely,
Ian Murray

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Minister for Creative Industries, Media and Arts