

**EUROPEAN INTERVENTION NOTICE GIVEN PURSUANT TO SECTION 67  
ENTERPRISE ACT 2002 – ANTICIPATED ACQUISITION OF  
BRITISH SKY BROADCASTING PLC BY NEWS CORPORATION**

Whereas the Secretary of State has reasonable grounds for suspecting that it is or may be the case that:

(a) arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation, as defined in section 23 of the Enterprise Act 2002 ("the Act") in that:

(i) enterprises carried on by or under the control of News Corporation will cease to be distinct from enterprises carried on by or under the control of British Sky Broadcasting plc; and

(ii) the value of the turnover in the United Kingdom of the enterprise to be taken over exceeds £70million;

(b) a concentration with a Community dimension (within the meaning of Council Regulation (EC) No 139/2004 - "the EC Merger Regulation), or part of such a concentration has thereby arisen or will arise;


Whereas the Office of Fair Trading is unable to refer the relevant merger situation concerned to the Competition Commission under section 33 of the Act (whether or not it would otherwise have been under a duty to make such a reference) by virtue of article 21(3) of the EC Merger Regulation;

Whereas the Secretary of State is considering whether to take appropriate measures to protect legitimate interests as permitted by article 21(4) of the EC Merger Regulation;

Whereas the Secretary of State believes that it is or may be the case that the public interest consideration specified in section 58 of the Act concerned with the sufficiency of plurality of persons with control of media enterprises is relevant to a consideration of the merger situation;

Now, therefore, the Secretary of State in exercise of his powers under section 67(2) of the Act, hereby gives this intervention notice and requires the Office of Fair Trading to investigate and report in accordance with article 4 of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 and Ofcom to investigate and report in accordance with article 4A of that Order, both within the period ending on 31 December 2010.

4 November 2010

  
Andrew Rees  
An official of the Department for Business Innovation & Skills