

**REFERENCE RELATING TO THE ANTICIPATED JOINT VENTURE BETWEEN  
BBC WORLDWIDE LIMITED, CHANNEL FOUR TELEVISION CORPORATION  
AND ITV PLC**

**Notice of provisional findings made under Rule 10.3 of the Competition  
Commission Rules of Procedure**

1. On 30 June 2008, the Office of Fair Trading (OFT) in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act) and its power under section 36(5) of the Act, referred the anticipated joint venture (JV) between the British Broadcasting Corporation (BBC) through BBC Worldwide Limited (BBCW), Channel Four Television Corporation (C4C) and ITV plc (ITV) relating to the video on demand (VOD) sector to the Competition Commission (CC) for investigation and report within a period ending on 14 December 2008. The period for investigation and report was amended to 8 February 2009, following an extension under section 39(4) of the Act.

**Provisional findings**

2. The CC inquiry group (the Group) appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide pursuant to section 36(1) of the Act:
  - (a) arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
  - (b) the joint venture would be likely to lead to a loss of rivalry between the parties, amounting to a substantial lessening of competition (SLC) in the supply of TV VOD content in the UK at the wholesale and retail levels.
3. The Group's provisional findings on these questions, and its reasons, are set out in the provisional findings report, a summary of which is being published at the same time as this notice. A copy of the provisional findings report will be published on the CC website (see note (i) below).

**The next steps**

4. Anyone wishing to comment on the provisional findings is invited to provide the Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
5. These reasons should be received by the Group no later than 24 December 2008.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions and actions.
7. The Group is also sending to the parties and publishing a notice of the possible actions which it considers might be taken by the CC to remedy the SLC provisionally identified.

Peter Freeman

**Notes**

- (i) A copy of this notice and the summary of the provisional findings report will be placed on the CC website on 3 December. The CC proposes to publish the provisional findings report on its website within the following week. The published version of the provisional findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act.
  
- (ii) Comments should be made in writing to:

Tony Gooch  
Inquiry Manager, Project Kangaroo Inquiry  
Victoria House  
Southampton Row  
London  
WC1B 4AD

or by email to: [tony.gooch@cc.gsi.gov.uk](mailto:tony.gooch@cc.gsi.gov.uk).