

The Rt Hon Lisa Nandy MP
Secretary of State for Culture, Media and Sport
Department for Culture, Media & Sport
100 Parliament Street, London SW1A 2BQ

Re: Department of Media Culture and Sport Comment: Proposed acquisition of Warner Bros. Discovery, Inc. by Paramount Skydance Corporation

The Archival Producers Alliance (“APA” or “we”) submits these representations in response to the Secretary of State for Culture, Media and Sport (the “Secretary”)’s 30 June 2026 notice of a potential public interest intervention (“Notice”) in the proposed acquisition of Warner Bros. Discovery, Inc. (“WBD”) by Paramount Skydance Corporation (“Paramount”),¹ and the Department for Culture, Media and Sport (the “Department” or “DCMS”) letters of 30 June 2026.² We submit these representations for the Department as it considers whether to issue a public interest intervention notice (“PIIN”) under section 42(2) of the Enterprise Act 2002 (“the Act”).

I. Interest of the Submitting Organization

The APA is a United States based organization that represents over 650 archival producers in the UK, the United States, and other jurisdictions. The APA strongly opposes the proposed merger, as it may threaten our ability to access the images and video that allow us to examine and view our collective history. Television news often serves as the first draft of history, covering events essential to public understanding. Educational programming, journalism, and historical documentary storytelling rely on these drafts to synthesize deeper narratives, provide commentary, and bring new perspectives to past events. We rely on television news archives to make the content that is critical to audiences across the UK, and around the world. The future preservation and accessibility of these archives are potentially at risk if they are allowed to be merged under one private entity. With that in mind, we submit that the proposed merger threatens

¹ Department for Culture, Media & Sport, “Proposed acquisition of Warner Bros Discovery by Paramount Skydance Corporation – Notice of a Potential Public Interest Intervention Notice” (30 June 2026) (“HCSWS162”) <https://www.gov.uk/government/publications/dcms-letter-to-paramount-skydance-corporation-on-minded-to-refer-decision>.

² DCMS Letter to Paramount, (30 Jun. 2026), https://assets.publishing.service.gov.uk/media/6a43dd16065c5aec12a4e409/260630_P-WBD_Redacted_Minded_To_Letter_to_Paramount_Skydance_Corporation.pdf; DCMS Letter to WBD (30 Jun. 2026), https://assets.publishing.service.gov.uk/media/6a43dc99fa72f76532a4e414/260630_P-WBD_Redacted_Minded_To_Letter_to_Warner_Bros_Discovery_Inc..pdf. As the letters are functionally identical, hereinafter we will cite them as the “Letters”.

precisely the concerns the Secretary raised in the PIIN: media plurality, competition, and documentary distribution.

This submission focuses primarily on the impact on access to this archival footage, and the harm arising from placing two of the four most significant news archives in America and internationally—CNN and CBS News libraries—under a single owner, with one set of decision-makers determining access policy, pricing, and usage terms of these invaluable and unique repositories.

II. The public interest consideration this representation addresses

The Secretary of State has announced that she is minded to intervene in the proposed merger on public interest grounds. Our representation addresses her second specified consideration: “The need for, to the extent it is reasonable and practicable, a sufficient plurality of views in news media in each market for news media in the United Kingdom or in a part of the United Kingdom.”³

In relation to news archives specifically, the Secretary of State stated:

“The Secretary of State understands that the proposed merger will consolidate control over access to news archives. Consolidating the CNN and CBS archives under a single corporate owner places the world’s two largest privately-held broadcast news collections under unified ownership for the first time and could as a result, mean that independent UK news and documentary producers face structural risk of restricted access, prohibitive pricing, or editorial gatekeeping over historical footage. The Secretary of State considers that the concentration of ownership of the CNN and CBS archives, if it leads to restricted access to important archival news footage presenting differing historical perspectives, may impact on the variety of views and perspectives in UK markets for news media.”

This representation confirms the Secretary’s understanding and places professional evidence behind it. The three risks she identifies—restricted access, prohibitive pricing, and editorial gatekeeping—are not hypothetical future harms. The proposed owners of this vast piece of our history have already made their inclination to control news and historical narrative clear in the

³ Enterprise Act 2002, section 58 (as amended). We quote the consideration as the Secretary of State specified it in her statement of 30 June 2026, https://assets.publishing.service.gov.uk/media/6a43dc99fa72f76532a4e414/260630_P-WBD_Redacted_Minded_To_Letter_to_Warner_Bros_Discovery_Inc.pdf.

United States; the merger could allow them to import that willingness to crowd out opposing voices to the UK as well, by determining access policy, pricing, and usage terms for British program-makers.

Our central submission is this: a sufficient plurality of views in news media depends not only on the number of independent voices addressing UK audiences today, but on the range of program-makers who can access the historical record from which news media is made. Whoever controls access to broadcast news archives decides, in practical terms, which stories about the past half-century filmmakers, documentarians, and reporters, can assemble, verify, and put before UK audiences. When a single owner controls that access for two of the world's most significant collections, that owner's discretionary decisions—whether commercial, reputational, or political—flow directly through to the variety of views and perspectives available in UK markets for scholars, news and creative media.

III. Scale of the consolidation

The CNN Collection holds over 4 million assets, including broadcast footage spanning more than 45 years of global news, wars, elections, and political events.⁴ The Paramount-controlled CBS archive adds a second, comparably significant layer: decades of CBS News coverage, CBS Television Network programming, and classic entertainment properties from one of American broadcasting's oldest and most historically significant libraries. Together, these collections contain an immense, unprecedented, and irreplaceable amount of American and international broadcast history.

IV. Archival workflow for documentaries

Archival production is the workflow required for the collection of all third-party material for a non-fiction work, and it is an integral and critical part of most documentary production. Archival production can refer to generally obtaining or purchasing any audio, photographs, or moving footage not captured by the production itself—whether it is historical or contemporary in nature. As archival producers⁵, we shepherd these materials from pre-production through post-production, conducting original research to find relevant coverage, verifying, tracking and organizing it, and finally, licensing and obtaining the high resolution copies that are suitable for broadcast.

⁴ See CNN Archives Fact Sheet, <https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/>.

⁵ Called 'archive producers' in the UK.

The process of making a documentary is much like building a to-scale model of a house before construction. A production first works with low-resolution materials to make sure the film is structurally sound, and only *then* it makes the finished product with all of the collected assets and materials. Once a film is finished, archival producers gather the materials to build the final product that will be suitable for viewing.

Typically, for a documentary, an archival producer first conducts research at relevant archives, bringing in any clips they can find related to the film's subject. The copies they obtain are typically low resolution, or have watermarks and timecode stamps that make them unsuitable for broadcast. This ensures that once the filmmakers decide which audiovisual materials they want to use, they will be required to return to the archive to license the material rather than just using what they have. The editor and director then build their "scale model," piecing together original and archival materials to tell their story. When that is complete and they've decided which actual clips they'll use, the archival producer will go back to the news archive to negotiate a license agreement and pay the licensing fees in order to get the high resolution, master copies of the footage.

V. The merger will worsen discretionary gatekeeping of archival materials

Licensing archival material is not a right; it is a privilege granted at the sole discretion of the archive's owner. Owners can gatekeep this content: They can choose whether to make their archives accessible to documentarians at all (see section VII, *infra*, for an example of how archives can completely remove access from competitors). When archive owners decide whether to grant permission for use to license, they can consider the nature of the content, its political framing, or even the producing entity of a project. To license a story that has aired or uses any of the four major US national news archives (CNN, CBS, ABC, NBC) talent – like anchors or reporters – the producer needs to get permission from the company. They will be required to show the licensing entity the exact context for how each clip is being used within the film – and then the network's legal counsel will decide whether or not to give permission to license it. When permission is denied, an archive or sales representative may sometimes relay the reason, but there is no discussion or debate. The material is a corporate asset, and is licensed entirely at the private company's discretion, despite having gone out over public airwaves. In our collective decades working in the field, we have never been able to speak directly with – or even learn the name of – the actual decisionmakers behind this process of accepting or denying archival usage. It is entirely a black-box process.

The merger will concentrate this discretionary power in fewer hands than at any point in the modern era. Today, the CBS News archive (Paramount) and the CNN archive (Warner Bros. Discovery) operate as separate gatekeepers, each with its own corporate interests and sensitivities. When one denies a producer permission, the other could hold comparable footage of the same event – a redundancy that may function as a modest, but real, check on any single owner's editorial or political preferences. The merger eliminates that check. A single set of anonymous decisionmakers could determine whether producers may use vast swaths of the visual record of the past eighty-five (CBS) or forty-five (CNN) years.⁶

The consequences for the United Kingdom are direct. UK documentary producers – working for the BBC, Channel 4, ITV, Sky, and the streaming services that commission British factual programming – routinely license American news footage to tell stories about war, elections, civil rights, and international affairs. If the combined entity declines to license material because it dislikes a film's framing, its politics, or its portrayal of the company's own talent, UK producers could find it close to impossible to access that material. And in many cases no substitute footage may exist. The merged company will also own Channel 5, giving it a commercial stake in the UK's own factual television market and a corresponding incentive to advantage its own productions over independent ones seeking the same material. Archive access is an upstream input to the plurality of views available to UK audiences: when one owner decides, invisibly and without appeal, which versions of audiovisual history filmmakers may show, viewpoint diversity narrows before a single program reaches the screen.

We offer one specific incident for the Secretary's consideration: one APA member who tried to license historical war footage for a documentary was denied—even though it was the same exact material he'd licensed previously from the network without incident. But the second time around, when he approached the archive, the United States happened to be at war – and the network decided to deny the production permission to use it because they said they felt it showed those historical soldiers in a bad light. The footage was the same, the use was similar – but the political moment was different.

VI. Archives hold unique materials, even if there are many perspectives on the same event

As professional researchers of audiovisual materials who are thought leaders in our field, we often hear a misconception that many materials are available on Youtube; or that if one source is

⁶ See ProQuest, "CBS News Video Collection" <https://about.proquest.com/en/products-services/cbs3/>, and CNN Archives Fact Sheet, <https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/>.



taken away, then it can be replaced by similar material from another. This is often not true. Only a small percentage of holdings of any news archive are available online, and much remains undigitized entirely. Additionally, news archives hold a considerable amount of non-replicable unaired materials such as outtakes from interviews, b-roll of locations they are filming, person-on-the-street interviews, and more.

Even when multiple networks were at a single event – which is largely a modern phenomenon, with the advent of digital cameras – each perspective is valuable. Each story carries with it the unique values and standpoint of a news organization, a cameraperson, a news anchor, and everyone involved in content production.

If a news organization refuses to release footage, there is often *no other way to get it*. CNN and CBS offer singular perspectives of the past, present and future news; consolidating them will allow one owner to control access to this irreplaceable footage.

This irreplaceability is what makes the merger's effect on the United Kingdom so acute. Media plurality depends not only on who broadcasts the news today, but on who controls the raw record from which program-makers reconstruct it tomorrow. When two singular, non-substitutable archives pass into single ownership, one company's discretion determines which perspectives on the historical record remain in circulation and which quietly disappear from British screens.

Media plurality and the threat to democracy

The ability of mediamakers to express, and for audiences to hear and see, a plurality of viewpoints is essential for a thriving democracy. This goes for both future content – *and* content from the past. As ownership consolidates, we move toward private archive monopolies. The fewer archives that own content, the less competition and thus the more restrictions they can put on usage, and the higher prices they can demand. This creates potential to further reduce, and even politicize, access to the materials necessary to tell critical stories.

Archives are not just passive repositories of aired broadcasts. They are also stewards of extensive raw footage, original reporting, and historical material that is often unavailable elsewhere. As archival producers with collective decades of experience, we are deeply concerned that this merger would lead to decreased access to invaluable material we rely on to tell compelling, accurate stories.

As archives have consolidated under fewer owners, higher prices are being demanded for the use of footage. Some media conglomerates, such as Tegna, charge tens of thousands of dollars per minute for usage by outside companies, making certain stories financially unfeasible – especially

by independent media makers who may be more apt to offer critical, less commercially oriented perspectives.

This economic squeeze will fall hard on the United Kingdom's independent production sector, one of the country's most significant cultural and economic assets. Archival licensing costs have gone up precipitously in the last two decades, and public service broadcasters face sustained financial pressure. When a merged Paramount-WBD can set archive prices without competitive restraint, UK independent producers will face a stark choice: absorb costs that make critical or historical programming unviable, or abandon those stories altogether.

The stakes extend beyond economics. In an age when audiences struggle daily to trust the images they encounter on social media, news organizations, with their resources and journalistic standards, remain among the few reliable custodians of the visual and historical record. That trust is fragile. Protecting it requires clear standards on emerging challenges such as AI and opinion journalism; in equal measure it requires ensuring that the resources of our past remain trustworthy and accessible. News organizations are the stewards of their own legacies, a role that carries great cost and great responsibility. When pricing decisions made by a single American conglomerate determine which parts of that authenticated record British audiences ever see, the harm to democratic life is quieter and less visible than outright censorship – but it is no less real.

VII. The merged entity would control both documentary commissioning and the archives documentaries depend on

Within the documentary field, streamers are now the primary entities that commission or acquire non-fiction films. In addition to merging two key news archives, this merger would combine some of the largest purchasers and producers of documentaries: Paramount+, and HBO Max. As such, one corporation would sit on both sides of the market for a disproportionate share of archival documentary filmmaking. Paramount-WBD would, therefore, be in a position to both decide which documentaries get funded and distributed *and* control access to much of the historical footage on which those documentaries depend.

This is not an abstract scenario. There is clear and critical historical precedent: In 2019, the Walt Disney Company, which owns ABC News, instituted a policy that allowed only Disney-owned outlets to license any of their aired stories, reporters or anchors.⁷ So if, for example, an independent documentarian making a film about September 11, wanted to use a clip of Peter Jennings on that day, this policy would have prevented them from doing so—unless the film were to air on a channel like Disney+, ABC, National Geographic, or Hulu. So while we, as historical

⁷ Emails on file with APA.

filmmakers, had always been treated as neutral *customers* of this archive and relied on that relationship to craft our stories, we were suddenly being treated as their *competitors* and were barred from doing so.

While the ABC policy was ultimately reversed, scores of documentaries were denied access to national stories in the meantime— and their productions permanently disrupted by this corporate policy. We encourage the Secretary to consider this grave potential impact on historical and documentary content that could be made inaccessible by corporate policies, and the stories of our history that may be restricted, should this merger ultimately progress.

Archives are a unique and undervalued part of our journalistic and civic infrastructure. They are not simply corporate assets. They are the evidentiary backbone of our shared history. The harm of this merger, from our perspective and the perspective of the more than 650 people who make up our organization and our field, therefore, goes beyond the vertical control over essential inputs or discriminatory pricing. Rather, it reaches into the infrastructure of public knowledge, determining *which* stories can be assembled from the historical record in the first place.

The public interest intervention the Secretary of State has now initiated exists for harms exactly like this one – structural and potentially limiting the plurality of views available to UK audiences – and we urge her to see the process through to a full investigation of this merger.

VIII. Requested Action

The APA respectfully requests that the Secretary:

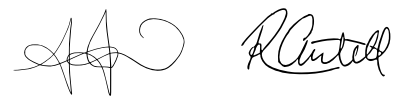
- Issue a Public Interest Intervention Notice specifying both public interest considerations identified in the Department’s letters of 30 June 2026;
- Lay, and secure parliamentary approval of, the Order under section 58(3) of the Act specifying the on-demand programme services consideration within the statutory period;
- Ensure that Ofcom’s section 44A report advise that both specified public interest considerations are relevant to the merger and warrant fuller investigation, addressing in particular the consequences of consolidated control of the CNN and CBS news archives for independent UK news and documentary production, including:
 - The potential that the merged entity will gatekeep documentarians’ use of CNN and CBS materials due to the subject, their editorial point of view, or the political slant of the program;
 - Allowing competing platforms to license proprietary materials, regardless of where the materials will ultimately air;

- Ensure that the CMA's section 44 report reflect the loss of competition resulting in unfair, and anti-competitive licensing rates;
- Make a reference, following receipt of the reports from the CMA and Ofcom, under section 45 of the Act for detailed consideration of the merger; and
- If necessary, following the Section 45 review, impose conditions on the merging parties to ensure:
 - The continued accessibility and preservation of archival assets (including, when necessary and possible, digitizing assets that currently are not, and making them available as needed);
 - That the infrastructure that supports these archives – the staff and databases on which they are built have substantial and sustained support;
 - Clearly defined and transparent review standards, and ensuring that the parties are required to complete those reviews in a timely manner.

The APA likewise urges the Secretary to consult UK independent producers, documentary makers, distributors and exhibitors, and consumer representative bodies, whose first-hand evidence is essential to an accurate assessment of the transaction's effects on UK audiences's access to their shared history.

We would welcome the opportunity to provide further evidence or testimony on these points.

Respectfully submitted,



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Archival Producers Alliance