29 July 2026

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

Re: Proposed acquisition of Warner Bros. Discovery, Inc. by Paramount Skydance Corporation — Representations in support of a Public Interest Intervention Notice

Dear Secretary of State,

The International Documentary Association ("IDA") and the Documentary Film Council ("DFC") submit 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"). We understand that the Department has identified two public interest considerations in relation to this proposed merger and our submission proceeds on that basis.

We write on behalf of independent and documentary filmmakers and producers in the United Kingdom and internationally, and we wish to convey one central point: the public interest considerations you have identified are well founded, they bear particular force on the nonfiction sector our organisations represent, and you should issue a PIIN without delay. The evidence below addresses each consideration in turn.

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[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".

I. Interest of the Submitting Organisations and Their Presence in the United Kingdom

The International Documentary Association is a 44-year-old nonprofit membership organisation representing more than 3,500 documentary professionals across 75 countries. Its membership includes documentary makers, producers, editors, and archive producers based across the United Kingdom. British films and filmmakers feature regularly in IDA's programmes, publications, and the annual IDA Documentary Awards.[3] IDA has formally opposed this merger on the grounds that it harms the field of documentary filmmaking worldwide, and its advocacy in this matter rests on direct, sustained engagement with the UK nonfiction sector.[4]

The Documentary Film Council is the UK's first national membership organisation for documentary film: it is independent, democratic, and member-owned.[5] The DFC represents the nonfiction screen sector in its engagement with industry and government, and works to build the documentary community across the UK. The DFC's assessment is direct: the proposed merger will have a profound and harmful effect on the British documentary filmmaking sector and on the global documentary field as a whole.

Our organizations' members work on both sides of the Atlantic and, increasingly, together: UK–US co-production has become one of the principal means by which British documentarians finance and deliver work in an already challenging funding climate. The proposed merger will severely impact commissioning, licensing, and archive access in both markets; any harm on one side of the Atlantic will inevitably impact the other. The organisations previously submitted joint written representations to the Competition and Markets Authority ("CMA") in response to its invitation to comment on this transaction.[6] We incorporate that submission by reference and develop here the evidence most relevant to the considerations your Department's letters identify.

II. The Analysis in Your Letters Is Correct, and You Should Issue the PIIN

The Department's letters of 30 June 2026 explain that the combined entity would become the third largest linear broadcaster in the UK by audience share; that its on-demand services would reach 19.0% of the UK population immediately post-merger, before accounting for HBO Max's rapid growth; and that the merger would place the world's two largest privately held broadcast news collections under unified ownership for the first time.[7]

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[3] *See* International Documentary Association, https://www.documentary.org/about-us/history.
[4] Written representations of the International Documentary Association, the Future Film Coalition, and the Documentary Film Council to the Competition and Markets Authority in response to its invitation to comment on the anticipated acquisition of Warner Bros. Discovery, Inc. by Paramount Skydance Corporation (2026) ("CMA Comment").
[5] *See* Documentary Film Council, https://documentaryfilmcouncil.co.uk/about-us/.
[6] CMA Comment.
[7] Letters, at 3–5; HCWS162.

Our organizations and our members know full well that none of these findings are speculative. They describe, in regulatory language, a contraction our members have already lived through in adjacent markets, and they identify precisely the two channels through which this $110 billion transaction[8] would narrow the viewpoints and breadth of content to which UK audiences have access. It would further limit the number of enterprises that commission and carry nonfiction work, and that control the historical record from which that work is made.

We therefore urge you to issue the PIIN specifying both public interest considerations, and to lay, and secure parliamentary approval of, the Order under section 58(3) of the Act specifying the on-demand programme services ("ODPS") consideration within the statutory period.[9]

III. First Specified Consideration: Plurality of Persons with Control of Media Enterprises and Enterprises Providing ODPS

A. The ODPS consideration is essential to any accurate assessment of documentary plurality, and we support its specification.

Your statement notes that Parliament drafted the Enterprise Act when audiences viewed content largely through broadcast linear channels, and that the legislation does not currently cover a merger's effect on streaming and video-on-demand services.[10] 85% of British adults use an ODPS every month, compared to 67% who watch live TV,[11] and the Media Act 2024 now regulates on-demand services in recognition of that shift.[12] The regulatory gap that complicates your ability to consider ODPS in your public interest analysis matters more for documentaries than almost any other genre of film. On-demand platforms now act as the primary commissioners, acquirers, and distributors of feature documentary work for UK audiences; a plurality framework confined to linear broadcasting would miss most of the market in which our members operate. An analysis of this transaction that does not incorporate its impact on ODPS and streaming services would miss a critical segment of the film and television ecosystem that millions throughout the UK use to access a diverse range of content. We therefore strongly support your intention to specify the ODPS consideration for this and all future media mergers.

B. The merger would eliminate an announced, identifiable ODPS owner.

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[8] Press Release, "Paramount to Acquire Warner Bros. Discovery To Form Next-Generation Global Media and Entertainment Company" (27 February 2026), https://www.paramount.com/press/paramount-to-acquire-warner-bros-discovery-to-form-next-generation-global-media-and-entertainment-company.

[9] HCWS162.

[11] Ofcom, Media Nations Report 2025 (30 Jul. 2025), at 9, https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/multi-sector/media-nations/2025/media-nations-2025-uk-report.pdf?v=401287.

[12] Media Act of 2024, https://www.legislation.gov.uk/ukpga/2024/15/part/4/enacted.

WBD operates two streaming services with a significant UK presence, HBO Max and Discovery+; Paramount operates Paramount+ and 5. Each currently represents a distinct potential commissioner and buyer of documentary and factual work. On 2 March 2026, Paramount CEO David Ellison confirmed that Paramount+ and HBO Max will merge into a single combined streaming offering.[13] Four UK-facing on-demand services would fall under one controlling owner, with the two flagship platforms merged outright. For documentary makers, this is not an abstract reduction in an ownership count. Discovery+ and HBO Max sit among the most significant nonfiction commissioners in the world, and Paramount+ and CNN rank alongside them.[14] The merger converts competing doors into one door, and the loss of even a single meaningful acquiring and commissioning platform will have a material and substantial effect on an already contracted market for documentary films.

But the impact won't simply be felt by the people who create the original documentary content: when the merged firm inevitably cuts its investment in content, it will leave viewers with less original programming, less variety, and fewer viewpoints–even as they pay higher fees. And, crucially, it will mean that the creative nonfiction content that will go unproduced as a result of the reductions in commissions and acquisitions will be permanently lost. For UK audiences and consumers, the sheer magnitude of that loss cannot be quantified.

C. <u>The buyer pool serving UK documentary producers is already at its functional minimum.</u>

UK independent and documentary producers have historically depended on competition among US streaming platforms–including HBO Max, Paramount+, Netflix, Amazon, and Apple–as commissioning partners and licensing counterparties. That competition has already contracted sharply and measurably. Sundance Film Festival acquisition data–the most reliable measure of buyer competition in the independent film market–show that acquisitions fell by 50% between 2019 and 2025, while annual submissions continued to exceed 17,000.[15] The pipeline of work seeking distribution grew; the number of films reaching audiences shrank.

Survey data gathered by the Center for Media and Social Impact at American University, in collaboration with IDA and covering 820 documentary professionals globally, found that 77% report fewer professional opportunities than before, up from 26% in 2020, and that only 17% now view streaming distribution as a positive future opportunity, down from 50 per cent five years ago.[16]

[13] "Paramount+ and HBO Max to become one streaming service, Ellison says", *The Guardian* (2 March 2026), cited in the Letters at n. 13.

[14] IDA Statement on Open Letter Opposing the Warner Bros./Paramount Merger, *IDA* (13 July 2026) https://www.documentary.org/advocacy-blog/ida-statement-open-letter-opposing-warner-brosparamount-merger.

[15] CMA Comment.

[16] CMA Comment.

When the number of persons controlling the enterprises that commission nonfiction work falls, the range of nonfiction work reaching UK audiences falls with it. In a market already functioning below competitive norms, removing one of the few remaining independent commissioning owners would further weaken the negotiating position of UK producers and worsen deal terms, licensing fees, and access to commissioning opportunities. Section V *infra* explains why the United Kingdom, specifically, retains no capacity to absorb that loss.

IV. Second Specified Consideration: Sufficient Plurality of Views in News Media

A. Your analysis of the news archives is correct, and documentarians stand at the point where restricted access becomes restricted views.

The Department's letters state that the merger "will consolidate control over access to news archives" and that 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 affect the variety of views and perspectives in UK markets for news media.[17] Our members' working experience confirms that finding. Documentarians use the footage in these archives to author the differing accounts of the historical record that this consideration exists to protect. For the documentary maker, restricted access is not a supply-chain inconvenience. It determines whether an independent account of recent history gets told at all.

The CNN Collection holds over four million assets, including broadcast footage spanning more than 45 years of global news, elections, and political events.[18] The CBS News archive, controlled by Paramount, represents a comparable body of American broadcast history. Together, these collections constitute two of the four principal archives of their kind, alongside NBC and ABC, and they have never previously sat under common ownership.[19] Neither archive functions as a passive repository. Both operate as discretionary licensing systems: the rights holder weighs how a producer intends to use the footage and can decline access without explanation. For documentarians, that discretion lands on the work itself. A documentary that examines a war, an election, or a public figure cannot paraphrase the broadcast record: it must show it. And for decades of American and global news, these collections hold the only record. No substitute exists. 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, no UK regulator, court, or commissioning broadcaster can compel access–and the account that film would have offered never reaches UK screens.

[17] Letters, at 6.

[18] *See* CNN Archives Fact Sheet, https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/.

[19] Stephanie Jenkins, Rachel Antell, and Jennifer Petrucelli, "A merger could put two of America's most important news archives under one owner", *Poynter* (4 June 2026), https://www.poynter.org/commentary/2026/paramount-warner-bros-discovery-merger-cnn-cbs-news-archives/.

B. Pricing already functions as a form of exclusion, and consolidation would deepen it.

Documentary makers already report archival licensing rates as high as tens of thousands of dollars per minute, while larger studios benefit from volume discounts and pre-negotiated deals. British factual programming operates on budgets far smaller than American studio productions, and UK public service broadcasters face sustained financial pressure. When a merged Paramount–WBD can set archive prices for two of the four principal collections without competitive restraint, UK documentarians face a stark choice: absorb licensing costs that make a critical or historical film unviable, or abandon the story altogether. Pricing thus operates as an editorial filter. It decides which films get made, allowing documentaries in well-known commercially successful genres–true crime, food, and hagiographic sports and celebrity content[20]–while wiping out the independent, critical accounts that commercial incentives least favour. Consolidated control over both the CNN and CBS archives would deepen an asymmetry that already tilts against the documentarians most likely to offer critical, less commercially oriented perspectives: the very plurality of views your intervention would protect.

C. Editorial gatekeeping is not hypothetical; the industry has already produced the precedent.

The structural risk your letters identify of "editorial gatekeeping" over historical footage has already materialised elsewhere in this industry. In 2019, the Walt Disney Company, owner of ABC News, instituted a policy permitting only Disney-owned outlets to license ABC's aired stories, reporters, and anchors.[21] Independent documentary makers, until then treated as neutral customers of that archive, suddenly found themselves treated as competitors and barred from access. Disney ultimately reversed the policy, but scores of documentaries lost access to national stories in the interim, and the films that went unmade as a result are lost. Each of them would have offered audiences an independent account of the public record; instead, the archive owner's commercial posture, not any editor, court, or regulator, decided that those accounts would never exist. Nothing in the present transaction would prevent the combined entity from adopting the same posture across the CNN and CBS collections. They would not need to do so through any formal policy like Disney, but through the ordinary commercial logic of a vertically integrated firm with strong incentives to prioritise its own content.

D. The merged entity would sit on both sides of the market: documentary commissioning and the archives commissions depend on.

[20] Cynthis Littleton, "'Crime, Food, Music, Sports': Documentary Producers Get 'Very Strategic' as Content Budgets Tighten," *Variety* (30 Jun. 2023) https://variety.com/2023/biz/news/documentary-12th-victim-nicola-marsh-imagine-sara-bernstein-1235658696/.

[21] Email correspondence on file with Archival Producers Alliance.

Within the documentary field, streamers and networks now serve as the primary entities that commission or acquire nonfiction films. This merger would combine some of the largest purchasers and producers of documentaries–Paramount+, CNN, and HBO Max–with the two archives on which much of that work depends. One corporation would decide which documentaries get funded and distributed *and* control access to much of the historical footage from which those documentaries are made. A sufficient plurality of views in news media depends not only on how many outlets address UK audiences today, but on whether independent documentarians can obtain the raw material from which they assemble differing accounts of the historical record. Documentary film functions, in substance, as long-form journalism: it revisits, tests, and often corrects the first draft of history that daily news supplies, and it can do so only by showing the footage of record. Whoever controls that access decides, in practical terms, which stories about the past half-century reach UK screens. Suppression under consolidated ownership is already a documented pattern in the nonfiction sector, where award-winning and Academy-shortlisted documentaries have struggled to find commercial distribution as buyers have consolidated.[22]

The post-merger record of this industry shows how such control cashes out. Following the Disney acquisition of 21st Century Fox, the acquirer closed independent specialty divisions including Fox 2000 and Blue Sky Studios entirely, and independent films faced reduced distribution access.[23] Following the Paramount–Skydance acquisition, approximately 2,000 workers (around ten per cent of Paramount's workforce) lost their positions.[24] The merger parties project approximately $6 billion in synergies;[25] in the film and television sector, synergies of this scale have consistently arrived through layoffs, production cuts, and reduced licensing commitments to independents. Against that record, Paramount's assurance that it has "no plans

[22]Anthony Kaufman, "No Other Distribution: How Film Industry Economics and Politics Are Suppressing Docs", *International Documentary Association* (15 January 2025), https://www.documentary.org/online-feature/no-other-distribution-how-film-industry-economics-and-politics-are-suppressing-docs; Lance Kramer and Brandon Kramer, "What #2 Really Means", *International Documentary Association* (5 February 2026), https://www.documentary.org/online-feature/being-2-documentary-america-2026; Max Knaubloch, "Why can't an award-winning documentary about Amazon's union find a buyer?", *Sherwood News* (18 October 2024), https://sherwood.news/business/amazon-union-documentary-self-funded-theatrical-run/.

[23]Gregg Kilday, "Elizabeth Gabler's Fox 2000 to shutter in Disney reorganization", *The Hollywood Reporter* (21 March 2019), https://www.hollywoodreporter.com/news/general-news/elizabeth-gablers-fox-2000-shutter-disney-reorganization-1196298/.

[24] "Paramount to lay off 2,000 workers shortly after merging with Skydance," *CBS News* (29 Oct. 2025) https://www.cbsnews.com/news/paramount-layoffs-merger-skydance/.

[25] Press Release, "Paramount to Acquire Warner Bros. Discovery To Form Next-Generation Global Media and Entertainment Company" (27 February 2026), https://www.paramount.com/press/paramount-to-acquire-warner-bros-discovery-to-form-next-generation-global-media-and-entertainment-company.

for material changes” to WBD’s UK services deserves no weight: it is voluntary, unenforceable, and already in tension with Mr Ellison’s announced plan to merge the flagship streaming platforms.[26]

V. Cumulative Consolidation and the Wider Competition Record

We ask that the assessment situate this transaction within its broader context of cumulative consolidation. In under four years, three transactions removed three independently owned buyers from the market our members depend on: AT&T acquired Time Warner for approximately $85 billion in June 2018, Disney acquired the entertainment assets of 21st Century Fox for $71.3 billion in March 2019, and Amazon acquired MGM for $8.45 billion in March 2022.[27] Each round of consolidation progressively reduced buyer competition in the independent and documentary film commissioning and licensing market, and the specialty divisions closed along the way have not been restored. Section III.C sets out, with market data, where that history has left the buyer pool.

What bears emphasis here is the trajectory: the cushions that once absorbed each contraction, the output deals, DVD revenue, cable licensing, and international sales, collapsed over the same period, so each successive merger fell on a sector with fewer defences than the last. Distribution infrastructure, once dismantled, does not reconstitute.

Consolidation also threatens independent exhibition: the International Confederation of Art House Cinemas, together with Art House Convergence and Cinema United, has warned that studio consolidation risks directing major catalogues toward exclusive streaming use, limiting the ability of independent cinemas, including UK independent cinemas that depend on Warner’s library for repertory programming, to programme films and generate revenue. A regulatory analysis that considers only the marginal harm from this specific transaction, without accounting for accumulated prior harm, will systematically underestimate the severity of the threat.

The United Kingdom enters this transaction in a weaker position than the global figures suggest, and with less capacity than many comparable markets to absorb the loss of a buyer. Domestic commissioning of the genres in which documentarians work is contracting sharply: the 2025 Pact Census records that the value of UK factual and factual-entertainment commissions fell by 23.6 per cent in 2024 against the prior year, even as drama rose to 42 per cent of total UK

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[26] Letters, at 4 (quoting Paramount’s letter to DCMS of 31 March 2026).

[27] “AT&T Completes $85 Billion Acquisition Of Time Warner”, *Deadline* (14 June 2018), https://deadline.com/2018/06/att-completes-time-warner-acquisition-1202411103/; “Disney Closes $71.3 Billion Fox Deal, Creating Global Content Powerhouse”, *The Hollywood Reporter* (20 March 2019), https://www.hollywoodreporter.com/news/general-news/disney-closes-fox-deal-creating-global-content-powerhouse-1174498/; “Amazon closes its $8.45 billion acquisition of movie studio MGM”, *The Washington Post* (17 March 2022), https://www.washingtonpost.com/technology/2022/03/17/amazon-mgm-acquisition/.

commissioning spend, its highest recorded share.[28] Ofcom's July 2025 review of public service media found that the public service broadcasters' direct spend on first-run originations fell in real terms to £2.8 billion in 2024 from an inflation-adjusted peak of £3.5 billion in 2016, and that licence fee and linear advertising revenues have declined by more than a quarter in real terms over the same period.[29] The UK's own research record documents what these trends mean for documentary specifically: the AHRC-funded survey of more than 200 UK feature documentary producers and directors found chronic underfunding rendering careers in the sector unsustainable,[30] and the Documentary Film Council's 2023 open letter to the UK screen industries warned that independent documentary in the UK faces an "existential threat".[31] These domestic conditions are why UK–US co-production now carries so much of the weight of financing British documentary work, and why the two contractions compound each other. Section III.C *supra* documents the shrinking of the American buyer pool; the figures above show the domestic base shrinking beneath it. When the export market and the home market give way together, neither side of the Atlantic can cushion the other, and that is the position from which the United Kingdom enters this transaction.

VI. Requested Actions

The IDA and DFC respectfully request that you:

- Issue a Public Interest Intervention Notice specifying both public interest considerations identified in your 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 report under section 44A addresses the consequences of consolidated control of the CNN and CBS news archives for independent UK news and documentary production, and the loss of a distinct commissioning owner across on-demand programme services serving UK audiences;

[28] Pact, *2025 Pact Census* (report by Oliver & Ohlbaum Associates, 10 September 2025), https://www.pact.co.uk/resource/2025-pact-census-shows-sluggish-growth-in-tv-revenues.html.

[29] Ofcom, *Transmission Critical: The Future of Public Service Media* (21 July 2025), https://www.ofcom.org.uk/siteassets/resources/documents/public-service-broadcasting/public-service-media-review/transmission-critical-the-future-of-public-service-media.pdf.

[30] University of the West of England, *Keeping it Real: Towards a Documentary Film Policy for the UK* (2020), based on a survey of more than 200 UK feature documentary producers and directors and funded by the Arts and Humanities Research Council, https://documentaryfilmcouncil.co.uk/resource/keeping-it-real/.

[31] "UK's Documentary Film Council warns of 'existential threat' to indie doc sector", *Screen Daily* (18 October 2023), https://www.screendaily.com/news/uks-documentary-film-council-warns-of-existential-threat-to-indie-doc-sector/5187019.article.

- Ensure that the CMA's report under section 44 reflects buyer-side concentration in independent and documentary film commissioning and licensing, the vertical integration risks arising from simultaneous control of production, distribution, and streaming, and the risks to independent exhibition;
- Ensure that Ofcom and the CMA consult UK independent and documentary producers, archive producers, distributors, and exhibitors as directly affected parties; and
- Following receipt of the reports, make a reference under section 45 of the Act for detailed consideration of the merger, giving no weight to voluntary, unenforceable assurances from the merging parties.

We would welcome the opportunity to provide further evidence, including field survey findings and testimony from UK-based filmmakers, producers, and archive producers, or to attend a hearing at your Department's, Ofcom's, or the CMA's request.

Respectfully submitted,

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Executive Director, International Documentary Association (IDA) for IDA and the Documentary Film Council (CEO, Mandy Chang)