From: [s. 40 FOIA]@dcms.gov.uk
Sent: 04 February 2021 10:39
To: [s. 40 FOIA]
Cc: [s. 40 FOIA]
Subject: EXTERNAL:Re: Ofcom decision on CGTN licence

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Thanks - acknowledging receipt

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On Thu, 4 Feb 2021 at 10:17, [s. 40 FOIA]@ofcom.org.uk wrote:
Classification: HIGHLY SENSITIVE

I am writing to draw to your attention a broadcast licensing decision that Ofcom has announced today. I thought it might be useful for you to have the facts on this one, since I’m conscious that Ministers may be asked about it in Parliament. Our press office is also contacting yours, but I’d be grateful if you could draw this to the attention of any other colleagues who might need to know in Government.

Ofcom has today withdrawn the licence for CGTN to broadcast in the UK, after its investigation concluded that the licence is wrongfully held by Star China Media Limited. China Global Television Network (CGTN) is an international English-language satellite news channel. Our full decision is set out in the attached revocation notice, but I have summarised out the key points below:

- In February 2020, Ofcom began investigating this issue, following information drawn to our attention by a complainant.

- The statutory framework set by Parliament makes clear that broadcast licensees must have control over the licensed service - including editorial oversight over the programmes they show. In addition, licence holders cannot be controlled by political bodies. The Broadcasting Act 1990 prohibits (among other disqualified persons) bodies whose objects are wholly or mainly of a political nature, or those who are controlled by such bodies, from holding a broadcast licence.
Our investigation concluded that Star China Media Limited (SCML), the licence-holder for the CGTN service, did not have editorial responsibility for CGTN’s output. As such, SCML does not meet the legal requirement of having control over the licensed service, and so is not a lawful broadcast licensee.

We received an application to transfer the licence to an entity called China Global Television Network Corporation (CGTNC), the organisation which does in fact hold general control over the service. However, we were unable to grant this application. This is because crucial information was missing from the application (which was predicated on a corporate reorganisation of CGTNC, which has not been completed), and because we consider that CGTNC would be disqualified from holding a licence, as it is controlled by a body which is ultimately controlled by the Chinese Communist Party.

Ofcom has had considerable engagement with CGTNC and SCML over the past 10 months in order to assist them to take the necessary steps to ensure the CGTN service is properly licensed. Those efforts have now been exhausted.

Ofcom has a statutory duty to do all we can to prevent disqualified persons from becoming or remaining television licence holders.

Following careful consideration, taking account of all the facts and the broadcaster’s and audience’s rights to freedom of expression, we have decided it is appropriate to revoke the licence for CGTN to broadcast in the UK. The notice of revocation, which we have now issued, has immediate effect.

We expect to conclude separate sanctions proceedings against CGTN for due impartiality and fairness and privacy breaches shortly. Three other fairness and privacy investigations about content on the CGTN service also remain ongoing, pending further consideration.

We’ve put out a detailed news release, which I think will probably serve as the most useful source of briefing material for you and other Government colleagues. I’ve attached a copy, and it can be found on our website here.

Please do let me know if you have any questions,

Best wishes,
As we work flexibly at Ofcom, I’m sending this message now because it suits my work hours.

I don’t expect that you will read, respond to or act on this message outside of your usual hours.

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