
Listed Events

Identifying services that are free-to-view and widely available

STATEMENT:

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1. Overview

The listed events rules are intended to ensure that certain events of national interest are available to view live, and for free, by the widest possible audience.

The list of events is set by the Secretary of State and currently includes major sporting events, including the FIFA World Cup Final and Wimbledon Tennis.

Ofcom's role is to maintain a list of television channels that appear to it to meet certain qualifying criteria – that they are free-to-view and received by 95% of the UK population. Those television channels which meet these two criteria are known as 'qualifying services'.

In light of developments in how people now watch TV, in particular the increase in online viewing and the use of devices other than television sets, we considered it necessary to update the list of qualifying services.

We are today publishing our methodology to determine the revised list of qualifying services, and having applied it, our updated list of channels that are free-to-view and received by 95% of the UK population.

What we have decided – in brief

To determine whether a television channel is received by 95% of the population, **we take into account whether individuals can receive television channels by means of broadcast TV (DTT, satellite or cable), as well as the internet (IPTV, internet protocol television) on their main screen - the household's principal television screen, or, in the absence of that, a computer or handheld device. We use data from the BARB establishment survey and the UK Planning Model to inform our assessment.**

Currently, a television channel will only be a qualifying service if it is available on satellite and cable, can be viewed by all DTT viewers, and is streamed on IPTV. It should also be provided either without charge or in a "basic" subscription package.

The following channels currently meet these conditions: BBC1, BBC2, BBC Four, CBBC, CBeebies, BBC News, BBC Parliament, Channel 3 Network (broadcast as ITV, STV and UTV), ITV2, ITV3, ITV4, Channel 4, More 4 and Film 4.

Background

1.1 We last published a list of qualifying services in 2008. Since then, the way people receive and watch television has changed significantly. While most TV services are received through a broadcast digital TV platform such as satellite, cable or digital terrestrial TV, a growing number of viewers choose to receive services through the internet (IPTV). Therefore, in October 2018, we published a consultation setting out that we wanted to review our methodology for determining the qualifying services and update the list.

- 1.2 There were two key aspects of our methodology, both of which reflect developments in how audiences receive and watch television programmes. First, we proposed to assess whether a channel meets the 95% reception threshold by taking account not only of broadcast platforms, but also of IPTV. Second, we proposed to measure reception of a television channel not on a television set, but on a household's main screen for watching tv channels – for many households this will be the television set, but this may also be a computer or handheld device.
- 1.3 We also consulted on the data we would use for our assessment and on how we should assess IPTV delivery.
- 1.4 Our consultation did not consider what the events of national interest are, as this is determined by Government. It also did not consider the associated rules for the broadcast of these events or the qualifying criteria themselves, as these are matters for Parliament.
- 1.5 As part of our consultation, we published a model to show how we would implement our proposed methodology.
- 1.6 We received a range of responses to our consultation. They were broadly supportive, although some respondents disagreed with aspects of our methodology, in particular our proposal to assess reception on a household's main screen. We also received some comments on our model.

Our decision

- 1.7 Having carefully considered the responses to our consultation, we have decided to adopt the methodology for assessing reception set out in our consultation. It is unchanged from the consultation, except for making minor changes to how we use the BARB establishment survey data, and clarifying our approach to delivery over IPTV: we would expect a television service provider to ensure the availability of its service through reliable IPTV streams which can meet the potential demand for IPTV, either by delivering those itself or by contracting with one or more content delivery networks (CDNs¹). We would also expect a broadcaster to ensure it makes its service available on its website and via its own apps on a range of popular platforms and devices.
- 1.8 We have undertaken an assessment using BARB establishment data of Q4 2018, and, on that basis, set out a new list of qualifying services. We have also set out our intended approach to updating the list of qualifying services in the future.

¹ A Content Delivery Network is a system of servers at the edge of the network that serve content close to the location of the consumer.

2. Introduction

The listed events regime

- 2.1 The listed events rules are intended to ensure that certain events of national interest are available to view live, and for free, by the widest possible audience. The list of events to which the regime applies is set by the Secretary of State, and currently includes major sporting events such as the Olympics, FIFA World Cup finals and Wimbledon tennis.²
- 2.2 The legislation distinguishes between television services which are ‘qualifying services’ and television services which are ‘non-qualifying services’. The regime seeks to ensure that, to the extent possible, listed events should be shown on both qualifying services and non-qualifying services, either in their entirety, or highlights of such events.

Qualifying services

- 2.3 Under the Broadcasting Act 1996, services will be qualifying services if they meet both of the ‘qualifying conditions’ set out. The qualifying conditions are:
- a) that the service is provided without any consideration being required for reception of the service (the ‘free-to-view condition’); and
 - b) that the service is received by at least 95% of the population of the United Kingdom³ (the ‘reception condition’).
- 2.4 We note that under the statutory framework for listed events, a service can only be a ‘qualifying service’ if it is a ‘television programme service’ or an ‘EEA satellite service’ as defined in the Communications Act 2003. Television programme services are defined in the Communications Act 2003 and include ‘a television broadcasting service’, ‘a television licensable content service’, “a digital television programme service” and ‘a restricted television service’. We note that IPTV services fall within the definition of a television licensable content service; however, on-demand programme services do not.
- 2.5 An EEA satellite service is defined in the Broadcasting Act 1996 as “any service which (a) consists in the broadcasting of television programmes from a satellite so as to be available by members of the public (within the meaning of Part 3 of the Communications Act 2003), and (b) is provided by a person who for the purposes of the Audiovisual Media Services Directive is under the jurisdiction of an EEA State other than the United Kingdom.”⁴

² The list was set out in a statement by the Secretary of State https://publications.parliament.uk/pa/cm199798/cmhansrd/vo980625/text/80625w12.htm#80625w12.html_sbhd6. For clarity, it is also set out in Ofcom’s Code on Sports and Other Listed and Designated Events, available at https://www.ofcom.org.uk/__data/assets/pdf_file/0029/35948/ofcom_code_on_sport.pdf

³ Broadcasting Act 1996, section 98(2). The Digital Economy Act 2017 amended the legislation to allow the Secretary of State to amend the 95% figure for the reception condition by Statutory Instrument. However, the Secretary of State has not done so to date.

⁴ Broadcasting Act 1996, section 98(6)

Ofcom's role in relation to qualifying services

- 2.6 Ofcom is required to publish, from time to time, a list of the services which appear to it to be qualifying services. The nature of this exercise necessarily requires Ofcom to exercise judgment, in particular to develop a methodology for measuring reception of services that is reasonable and proportionate. Our approach also needs to take appropriate account of developments in the market, which is a fast-moving technological environment.
- 2.7 We last published a list of qualifying services in 2008. The services included on that list were BBC1, BBC2, the Channel 3 network service (under licences now held by ITV and STV), Channel 4 and Channel 5.

Ofcom's consultation

- 2.8 On 26 October 2018⁵ we published a consultation setting out that, in light of significant changes in the way people receive and watch television since we published the list of qualifying services in 2008, we considered it appropriate to update that list. The consultation also set out our proposed methodology for assessing which services meet the qualifying conditions to determine the updated list of qualifying services.
- 2.9 We summarised our proposed methodology as follows:
- a) Using data from the BARB Establishment Survey (BARB ES), we calculate the percentage of people who can receive content by the different means of distribution on their households' main screen – this can be either cable, satellite, digital terrestrial television (DTT) or IPTV.
 - b) In the case of DTT, using data from the UK Planning model, we calculate the percentage of DTT viewers able to receive content distributed by the PSB multiplexes, and the percentage of DTT viewers able to receive content distributed by the commercial multiplexes.
 - c) Where the platforms on which the television service is available includes IPTV, we assess whether the relevant broadcaster ensures the availability of its service through reliable IPTV streams.
 - d) With reference to the reception of each platform, and the platforms the television service is available on, we calculate the proportion of the population which can receive the television service.
 - e) We identify whether each service which meets the reception condition appears to us to satisfy the free-to-view condition.

⁵ Consultation is available at: https://www.ofcom.org.uk/data/assets/pdf_file/0022/124447/consultation-listed-events.pdf

- 2.10 We asked respondents for views on the proposed methodology. We particularly asked about two key aspects of our methodology which reflect developments in how audiences receive and watch television programme services:
- We proposed to assess whether a channel meets the 95% reception threshold taking account of all four main TV platforms, including IPTV;
 - We proposed to measure reception of a television channel based on a household's 'main screen' for watching TV channels; we said we took this to be the household's television set, or, if there is no television, a computer or tablet.
- 2.11 Our consultation also included an indicative assessment of the services that would meet the qualifying conditions. Finally, we consulted on our proposals for keeping the list of qualifying services up-to-date.
- 2.12 As part of our consultation, we published a model which showed our methodology and calculations. We also informed stakeholders that, where interested, we would make additional information available on how the BARB ES data fed into that model. Several stakeholders availed themselves of this opportunity.
- 2.13 The closing date for responses was 18 January 2019. We received 8 non-confidential responses which were published on our website⁶, and 2 confidential responses. The non-confidential responses were from the following stakeholders:
- a) BBC
 - b) International Olympic Committee (IOC)
 - c) ITV
 - d) Sky
 - e) STV
 - f) techUK
 - g) UEFA
 - h) Viacom International Media Networks (VIMN)

Structure of this document

- 2.14 The rest of this document is structured as follows:
- a) Section 3 sets out stakeholder responses to the consultation, and Ofcom's view on those.
 - b) Section 4 sets out Ofcom's final methodology for determining qualifying services.

⁶ Non-confidential responses are published at: <https://www.ofcom.org.uk/consultations-and-statements/category-1/listed-events>

c) Section 5 sets out Ofcom's assessment of qualifying services as at the date of publication of this statement.

2.15 We are also publishing the following annexes in separate documents:

- a) Listed events model, including BARB ES data used for our assessment; and
- b) Listed events model document, which sets out additional explanation on the model and data used. This also sets out (1) any changes we have made to how we use the BARB ES data following stakeholder comments and our own review of the model; and (2) an explanation of how we have simplified the presentation of the model.

2.16 This statement should be read alongside the consultation document.

3. Consultation responses and Ofcom's position

- 3.1 In this section we set out the main issues raised in response to our consultation. We set out Ofcom's position on these, and how we have reflected this in our methodology.
- 3.2 Most respondents either agreed with or did not comment on particular consultation questions we set out. We therefore focus in this section on where respondents asked for clarification on, or disagreed with, our proposed approach⁷.

Use of BARB Establishment Survey (BARB ES) as main data source

What we said in the consultation

- 3.3 We proposed to use data collected through the BARB ES survey in order to calculate the proportion of the population that can receive services.

Summary of responses

- 3.4 Respondents agreed with the use of BARB ES.
- 3.5 techUK noted that BARB provides the most accurate and comprehensive source of information, but that if that changes, Ofcom should review how it measures qualifying services. The BBC suggested that, in addition to BARB ES, wherever possible Ofcom should supplement the information collated from the BARB ES with other data sources – particularly in the context of looking at availability of different services over IPTV.
- 3.6 No respondents suggested specific alternative sources of information.

Ofcom's response

- 3.7 We consider that BARB ES is the best source of information that we could reasonably use for this purpose. We also note that it is widely available to stakeholders for their own analysis, which we consider brings transparency benefits. We have therefore used it for our assessment.
- 3.8 We discuss the use of other information sources in relation to our assessment of IPTV services below.

⁷ We received a limited number of comments which addressed matters outside the scope of our review, such as the availability of live sport. We have not addressed those comments in this statement.

Inclusion of IPTV platform for assessing reception

What we said in the consultation

- 3.9 We proposed to assess whether a service meets the reception threshold taking account of carriage on the main broadcast TV platforms (DTT, Satellite, Cable) and IPTV. We proposed to include reception of services by IPTV as a growing number of viewers now access television services in this way, with some exclusively using IPTV. Excluding reception by IPTV would understate the proportion of the population that receive those services.

Summary of responses

- 3.10 No respondent disagreed with the inclusion of IPTV in the methodology.
- 3.11 The IOC supported the inclusion of IPTV alongside broadcast platforms. UEFA supported its inclusion alongside commonly-used content delivery systems.
- 3.12 techUK, the BBC, ITV and STV particularly supported its inclusion due to the increasing number of viewers using IPTV services. However, the BBC and ITV considered that IPTV delivery had different characteristics compared to broadcast, and that this should be taken into account in Ofcom's assessment of whether a service meets the reception condition.

Ofcom's response

- 3.13 We note the support for the inclusion of IPTV as a platform for the reception of TV programme services and have included it in our methodology.
- 3.14 We note the comments from some stakeholders that reception of services via IPTV is not uniform for TV programme services, and that IPTV has different characteristics of delivery and reception of services to broadcast. We consider these comments in the IPTV services delivery section below.

Inclusion of Main Screen assumption in methodology for assessing reception

What we said in the consultation

- 3.15 We proposed that in assessing whether an individual receives a television programme service, we should consider whether it can be received on the household's 'main screen'. We took a household's main screen to be the household's largest television screen, or if there is no television screen, then a computer or tablet. We said it would not be desirable to consider the platforms which are only accessible on other "secondary" screens (i.e. screens other than a household's main screen) because doing so would mean some viewers would not have the option to view listed events on their main screen, which is typically the screen they would prefer for the type of events included on the list.

Summary of responses

- 3.16 techUK, the BBC and ITV supported the inclusion of the main screen in the methodology and agreed with Ofcom's rationale for this.
- 3.17 UEFA, IOC and one confidential respondent disagreed with the inclusion of a main screen assumption as part of the methodology.
- 3.18 One respondent considered that its inclusion went beyond the natural meaning of the words "received by" in the legislation, which it said related to the technical means of receiving a TV service.
- 3.19 Two respondents (UEFA and the IOC) considered that the approach may not reflect changes in the technological possibilities and viewer preferences for watching live sport away from the main TV set. They were concerned that Ofcom's assessment would not be technology neutral and could favour broadcast services and exclude IPTV-only services.

Ofcom's response

- 3.20 In the consultation, we said that where an individual has more than one screen, we would calculate reception of services to their main screen and not to the secondary screen. In the majority of households the main screen is a TV set. In other words, our proposal for the main screen assumption would ensure that those individuals with a TV set would be calculated as receiving services only on platforms connected to this TV set, and non-TV set owning individuals who watch television on other devices would be counted as receiving services on these.
- 3.21 Ofcom has a discretion to determine an appropriate methodology for deciding which services appear to it to satisfy the qualifying conditions, using the best data sources reasonably available to it and making reasonable assumptions where necessary to use that data. In this context, we remain of the view that it is reasonable and appropriate to consider services as "received" only if a person has the technical means to access services on their household's main screen, for the reasons set out below.
- 3.22 First, it is important that viewers who have multiple screens in their household should have the choice to view events on qualifying services on their main screen. We recognise that viewing habits are changing, including habits in relation to the devices on which video content is consumed. However, for the reasons set out at paragraph 3.15, we remain of the view that, at this point in time, a household's main screen remains the principal gateway to viewing for a large proportion of the population.
- 3.23 Second, if we did not have the main screen assumption (and therefore measured reception of television services on both the main screen and secondary screens), this would potentially overstate the actual number of individuals in the household receiving TV services. As we noted in the consultation, many viewers now use multiple screens and platforms to receive television services, and different screens are often used for different purposes and by different members of the household. The best source of information available to us, BARB ES, surveys viewing habits at a household level. Whilst we accept that

this is necessarily a simplification, we believe it is reasonable to assume that, where a household has multiple screens, all individuals living in that household would have access to the main screen (normally the TV set) and hence services available on the main screen, but it would not be reasonable to assume that all individuals would have access to the secondary screen (more likely to be a personal computer or handheld device) and hence services available on those secondary screens. If we treated all individuals within a household as able to receive services available only on a secondary screen, this may overstate reception of those services.

- 3.24 We therefore consider that, for our assessment of the number of individuals receiving a TV programme service, it is appropriate to incorporate the main screen in our methodology as proposed. However, we believe we should widen our definition of what constitutes the main screen to (1) include other television screens (not just the largest) and (2) in the absence of a television set, include computers and all broadband connected handheld devices (not just tablets). Such devices can include mobile phones, where used to access the internet over broadband. We will therefore refer to the main screen as “the household’s principal television screen, or if there is no television screen, then a computer or handheld device”. This is reflected in our methodology.

Adjustment for reception of different DTT Multiplexes

What we said in the consultation

- 3.25 We explained that the DTT platform currently consists of eight national DTT multiplexes, of which three are public service broadcaster (PSB) multiplexes, and five are commercial multiplexes. We proposed an adjustment for individuals able to receive services on the commercial DTT multiplexes compared with the PSB DTT multiplexes, based on their geographic coverage. Data from the UK Planning Model sets out that 99% of households in the UK are able to access services from the PSB multiplexes, and 91% of households can access services from the commercial multiplexes COM4, COM5 and COM6. The adjustment implicitly assumed (1) that households able to receive only the PSB DTT Multiplexes are as likely to be DTT-only households as those that can receive all of the channels; and (2) that their household profile (in terms of number of individuals in the households) is the same as all DTT-only households.

Summary of responses

- 3.26 No respondent disagreed with our proposed assumption or adjustment for DTT reception.
- 3.27 ITV considered that the importance of carriage on a PSB multiplex is heightened in Wales and Northern Ireland particularly, where coverage of the commercial multiplexes falls below the UK-wide average of c.90%, and is much lower than that of the PSB multiplexes at around 98%. They considered that households in these areas may not have access to alternative platforms such as Cable or IPTV (through broadband).

Ofcom's response

- 3.28 We will make the adjustment for the difference between DTT multiplexes on the basis proposed in our consultation and set out above, updated with the most recent coverage data.

IPTV service provision

What we said in the consultation

- 3.29 We said that, in assessing reception through IPTV, we would expect a television service provider to ensure the availability of its service through reliable IPTV streams which can meet the potential demand for IPTV. We said that this would be either by delivering those itself or by contracting with one or more CDN. We said that if we had concerns that this was not the case for a television service which relied on IPTV to meet the reception condition, we would assess this when considering the inclusion of the television service on the list of qualifying services.

Summary of responses

- 3.30 The BBC recommended that when a request is made by a broadcaster for one of their services to be considered for qualifying status by including delivery via IPTV, Ofcom should consider the availability of that service across a wide range of internet-connected devices and seek evidence of the steps the broadcaster will take to minimise the risks of poor quality of service via IPTV.
- 3.31 ITV considered that Ofcom should require reliable IPTV delivery in order for a channel to qualify, as currently IPTV appears able to reliably deliver live channels only to a relatively small number of consumers.
- 3.32 techUK did not consider there should be a set number of streams for IPTV delivery.
- 3.33 UEFA questioned whether the definition of IPTV included delivery of services over the 'open internet'. UEFA also considered that delivery via IPTV by a third party should be recognised in the methodology.

Ofcom's response

- 3.34 When calculating the proportion of the population that can receive a television service, we assess the percentage of people who can receive services by cable, satellite, DTT or IPTV. However, IPTV distribution is not yet as reliable and consistent an experience as broadcast.
- 3.35 In our consultation, we noted the importance of an IPTV service being available to the audience which may watch television services via IPTV only and that therefore IPTV streams should be reliable and should be able to meet the potential demand for IPTV. We did not propose to specify exactly how IPTV services should be delivered (whether by either closed IPTV platforms or Over The Top (OTT) delivery, or through third-party

arrangements). We also did not specify particular technical requirements for IPTV delivery. Instead, we proposed to consider concerns about reliable IPTV delivery in relation to particular services on a case-by-case basis. We have included this in our methodology.

- 3.36 We also note that not all IPTV services are necessarily distributed to all internet-connected devices. On some devices (such as a PC or laptop) viewing of IPTV may be browser-based (i.e. typically by accessing the website of the IPTV service), whereas on other devices (such as smart TVs) it is more likely to be via an app installed on the device. Such apps will usually be specific to the particular device manufacturer. This means that an individual accessing IPTV via a given platform or device will only be able to access an IPTV service if it is made available on the particular platform or devices they own. The different means of delivery to different devices mean that reception of television service via IPTV can be a complex picture, and it is necessary for us to make some simplifying assumptions.
- 3.37 The BARB ES is our main source of data on viewer reception of different platforms. In relation to IPTV use, it determines viewing through platforms and devices such as hybrid set-top boxes (e.g. BT, TalkTalk and YouView boxes), connected TV sets (without broadcast), computers, tablets and mobile devices, and dedicated plug-in TV-devices (Amazon Fire, NowTV and Apple TV). However, the BARB ES data is not broken down by individual devices within these categories, such as would enable a more granular assessment of reception of IPTV via these devices. Moreover, the examples of IPTV platforms used in the BARB ES questions are not exhaustive and may not include some means of receiving IPTV services. We are not aware of any reliable data sources which assess the reception of services through individual IPTV platforms and devices. As such it is not practicable for us to assess precisely the individual platforms or devices on which a service would need to be available. Moreover, given that the availability and popularity of such platforms is constantly shifting, any such assessment would become out of date almost immediately.
- 3.38 However, we would expect a broadcaster to ensure it makes its service available on its website and via its own apps on a range of popular platforms and devices. If we have concerns, at the time of our assessment, about the range of IPTV platforms to which a particular television service is distributed, then we will assess this further in order to make a judgment for that service as to whether it is appropriate to consider it received by individuals accessing only IPTV services. A service wishing to be added to the list may therefore need to set out in detail evidence of its provision on IPTV. We would consider this in the round and on a case-by-case basis.

Other comments on Ofcom's methodology

- 3.39 techUK questioned whether “the charge for the IP data required to receive PSB services is viewed as an additional financial charge or not”, compared with the Freeview and Freesat platforms.
- 3.40 The BBC considered that a qualifying service should be clearly identifiable as a channel and marketed as such to aid their discoverability.

3.41 techUK did not agree with Ofcom’s proposals to exclude High Definition simulcast services from the list of qualifying services. It considered the majority of viewers have access to devices that can receive HD services and expect that research would show that the percentage of viewing via HD would be a higher percentage for listed events than the average viewing figures in total.

Ofcom’s response

3.42 We do not consider that costs incurred to access the internet are relevant to our assessment of whether a service is free-to-view for the purposes of identifying qualifying services. The statutory definition of the relevant qualifying condition refers to “consideration...for reception of the service”. Costs to access the internet are not referable to individual services, nor are they paid to the relevant service provider, so we consider that they should not be treated as falling within that definition.

3.43 The marketing of a service is outside of the scope of the qualifying conditions and is therefore not part of our assessment. However, as noted in paragraph 2.4 and 2.5, only television programme services and EEA satellite services qualify for inclusion on the list.

3.44 HD services are not excluded from our assessment. However, currently HD services do not meet the qualifying conditions because only 80% of the population has the necessary equipment to receive them.⁸ This may change as uptake of platforms carrying HD services increases, and a future assessment would take account of this.

Model of our proposed methodology

What we said in the consultation

3.45 We published a model to show how we would implement our proposed methodology and calculate which services would meet the qualifying conditions under that methodology.

Summary of responses

3.46 Sky considered that Ofcom’s model was not fit for purpose and unlikely to provide meaningful results. It disagreed with the approach Ofcom had taken to calculating the number of individuals who receive TV services through broadband. It also considered that the sample sizes of some subsets in the model were small but had been treated as being equally reliable. It also raised concerns about what it perceived as excessive complexity and redundancy in the model. Sky set out a simplified version of Ofcom’s model which it considered would reduce the number of data-points relied upon and would significantly reduce the risk of data errors.

⁸ Ofcom Technology Tracker 2019

Ofcom's response

- 3.47 We published the full model in the interests of transparency and to allow stakeholders to see how the calculation based on our proposed methodology would operate.
- 3.48 We disagree that Ofcom's model is not fit for purpose. It enables us to calculate different groups of viewers and the contribution they make to the reception of a television service. We also note that while Sky made general comments about how complexity can lead to errors, it did not identify any specific errors.
- 3.49 However, in light of consultation responses and our own further review of the BARB ES, we have made some changes to how the BARB ES data feeds into the model, in particular in relation to calculating the number of individuals who receive television services via broadband. In addition, we have simplified and reduced the number of categories presented in the BARB ES data tab of the model in the interests of clarity. This simplification does not affect the outcome of the model. These points are explained in detail in the "Listed events model document" annexed to this statement.
- 3.50 We acknowledge that the sample sizes in places are small, but note that they are part of a large sample of the BARB ES overall, which is sampled with great precision to reflect the UK. The precision of the overall result is not adversely affected by the small sample size of some subsets used to calculate the result.

Approach to updating the list in the future

What we said in the consultation

- 3.51 We proposed two principal ways in which we will update the list beyond this review:
- a) Where broadcasters believe that, on the basis of the methodology set out when we publish our statement, the status of the services they offer has changed, we would welcome them providing appropriate evidence to us to enable us to consider updating the list accordingly.
 - b) We anticipated conducting our own periodic reviews of the list to identify whether more general updates should be made, for example by updating our methodology to reflect further technological changes or changes in viewing habits. We said that it is not appropriate to set the timescales for these periodic reviews in advance. If stakeholders consider that we should carry out such a review, we will welcome them approaching us with any relevant evidence to support this.

Summary of responses

- 3.52 ITV considered that the list of qualifying services and periodic reviews of this should be fixed by Ofcom to ensure certainty for qualifying services and rights holders. STV considered Ofcom should publish a timeline for its reviews and changes to the list of services for the same reasons.

- 3.53 The BBC recommended that Ofcom periodically undertake reviews of the availability of services on different devices from time to time. They suggest that Ofcom consults before it amends the list of qualifying services.
- 3.54 The IOC noted that if the reception threshold was lowered by 2% (to 93%), this would result in a substantial number of the services available for free on Freeview being eligible to participate in the market for the acquisition of listed events.

Ofcom's response

- 3.55 In relation to the IOC's comment about the reception threshold, we note that the qualifying conditions are set by the legislation, and any changes to these are a matter for Government.
- 3.56 In relation to suggestions about setting the time period for reviewing the list, we note that Ofcom's duty is to publish a list of qualifying services that appear to meet the qualifying conditions from time to time. We consider that our proposals for keeping the list up-to-date are an appropriate and proportionate means of exercising that duty and that limiting reviews or amendments to the list to particular fixed time-periods would remove some necessary flexibility.
- 3.57 However, we note the points raised by stakeholders concerning the certainty of the status of qualifying services. We consider that setting out our methodology and publishing our model allows stakeholders visibility of potential changes in the reception of their services.
- 3.58 We have therefore decided to adopt the proposals set out in our consultation for future reviews of the list.

4. Final methodology

4.1 In this section we set out, following consideration of responses, our final methodology for assessment of qualifying services.

The reception condition

4.2 For the purpose of assessing whether the reception condition is met, we take the following steps in order to calculate the proportion of the population that can receive a television service:

4.3 **First**, using data from the BARB Establishment Survey (BARB ES), we calculate the percentage of people who can receive a TV service by the different means of distribution platforms – this can be either cable, satellite, DTT or IPTV – on their main screen.

4.4 We consider that a service is “received” on a given platform if (1) a person can receive the signal or data by which the platform transmits services to their home, and (2) they have the necessary equipment to decode the signal or data and view services on that platform in their home. This means that:

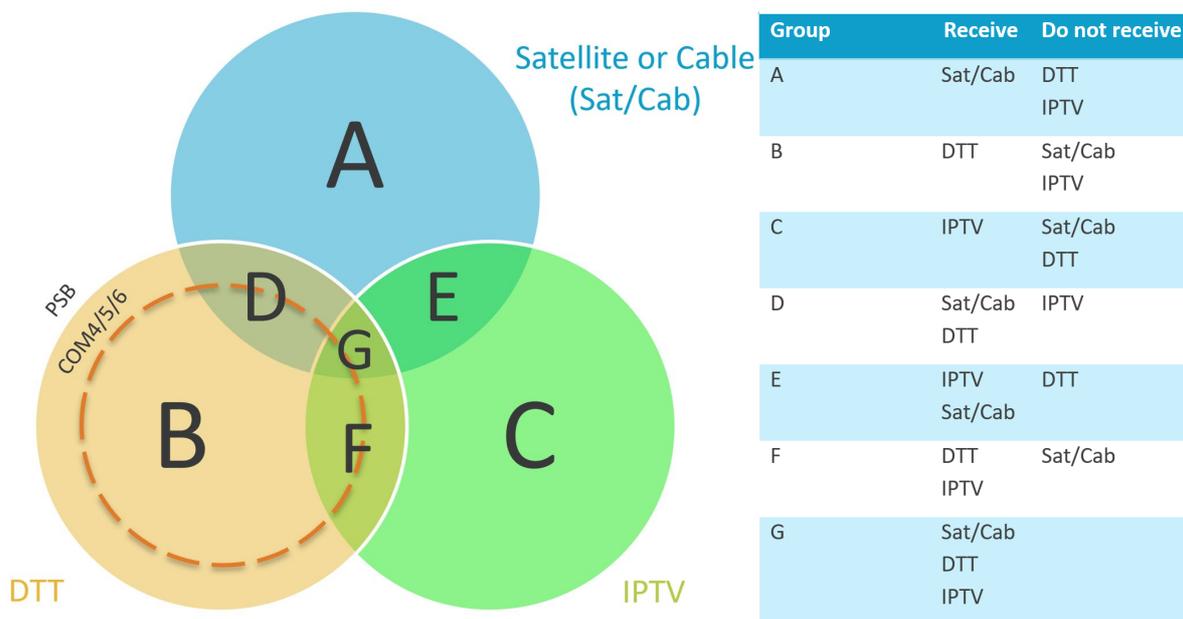
- a) services on a DTT platform can be received in any home that has an appropriate aerial connected to a DTT receiver (within a TV set, or through a set top box) and which has a usable signal from one or more of the DTT multiplexes.
- b) services on a satellite platform can be received in any home that has access to signals from an appropriate dish using an integrated Freesat television set or a Freesat box, or a Sky box with a valid viewing card (including ‘Freesat by Sky’).
- c) services on a cable platform can be received in any home passed by Virgin’s network that has a Virgin set top box with a valid viewing card.
- d) IPTV services can be received in any home that has broadband or other IP connectivity, with sufficient capability (including speed) to stream television programme services.

4.5 We consider that a service is received “on the main screen” if it is received on the household’s principal television screen, or if there is no television screen, on a computer or handheld device.

4.6 **Second**, in the case of DTT, using data from the UK Planning model, we calculate the percentage of DTT viewers able to receive content distributed by the PSB multiplexes, and the percentage of DTT viewers able to receive content distributed by the commercial multiplexes. Currently, data from the UK Planning Model (version 7.032) sets out that, of all DTT viewers, 8% are able to access services only from the PSB multiplexes, whereas the remaining 92% can access services on both the commercial and PSB multiplexes.

4.7 The following diagram sets out the different groups of platform users and whether they receive a single platform or multiple platforms by reference to the above two steps.

Figure 1: Schematic diagram of different groups of platform users



4.8 **Third**, with reference to the reception of each platform, and the platforms the television service is available on, we calculate the proportion of the population which can receive the television service.

4.9 **Fourth**, where the platforms on which the television service is available includes IPTV, we assess whether the relevant broadcaster ensures the availability of its service through reliable IPTV streams. Specifically, we would expect a television service provider to ensure the availability of its service through reliable IPTV streams which can meet the potential demand for IPTV, either by delivering those itself or by contracting with one or more CDNs. We would also expect a broadcaster to ensure it makes its service available on its website and via its own apps on a range of popular platforms and devices.

The free-to-view condition

- 4.10 We identify whether each service which meets the reception condition appears to us to satisfy the free-to-view condition. A TV service would be considered to meet the free-to-view condition provided it is made available on the following basis:
- i) DTT: as part of the 'Freeview' suite of channels;
 - ii) Satellite: on Freesat, via Sky's 'Freesat by Sky' viewing card and available in Sky's basic tier pay-TV package;
 - iii) Cable: in Virgin Media's basic tier pay-TV package;
 - iv) IPTV: the IPTV stream is made available free of charge or, where it is delivered over an IPTV platform such as TalkTalk, is available in a basic tier package.

5. Assessment of qualifying services

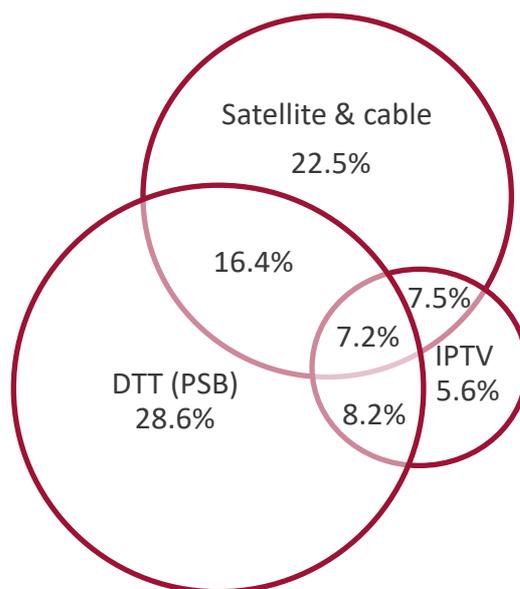
5.1 In this section we set out our assessment of qualifying services.

Assessment

Calculating the percentage of people who can receive a TV service by the different means of distribution platform

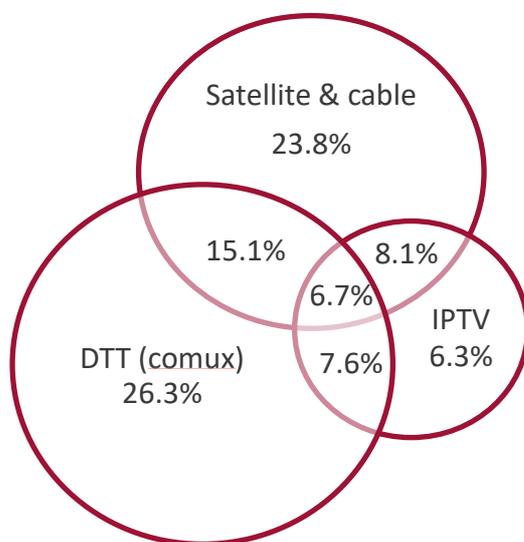
5.2 Using the BARB ES data for Q4 2018 in our model, a television service available on the PSB multiplex (as well as satellite, cable and live streamed over IPTV) will be received by 96.1% of the UK population, whereas a television service available on a commercial multiplex (as well as satellite, cable and live streamed over IPTV) will be received by 93.8% of the UK population.⁹

Figure 2. Venn diagram (PSB)



⁹ The calculations are to 0.1 decimal place, and therefore total differently to Figure 2 and 3 due to rounding.

Figure 3. Venn diagram (Comux)



Services which can be received by 95% of the population

- 5.3 In light of the above data, in order to qualify, a free-to-view service currently needs to be available on a DTT PSB multiplex, satellite and cable, and streamed over IPTV.
- 5.4 We have therefore considered whether the services available on a DTT PSB multiplex (BBC A, BBC B and D3&4)¹⁰ are also available on the other platforms and can otherwise be received by 95% of the population. We note that:
- “+1 hour” time-shifted versions of services are not made available via IPTV. This is the case for ITV +1, Channel 4+1, More 4 +1 and Film 4+1.
 - High Definition (HD) services cannot be received by 95% of the population on the basis that only 80% of adults currently have the necessary equipment to receive those services.¹¹ We note however that the HD services carried on the PSB multiplexes are simulcasts, and therefore a listed event shown on a qualifying parent service would also be shown on the HD service. This is the case for all services on multiplex BBC B (other than More 4 +1, which is excluded on the basis set out under (a) above).
 - Some television services cannot be received by 95% of the population on the basis that they are not broadcast on a PSB multiplex in all areas of the UK. This is the case for BBC Alba (Scotland only), BBC Scotland (Scotland only), S4C (Wales only), E4 (Not in Wales) and ITVBe (Channel Islands only).

¹⁰ http://www.digitaluk.co.uk/channels/channel_listings

¹¹ Ofcom Technology Tracker 2019

Live IPTV stream

- 5.5 We have assessed whether the broadcaster of the television services ensures the availability of its service through reliable IPTV streams via its website and via its own apps on a range of popular platforms and devices.
- 5.6 We note that, at the time of our consultation, Channel 5 was not available as a live IPTV stream. Since then, Channel 5's owner, Viacom, has started the rollout of its live IPTV stream, and it is currently available via the My5 app on iOS and Android devices. It is however not yet available on its website or other core connected devices. We consider that iOS and Android devices do not constitute a sufficiently wide range of platforms and devices and on this basis Channel 5 does not currently meet the reception condition.
- 5.7 We have no concerns about the availability of other services via IPTV.

Free-to-view

- 5.8 We have assessed whether the above television services, which meet the reception condition, also meet the free-to-view condition. On the basis that they are all provided as set out in paragraph 4.12, they also meet the reception condition.

List of qualifying services

- 5.9 It appears to Ofcom that the following services meet the qualifying conditions:
- BBC One
 - BBC Two
 - BBC Four
 - CBBC
 - CBeebies
 - BBC News
 - BBC Parliament
 - Channel 3 network (broadcast as ITV, STV, UTV)
 - ITV2
 - ITV3
 - ITV4
 - Channel 4
 - Film 4
 - More 4
- 5.10 The list of qualifying services is effective from this publication date. We will keep this list up to date in line with our proposals.

A1. Listed events model

[Annex 1 – Listed events model](#) has been published separately
(https://www.ofcom.org.uk/__data/assets/excel_doc/0026/155087/listed-events-model.xlsx).

A2. Listed events model document

[Annex 2 – Listed events model document](#) has been published separately (https://www.ofcom.org.uk/__data/assets/pdf_file/0025/155086/listed-events-model-document.pdf).