
Listed Events

Rugby World Cup Finals Tournament 2023

CONSULTATION:

Publication date: 26 July 2023

Closing date for responses: 23 August 2023

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1. Overview

What we are consulting on

Ofcom has received a request from ITV for consent to broadcast exclusive live coverage of the 2023 Rugby World Cup Finals tournament ('2023 Rugby World Cup'). The tournament is due to take place in France from 8 September until 28 October 2023.

The Rugby World Cup Final is designated as Group A listed event. All other matches in the tournament are designated as Group B listed events. Under the Broadcasting Act 1996, Ofcom's consent is needed for exclusive live coverage of Group A and Group B listed events.

Ofcom is provisionally minded to grant consent to ITV for exclusive live coverage of the Final and all other matches in the tournament, subject to considering any concerns raised in response to this consultation.

2. Rugby World Cup Finals Tournament 2023

Background

- 2.1 Ofcom has received a request from ITV for consent to broadcast exclusive live coverage of the 2023 Rugby World Cup Final and all other matches in the 2023 Rugby World Cup Finals Tournament ('2023 Rugby World Cup'). The tournament is due to take place in France from 8 September until 28 October 2023.
- 2.2 The Rugby World Cup Final is designated as a Group A listed event. All other matches in the tournament are designated as Group B listed events. Under the Broadcasting Act 1996, Ofcom's consent is needed for exclusive live coverage of Group A and Group B listed events.

Proposed coverage

- 2.3 ITV plans to broadcast full live coverage of the Rugby World Cup Final on ITV1 and across the Channel 3 network, including on STV.
- 2.4 Of the other 47 matches in the tournament, ITV plans to broadcast full live coverage of 37 matches on ITV1 (and across the Channel 3 network, including STV), and 10 matches on ITV3 or ITV4.
- 2.5 ITV plans to make available highlights for all matches, including the Final, on ITVX.
- 2.6 ITV therefore applies for consent on behalf of the relevant licensees for these services to show exclusive live coverage of the Rugby World Cup Final (a Group A listed event) and exclusive live coverage of the other Rugby World Cup tournament matches (Group B listed events).¹

Rights acquisition

- 2.7 ITV has explained that it acquired the relevant rights to the 2023 Rugby World Cup in 2016, as part of the same tender process through which it acquired rights to the 2019 Rugby World Cup. We [granted consent to ITV's exclusive live coverage of the 2019 Rugby World Cup in September 2019](#), following a consultation.
- 2.8 ITV told us that IMG (acting as agents for Rugby World Cup Limited) issued an invitation to tender to interested parties in January 2016 inviting broadcasters and other media organisations to submit a bid for the 2019 and/or 2023 Rugby World Cup.² We understand that broadcasters of both "qualifying" and "non-qualifying" services for the purposes of the listed events regime) had opportunity to bid for the rights.

¹ The relevant licensees for the Channel 3 network are ITV's and STV's subsidiaries.

² [RWC 2019 broadcast tender process launched for UK and Ireland | Rugby World Cup](#)

- 2.9 The bidding took place between January and March 2016. ITV said that this was a reasonable time period to allow potential bidders to prepare and submit their bids. ITV also told us that the bidding process was conducted over two stages and that it understood that there was genuine competition for the rights.
- 2.10 ITV said that the price sought and achieved for the rights to the event was fair at the time and in line with similar events.
- 2.11 Based on the information provided to us by ITV, our provisional view is that broadcasters of both qualifying and non-qualifying services had an opportunity to acquire the rights to live coverage of the 2023 Rugby World Cup on fair and reasonable terms.

Proposal to grant consent

- 2.12 Ofcom's Code on Sports and Other Listed and Designated Events ("the Code")³ explains that in deciding whether to give consent to a broadcaster for exclusive live coverage of a listed event, Ofcom will wish to be satisfied that broadcasters have had a genuine opportunity to acquire the rights on fair and reasonable terms.⁴
- 2.13 As set out above, it is our provisional view that broadcasters had the opportunity to acquire the rights on fair and reasonable terms.
- 2.14 We also note that ITV's plans would secure full and live, free to air coverage of the 2023 Ruby World Cup.
- 2.15 Ofcom is therefore provisionally minded to grant consent to ITV for exclusive live coverage of the Final and all other matches in the Tournament, subject to considering any comments received from interested parties.⁵

Responding to this consultation

- 2.16 If you would like to make any comments about the ITV's request for consent, these should be sent to Ofcom by email to listedevents@ofcom.org.uk no later than 5pm on 23 August 2023. Further details about responding to this consultation can be found in the annexes.

³ Ofcom's [Code on Sports and Other Listed and Designated Events](#) ("the Code").

⁴ In relation to Group B listed events, the Code explains that where a second broadcaster provides adequate secondary coverage of a Group B listed event, Ofcom can grant 'automatic' consent to broadcast, without consultation. (See paragraphs 1.18 to 1.21 of the Code for more information about what constitutes adequate secondary coverage.) However, ITV has not suggested that this is relevant to its application.

⁵ We do not consider that it is necessary to carry out an impact assessment or equality impact assessment in relation to this proposal, as it falls within the scenario given at paragraph 3.6(b) of our impact assessment guidance (published 19 July 2023). See also paragraph 3.19 of that guidance in relation to equality impact assessments.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 23 August 2023.
- A1.2 You can download a response form: <https://www.ofcom.org.uk/consultations-and-statements/category-3/consultation-rugby-world-cup-2023-listed-events>
You can return this by email.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to listedevents@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version.
- A1.7 It would be helpful if you could explain your views why you hold them, and what you think the effect of Ofcom's proposed decision would be. We also welcome joint responses.
- A1.8 If you want to discuss the issues and questions raised in this consultation, please contact the Broadcast Licensing team by email to listedevents@ofcom.org.uk.

Confidentiality

- A1.9 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A1.10 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.

- A1.11 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.12 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.13 Following this consultation period, Ofcom plans to publish its decision on consent for the 2023 Rugby World Cup on 4 September 2023.
- A1.14 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.15 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.16 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.17 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)