
Listed Events

FIFA Women's World Cup Finals Tournament 2023

CONSULTATION:

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1. Overview

What we are consulting on

Ofcom has received requests from the BBC and ITV for consent to broadcast exclusive live coverage of the FIFA Women's World Cup Finals Tournament 2023 ("the 2023 Women's World Cup"). The tournament is due to take place in Australia and New Zealand from Thursday 20 July to Sunday 20 August 2023.

In 2022 the FIFA Women's World Cup Finals Tournament was designated a 'Group A' listed event by the Secretary of State for Digital, Culture, Media and Sport for the purposes of the Broadcasting Act 1996.¹

As a 'listed event', Ofcom's consent is needed to broadcast exclusive live television coverage.

We are consulting for a shorter period than usual. This is because of delays in the acquisition of the rights from FIFA. In particular, while it was announced on 14 June that FIFA, ITV, the BBC and the European Broadcasting Union ("EBU") had reached an agreement enabling the BBC and ITV to broadcast the 2023 Women's World Cup, the BBC and ITV intended to wait until the final agreements were concluded before making their applications to Ofcom. The agreements are yet to be concluded, due to delays caused by the more complex multi-party nature of the transaction, but the BBC and ITV have now made their applications to ensure Ofcom has time to carry out this consultation.

Ofcom is provisionally minded to grant consent, subject to considering any concerns raised in response to this consultation.

¹ DCMS, 25 April 2022, ['Government adds women's international football tournaments to listed events regime'](#).

2. FIFA Women's World Cup Finals Tournament 2023

Background

- 2.1 Ofcom has received requests from the BBC and ITV for consent to broadcast exclusive live coverage of the 2023 Women's World Cup.
- 2.2 As the FIFA Women's World Cup Finals Tournament is designated as a listed event² Ofcom's consent is needed to broadcast exclusive live television coverage.³
- 2.3 We are consulting for a shorter period than normal, due to the applications being received very close to the start of the tournament.⁴ The BBC and ITV have explained that this is due to delays in the acquisition of the rights from FIFA. As was widely reported at the time, in May 2023 FIFA set out its dissatisfaction with the offers from broadcasters in five major European markets. On 14 June it was announced that FIFA, ITV, the BBC and the EBU had reached an agreement enabling the BBC and ITV to broadcast the 2023 Women's World Cup. However, the BBC and ITV intended to delay making their applications to Ofcom until the final agreements had been concluded. These are still to be concluded, due to delays caused by the more complex multi-party nature of the transaction, but the BBC and ITV have now made their applications to enable Ofcom to carry out this consultation.
- 2.4 Ofcom understands from the BBC and ITV that the delays to the conclusion of the transaction are not expected to change the nature of the deal materially or to affect their proposed coverage.

Proposed coverage

- 2.5 The BBC and ITV plan to share coverage of the tournament, comprising 64 matches, and of the England matches, meaning each broadcaster will exclusively show half of the England matches and half of the total number of matches across the tournament. Both broadcasters will show the final.
- 2.6 The BBC plans to broadcast live coverage of the opening game, its share of England matches, a semi-final and the final on BBC One. Other matches will be broadcast primarily on BBC Two, with additional coverage available via the Red Button and iPlayer. The BBC has told us that it may increase the number of matches it broadcasts on BBC One during the tournament (e.g. due to scheduling reasons).
- 2.7 The BBC therefore applies for consent for this coverage.

² For the purposes of the Broadcasting Act 1996 ("the Act").

³ See section 101 of the Act.

⁴ Ofcom's Code on Sports and Other Listed and Designated Events ("the Code") sets out that requests for Ofcom's consent for exclusive live coverage of a listed event should be made not less than three months prior to the event (see paragraph 1.29).

- 2.8 The BBC also noted that it has acquired the rights to broadcast live and delayed audio coverage on its national radio network.
- 2.9 ITV plans to broadcast live coverage of its share of England matches and the final on ITV1, with this also being broadcast across the Channel 3 network, which includes STV. Additional coverage will be provided on ITV4, though the division of matches between these channels will depend on scheduling closer to the time.
- 2.10 Where ITV is covering two matches simultaneously, these will be broadcast on ITV1 and ITV4.
- 2.11 ITV therefore applies for consent on behalf of the relevant licensees for these services.⁵

Rights acquisition

- 2.12 Ofcom assesses requests for consent to broadcast live coverage of listed events on the basis set out in the Code. It explains that Ofcom will want to see that broadcasters have had a genuine opportunity to acquire the rights on fair and reasonable terms.⁶
- 2.13 FIFA launched an invitation to tender in the UK for the sale of media rights (including live rights) to the 2023 Women's World Cup on 9 June 2022, inviting interested media companies and organisations to request the ITT and submit bids by 12 July 2022.⁷ The BBC and ITV told us that this was a reasonable period of time for potential bidders to prepare and submit their bids and that the live rights were included within a reasonable package of media rights.
- 2.14 Further negotiations took place from May 2023, after FIFA indicated its dissatisfaction with the offers from broadcasters in five major European markets. On 14 June 2023 it was announced that a deal had been agreed in principle which included the BBC and ITV acquiring UK media rights and being party to a wider FIFA-EBU deal.
- 2.15 Although these negotiations did not follow the usual trajectory, after assessing information provided by the BBC and ITV, our provisional view is that broadcasters had the opportunity to acquire the rights on fair and reasonable terms.

Proposal to grant consent

- 2.16 Ofcom is provisionally minded to grant consent to the BBC and ITV (and STV) to broadcast exclusive live coverage of the 2023 Women's World Cup, subject to considering any substantive concerns raised in response to this consultation.
- 2.17 We have considered the information provided to us by the BBC and ITV on the basis that the final conclusion of the agreements will not materially affect the deal agreed in principle or the proposed coverage. In the unlikely event that the rights arrangements change

⁵ The relevant licensees for the Channel 3 network are ITV's and STV's subsidiaries.

⁶ See paragraphs 1.13-1.17 of the Code.

⁷ [FIFA launches tender process in UK for FIFA Women's World Cup 2023™ media rights](#)

significantly after publication of this document, we will consider the effect on this consultation.

- 2.18 As explained above, we have had to shorten the consultation period, as compared to our usual practice, to **7 days**, due to the applications being made so close to the start of the tournament.
- 2.19 Ofcom wishes to emphasise the importance of broadcasters adhering to the timelines set out in Code when requesting Ofcom's consent for exclusive live coverage of a listed event, which sets out that wherever possible requests should be made not less than three months prior to the event. This enables Ofcom to consider the application, including consulting on it where appropriate to enable interested parties to make representations, and to raise any issues with the broadcasters.
- 2.20 The BBC and ITV have recognised that these applications have been made after this period and in wholly unusual circumstances. We accept that the circumstances have been due to factors beyond the BBC and ITV's control, and that the broadcasters have engaged constructively with Ofcom to keep us informed about the progress of negotiations, as provided for in the Code.
- 2.21 We wish to take this opportunity to remind broadcasters that the Code makes clear that Ofcom may not be able to consider applications which are received very close to the date when an event takes place, and that this may mean that consent cannot be given. Broadcasters should also be aware of the potential consequences for broadcasting a listed event in contravention of section 101 of the Broadcasting Act 1996.⁸

Responding to this consultation

- 2.22 If you would like to make any comments about the BBC and ITV's requests for consent, these should be sent to Ofcom by email to listedevents@ofcom.org.uk no later than 5pm on 11 July 2023. Further details about responding to this consultation can be found in the annexes.

⁸ See sections 102 and 103 of the Act.

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 11 July 2023.
- A1.2 You can download a response form: http://www.ofcom.org.uk/_data/assets/file/0024/263625/consultation-form-FIFA-womens-world-cup-2023.odt. 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 Women's World Cup on 17 July 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)