

A5. The EPG Code: appropriate prominence provisions

The following paragraphs will replace the existing appropriate prominence section of the EPG Code on 4 January 2021.

1. Section 310(2) of the Act provides that Ofcom's EPG code require EPG providers to follow practices giving the degree of prominence that Ofcom considers appropriate to:
 - a. the listing and promotion of the programmes included in each public service channel, for members of the intended audience; and
 - b. the facilities, in the case of each such channel, for members of its intended audience to select or access the programmes included in it.
2. The Secretary of State may add to, or subtract from, the list of relevant public service channels. Currently these channels are all BBC channels, Channel 3 services, Channel 4, Channel 5, S4C, local digital television programme services and simulcast local services (the "Designated Channels")¹.
3. Ofcom has set out in this section of the EPG Code the practices that EPG providers are required to follow in order to give appropriate prominence to the Designated Channels.
4. It is a condition of EPG providers' broadcasting licences that they comply with this Code. If Ofcom has reason to believe that an EPG provider may not be complying with or may not have complied with the required practices, Ofcom will investigate in accordance with our *General procedures for investigating breaches of broadcast licences*² whether a breach of the EPG provider's licence has occurred.
5. Currently all EPGs are a list of channels with allocated slots and accordingly we have set specific minimum requirements on the basis of slot position. However, these requirements do not prevent EPG providers from developing and offering different forms of EPGs. If an EPG provider offers a different form of EPG, Designated Channels must have an equivalent level of prominence to that set out in the requirements below.

¹ For the avoidance of doubt, these provisions do not impose any requirements on EPG providers in respect of the following channels: PSBs' commercial portfolio channels (such as CITV, E4 or 5USA); PSBs' +1 channels; PSBs' video-on-demand services; and PSBs' online only services (such as BBC Three).

² https://www.ofcom.org.uk/__data/assets/pdf_file/0019/31942/general-procedures.pdf

6. EPG providers must enable viewers in a region to select the appropriate regional versions of Designated Channels through the primary listings for those channels, where the channel provider in question has secured services that enable this.
7. The prominence requirements in this section of the EPG Code may be satisfied in respect of an HD TV version of a Designated Channel instead of the SD TV version of that same channel, where the HD TV version is an exact simulcast of the SD TV version.
8. EPG providers must ensure that the five **national general entertainment PSB channels** (BBC1, BBC2, Channel 3 services, Channel 4 and Channel 5) are listed in the first 5 slots of the EPG, so that BBC1 is in the first slot, BBC2 is in the second slot, Channel 3 is in the third slot, Channel 4 is in the fourth slot (except where paragraph 9 applies), and Channel 5 is in the fifth slot.
9. In respect of EPGs that provide a **regionalised version for Wales**, EPG providers must ensure that S4C is listed in the fourth slot on the regionalised version. Accordingly, in such cases the requirement in paragraph 8 that Channel 4 is in the fourth slot does not apply. Instead, EPG providers must ensure that Channel 4 is listed in a slot that is no lower than the eighth slot of the regionalised version of the EPG.
10. EPG providers must ensure that the **nations' PSB channels** (S4C, BBC Alba and BBC Scotland) are listed in a slot that is no lower than the twenty fourth slot of the EPG. This requirement applies to the listing of S4C, BBC Alba and BBC Scotland on UK-wide EPGs, and to the listing of BBC Alba and BBC Scotland on EPGs providing a regionalised version for Scotland.³
11. EPG providers must ensure that the **other national channel** (BBC4) is listed in a slot that is no lower than the twenty fourth slot of the EPG.
12. EPG providers must ensure that the **news genre channels** (BBC News and BBC Parliament) are listed in a slot that is no lower than the eighth slot in the relevant genre section or relevant channel grouping of the EPG.
13. EPG providers must ensure that **children's genre channels** (CBBC and CBeebies) are listed in a slot that is no lower than the eighth slot in the relevant genre section or relevant channel grouping of the EPG.
14. EPG providers must ensure that **local digital television programme services** are listed in a slot that is no lower than the twenty fourth slot of the EPG. EPG providers must determine which slot to allocate to **simulcast local services** on its EPG in a way that gives an appropriate degree of prominence in light of these channels' nature and characteristics and their intended audience.

³ For EPGs that provide a regionalised version in Wales, paragraph 9 applies in respect of S4C.