



# Listed Events: Identifying television services that are free-to- view and widely available

---

BBC Response

11 February 2018

## **BBC Response to Ofcom listed events consultation**

### **Introduction**

Sport is fundamental to the UK's national identity and Listed Events have a profound cultural and social impact. They unite the UK and its constituent nations and regions in ways very few other events manage. They create national pride. They play a vital role in the nation's well-being, are important to the UK economy and influential in its standing overseas.

Audiences place a high value on free-to-air access to the major sporting events and regard it as a core part of public service broadcasting. The current Listed Events regime ensures that the broadcasting rights to the main 'crown jewels' sporting events are offered to those broadcasters who have a unique ability to deliver live coverage, and for free, to the widest possible audience.

The major sporting events continue to draw huge TV audiences when shown on one of the current qualifying services, for example:

- The 2018 Football World Cup was watched by almost 50 million people in the UK on the BBC and ITV.
- The 2016 Summer Olympic Games was watched by 45.4 million people in the UK on the BBC, while London 2012 reached 91% of the UK population.
- The 2016 European Football Championship was watched by 44.7 million people in the UK on the BBC and ITV.
- Andy Murray's victory at the Men's Wimbledon Championship delivered a peak TV audience of 17 million people in the UK on the BBC.
- The 2015 Rugby World Cup England v Wales match delivered a peak TV audience of almost 12 million in the UK on ITV.
- The 2015/16 FA Cup Final delivered a peak TV audience of 10.1 million in the UK on the BBC.

Free-to-air coverage of sporting events such as these ensures that sport is available to everyone, regardless of whether they are willing and able to subscribe to pay-TV or online services. The listed events regime maximises the positive impacts of the biggest sporting events, encourages and inspires people from all backgrounds to participate and builds sporting role models that can inspire the next generation of elite performers. Only if sport is available to the widest possible audience can the UK make the most of its unrivalled talent and potential.

We recognise the importance of a robust and stable listed events regime. However we also recognise that the current requirement for a television service to be received by at least 95% of the population in order to be classed as a 'qualifying service' is becoming

increasingly difficult to meet as a result of changes in technology and audience behaviours.

The updated list of qualifying services in the consultation document will ensure that the policy benefits of the listed events regime continue to be delivered. The main PSB channels have by far the greatest reach of the free-to-air TV channels in the UK. In instances where sporting events have moved from a main PSB channel to another free-to-air TV channel, audiences have dropped by up to 80%.<sup>1</sup> This is primarily due to the much lower awareness, prominence and promotion of sporting events on these channels.

The BBC largely agrees with Ofcom's proposed methodology for devising the list of qualifying services and we make the following comments in relation to the specific questions posed in the consultation.

### **Responses to Ofcom questions**

**Question 1: Do you agree that our proposed methodology is appropriate? In particular -**

**a) Do you agree that it is appropriate for us to consider the reception of TV programme services through all four main TV platforms?**

The BBC agrees that Ofcom should consider the reception of TV programme services through all main TV platforms, including IPTV. This is a necessary step to future proof the Listed Events regime. Without this change, the whole regime could be put at risk as few - if any - channels would meet the 95% reception criteria.

This is because the number of UK households watching TV delivered via an internet connection is rising. As Ofcom's analysis shows, currently 3-3.5% of the population are reliant solely on broadband to access television services, with no access to other digital television platforms. We expect that the percentage of IPTV-only households will continue to rise.<sup>2</sup>

We therefore agree that it is appropriate for Ofcom to consider viewing via IPTV and use of a wide range of internet-connected devices other than television set when calculating the proportion of the population that receives different services.

**b) Do you agree that it is appropriate for us to consider the reception of TV programme services on the main device in the house, being the largest screen – a TV set if that is available, or a computer or tablet if not?**

The BBC agrees that Ofcom should consider the reception of TV programme services on the main device in the house – i.e. the largest screen – whether that be a TV set, or a

---

<sup>1</sup> For example, when English Football League TV highlights were on BBC One in 2013/14 they generated an average audience of 1 million; on the free-to-air channel, Quest TV, they are currently generating an average TV audience of 0.2 million.

<sup>2</sup> By 2027, forecasts indicate that there will be over 3 million IPTV-Only homes (primary sets) in the UK. Source: The UK Multichannel Landscape Autumn 2018, 3 Reasons Ltd

computer or a tablet or any other internet-connected device (connected to a screen where necessary). We agree that it is important to focus on the largest screen because it chimes with the public policy objectives underpinning the listed events regime – which is to bring people together to encourage viewing of large events which unite the nation. However, in the absence of there being a TV set in the household, we agree that Ofcom should also consider other devices.

**c) Do you agree that it is appropriate for us to use data collected through the BARB ES in order to calculate the proportion of the population that can receive services?**

The BBC agrees that it is appropriate for Ofcom to use the data collected through the BARB Establishment Survey (BARB ES) to calculate the proportion of the population that can receive services. The BARB ES is a random probability survey based on a large sample and contains comprehensive information on use of different platforms within households.

However, the BARB ES is not without its limitations. For example, some of the responses to the questions reflect the interviewees' knowledge of usage of different devices by other people in the household. We therefore recommend that wherever possible, Ofcom supplements the information collated from the BARB ES with other data sources – particularly in the context of looking at availability of different services over broadband and when assessing quality of services provided over broadband. (See below for further discussion).

**d) Do you agree that our proposed adjustment for individuals able to receive services on the commercial DTT multiplexes compared with the PSB DTT multiplexes is appropriate?**

Yes. Broadly speaking we agree with the assumptions that Ofcom has used when assessing the percentage of the population who receive particular services on the commercial DTT multiplexes compared with the PSB DTT multiplexes.

We note, however, that while Ofcom has taken into account the availability of services on the DTT platform when assessing which services meet the 'reception' condition, it has not applied this principle to services delivered over IP-enabled platforms. Specifically, although the BARB ES provides information on whether survey respondents in broadband-only homes watch TV programmes on a variety of internet-connected devices, it does not provide information on whether individual services are available on various internet connected devices. While this is unlikely to be a problem from a BBC perspective (as the BBC has a regulatory obligation to make its public services widely available and, in practice, BBC iPlayer is available on over 2,500 types of TV device and over 10,000 types of device overall), non-BBC services may not always be as widely available on all devices or platforms.

As we understand it, under the approach outlined by Ofcom in the consultation document, a service need only be present, for example, on a device that runs on the

Android Operating System (but not iOS or any TV platform) to count as being available over broadband.

We appreciate that in rapidly evolving markets it would neither be practical nor feasible for Ofcom to keep track of the availability of different services over IP networks on a regular basis. We therefore recommend that when a request is made by a broadcaster for one of their channels to be given qualifying status, Ofcom considers the availability of that service across a wide range of internet-connected devices. We also recommend that Ofcom periodically undertakes reviews of the availability of services on different devices from time to time.

**e) Do you agree that our proposed approach in relation to IP multi-stream capability is appropriate?**

As we understand it, Ofcom's proposed approach assumes that, for commercial or public service reasons, a provider who acquires rights to show listed events will be incentivised to ensure that sufficient IP streams are available to meet the demand for those events.

We agree with this assumption in principle, though in practice it is somewhat simplistic as there are many factors which affect the quality of picture experienced by households, not all of which are entirely within the control of providers who acquire the rights to show listed events.

The BBC has built up considerable expertise in the delivery of video via IP networks and we make provision to ensure, wherever possible, that we have sufficient capacity to successfully deliver coverage of major sporting events. However, recent experience<sup>3</sup> shows that live streaming of sporting events can suffer from buffering and quality issues. We therefore recommend that when a broadcaster makes a request to Ofcom to add its service to the list of qualifying services, Ofcom seeks evidence of the steps the broadcaster has taken (or will take) to minimise the risks of poor quality of service.

**f) Do you agree that our proposed approach in relation to assessing the 'free to view' condition is appropriate?**

The BBC broadly agrees with Ofcom's approach to assessing the 'free to view' condition and the appropriateness of interpreting the condition consistently with the definition of free television found in recital 53 of the Audio Visual Media Services Directive. In particular, and in keeping with the public policy objectives of the listed events regime, we recommend that when assessing whether additional services should qualify, Ofcom should seek assurances from providers that the service in question (particularly those distributed over IP) should be clearly identifiable as a channel (i.e. they should have a permanent presence and a clear identity or brand) and are marketed as such. This will

---

<sup>3</sup> For example, Amazon Prime Video's coverage of the 2018 US Open suffered from poor picture quality, sound dropping out of sync, and constant buffering. (Source: [The Independent](#))

## BBC Response to Ofcom's listed events consultation

ensure that the UK population is able to find coverage of important sporting events more easily.

**Question 2: Do you agree that our proposed approach for keeping the list of qualifying services up to date is appropriate?**

The BBC agrees with the broad approach, but suggests that Ofcom consults before it amends the list of qualifying services.