

Your response

About the BFI The BFI is a cultural charity, a National Lottery distributor, and the UK's lead organisation for film and the moving image.

Our mission is:

- To support creativity and actively seek out the next generation of UK storytellers
- To grow and care for the BFI National Archive, the world's largest film and television archive
- To offer the widest range of UK and international moving image culture through our programmes and festivals - delivered online and in venue
- To use our knowledge to educate and deepen public appreciation and understanding of film and the moving image
- To work with Government and industry to ensure the continued growth of the UK's screen industries

The BFI also has its own Video-on-Demand service, BFI Player. BFI Player hosts a range of acclaimed, landmark and archive films available for rent, for subscription or for free.

Founded in 1933, the BFI is a registered charity governed by Royal Charter. The BFI Board of Governors is chaired by Tim Richards.

About this submission

We make this response in the BFI's capacity as the UK's lead organisation for film and the moving image, custodian of the National Archive, and as a video-on-demand service provider regulated by Ofcom.

The BFI is supportive of efforts to ensure video-on-demand services provide a sufficient level of protection for audiences. Our submission focuses on the safeguarding of young audience (question 7) and on the appropriateness a mandatory UK classification system for video-on-demand (question 9). We have no specific comments on what the regulatory framework for video-on-demand services should be or evidence on the related costs.

We recognise that the consultation has been limited to not consider responses relating to the Archive. We remain keen to ensure that mechanisms are put in place to allow relevant video-on-demand content to be preserved within the Archive and appreciate the Government's support in this endeavour. We are currently in discussion with several subscription VoD services about submitting their content to the Archive.

The BFI is happy to provide further information on any of the issues raised as required.

Consultation question 1: Do you have any comments on our proposed guidance on European works requirements?

The BFI welcomes Ofcom's proposed guidance. We believe that, in line with the statutory obligations under the Communications Act 2003 (as revised), Ofcom's interpretation of the European Commission's guidelines on the calculation of share of European works is clear and appropriate. It provides a valuable basis for relevant stakeholders to determine their potential compliance with UK legislation.

Furthermore, the eventual publication of this guidance (once finalised) will have the additional value of demonstrating to EU stakeholders that the UK is firmly committed to implementing a European works regime for On Demand Programme Services (ODPS) that is consistent with that in EU and EEA Member States and with, for example, the proposed regime in Switzerland.

In line with its mission and values, the BFI is committed to helping to broaden the range of audiovisual works available to audiences across the UK. We therefore very much welcome Ofcom's statement that:

"To deliver on the policy intention of increasing the production of a diversity of European content, we encourage providers to fill their quotas with content from a variety of genres and originating from across Europe. This could also contribute to plurality of media in the UK."

BFI Player is the BFI's own streaming service which shows critically acclaimed classic, cult and archive film. As its turnover falls below the £1.7m threshold proposed by Ofcom, it would not be subject to the requirements set out in the proposed guidance. However, given its focus on British and other works of European origin, it nonetheless meets the 30% quota.

Consultation question 2: Do you have any comments on our proposed guidance on the steps Ofcom will take to secure compliance?

The BFI does not have any comments on this.

Ends.