

Consultation response form

techUK response

Question	Your response
<p>Question 1: Do you agree with our approach to considering appropriate prominence and our analytical framework? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>techUK represents a broad cross-section of the UK technology sector, including manufacturers of connected televisions, streaming devices, USB sticks, and operating system and TV platform providers (RTSSs). Our members design, manufacture and operate the platforms through which audiences access audiovisual content. We therefore have direct operational, technical and commercial experience of the issues addressed in this consultation.</p> <p>We support the objectives of the Media Act 2024 and recognise the importance of public service broadcasting within the UK’s media ecosystem. However, we have significant concerns regarding the proportionality, statutory alignment, and practical implementation of the proposed Code of Practice.</p> <p>Across this response we emphasise five core principles:</p> <ol style="list-style-type: none">1. Prominence must reflect the statutory standard of “appropriate prominence” and not exceed it.2. Regulation must be grounded in open, interoperable technology standards to preserve universality.3. User experience should remain simple, familiar, and intuitive — particularly through logical channel numbers (LCNs) and Electronic Programme Guides (EPGs) that echo the digital terrestrial television (DTT) model.4. The regime must avoid fragmentation, distortion of competition, and commercial unsustainability.

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	<p data-bbox="746 271 1377 371">5. Implementation costs and complexity must be proportionate to demonstrable consumer benefit.</p> <p data-bbox="699 405 1350 510">While we broadly accept the need for an analytical framework, we consider its current application flawed and potentially damaging.</p> <p data-bbox="699 539 1382 880">The interpretation of “appropriate prominence” appears to extend beyond the statutory threshold set by the Media Act 2024. In particular, the inclusion of UI elements such as the Hero Banner (or “Hero bar”) as navigation tools contradicts user behaviour analysis and established usability principles. Evidence on EPG and navigation use demonstrates that users primarily rely on structured navigation systems such as LCNs and programme guides rather than promotional display areas.</p> <p data-bbox="699 909 1385 1249">Critically, prominence rules lack a stable technological foundation without open, horizontal standards for IP-delivered linear services and metadata. Interoperable solutions — for example those being developed in the European context through DVB-I specifications — provide a model for universal and non-proprietary delivery. Absent such standards, prominence regulation risks increasing fragmentation and user confusion rather than reducing it.</p> <p data-bbox="699 1279 1385 1424">We therefore urge Ofcom to revisit its interpretation of “appropriate prominence” to ensure fidelity to the statutory language and to anchor the regime in open, interoperable technological frameworks.</p> <p data-bbox="699 1453 1385 2029">In addition, the way the draft Code treats “alternative actions” risks weakening, rather than reinforcing, the flexibility that Parliament intended. While Safe Harbour provisions are generally intended to provide regulatory certainty as effectively a ceiling for compliance, the current draft risks functioning as a de facto floor, constraining flexibility for RTSS providers. In practical terms, RTSS providers face a binary choice: either implement the Code in full and benefit from the safe harbour, or pursue alternative approaches and accept that they are no longer in the zone of automatic compliance and remain exposed to potential enforcement or adjudication for the duration of their commercial arrangements with PSBs. This design heavily favours a single compliance route and is likely to discourage platforms and PSBs from agreeing</p>

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	<p>bespoke, outcome-based solutions that are nonetheless fully compatible with the Media Act and the Agreement Objectives.</p> <p>techUK therefore considers it important that Ofcom make explicit, in both the Code and the Guidance, that where an RTSS and a PSB enter into a bilateral agreement which both parties consider, at the point of signature, to be consistent with their statutory duties (including the Agreement Objectives), that agreement should ordinarily give rise to a rebuttable presumption of compliance for the parties. In other words, Ofcom should treat such agreements as compliant unless and until clear, objective evidence emerges that circumstances have materially changed or that the Agreement Objectives are no longer being met. In that context, PSBs should not be in a position to refer a dispute to Ofcom simply to seek additional commercial concessions on prominence in an otherwise unchanged situation.</p> <p>This would reduce incentives to use Ofcom’s dispute-resolution process as a parallel negotiating forum, and would place well-founded, commercially-negotiated prominence solutions on the same footing as strict adherence to the Code. While the guidelines about Ofcom’s handling of regulatory disputes will be consulted on in spring 2026, our members feel it opportune to mention here that a formal dispute resolution process should empower Ofcom with the authority to arbitrate is important. Members seek to understand Ofcom’s approach when it comes to commercial disputes that could mean audiences do not have access to PSB content, and clarity on how the Must Offer, Must Include requirements for platforms and PSBs are to be met.</p>
<p>Question 2: Do you agree with our proposals on app menus, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – Y [Confidential section removed]</p> <p>We do not agree with the proposal permitting prominence for more than four PSB apps within a country-specific Apps rail.</p> <p>App rails are intentionally limited interface environments designed to preserve clarity and usability. Expanding mandatory prominence beyond four applications undermines simplicity and risks complicating navigation. We</p>

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	<p>stress that app menus need to map to customer preferences and/or engagement with apps.</p> <p>Concretely, techUK members with non-regionalised UIs are particularly concerned by prescriptive requirements around the placement of regional PSB apps in national app grid environments. Applying a “one-size-fits-all” placement across the UK risks skewing the experience for the majority of users who do not consume significant volumes of regional content. A more proportionate and audience-centred approach would be to ensure that regional services are “easily discoverable” on the platform, rather than mandating top tier prominence for all users of non-regionalised platforms. We encourage Ofcom to determine that the current proposals strike the right balance between regional plurality and proportionality for platforms with national UIs.</p> <p>We reject the assertion that scarcity of UI real estate will simply translate into higher slot pricing and therefore neutralise commercial impact. This framing risks converting prominence into a price-based allocation mechanism, which would be detrimental to platform health, consumer choice, and fair competition.</p> <p>Some members emphasise the importance of distinguishing between core, globally standardised UI components and configurable app menu areas when assessing “priority positioning”. Certain foundational UI elements - such as fixed navigation bars or docks - are integral to operating system functionality and brand consistency, and are harmonised across multiple jurisdictions.</p> <p>Requiring country-specific prominence obligations within these fixed elements would create significant risks of UI fragmentation and undermine the ability of platforms to maintain consistent, intuitive user experiences at scale. Members therefore consider that priority positioning obligations should apply within configurable app menu areas, rather than extending into globally standardised system-level navigation components.</p> <p>This approach would remain consistent with the statutory objective of appropriate prominence while avoiding disproportionate interference with core UI architecture and global operating system design.</p>

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	<p>Finally, regarding the requirement that relevant services appear without the user intervention, we note that certain PSB apps may already be pre-installed on some UIs, which we understand would satisfy this requirement. Any assessment of compliance with this obligation should therefore take account of the existing mechanisms, rather than focusing narrowly on app menu positioning alone.</p>
<p>Question 3: Do you agree with our proposals on primary content areas, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>While we acknowledge Ofcom’s clarification regarding the regulatory judgement required in interpreting “appropriate” prominence, our members remain concerned that the proposals for Primary Content Areas (PCAs), particularly the Hero Banner, do not align with observed user behaviour and risk significant unintended consequences. Evidence from usability studies and platform analytics consistently shows that the Hero Banner is not primarily used by audiences as a navigation tool. Mandatory prominence obligations and requirements to allocate free “advertising” space on this area could threaten the commercial sustainability of UK TV platforms, particularly smaller device manufacturers and independent platforms, without demonstrable benefits for viewers.</p> <p>We also have reservations about Ofcom’s suggestion in the impact assessment that any reduction in monetisable Hero Banner space could be offset by charging more for the slots that remain. In practice, the rates that can be achieved for this type of inventory are determined by advertiser demand, campaign budgets and the broader competitive landscape, not simply by the volume of units a platform chooses to make available. A contraction in available impressions does not, on its own, create scope for a commensurate uplift in pricing. Even if a price increase were possible, this would in effect require commercial advertisers to cross-subsidise additional free prominence for PSBs – with potential knock-on effects for marketing costs and, ultimately, consumer prices – which seems well beyond the intended scope of Ofcom’s remit.</p> <p>Our members note a significant anti-competitive impact of restricting advertising models for one media channel which competes with all other advertising channels.</p>

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	<p>techUK would therefore welcome a clearer explanation of the data and assumptions underpinning this “higher prices” scenario, and encourages Ofcom to take a more cautious view of the extent to which it can realistically mitigate the opportunity cost of bringing Hero Banner inventory within the scope of prominence obligations.</p> <p>We note Ofcom’s references to paragraph 3.118 and the rationale for recommended actions across PCAs. While the logic of applying prominence consistently is understood, we consider that a prescriptive, uniform approach does not reflect the highly dynamic and often regionally or demographically variable use of PCAs. Our members report that PCAs outside the Hero Banner are frequently redesigned, vary across devices, and are subject to continuous experimentation to optimise user experience. Obligations to maintain compliance records for these areas would impose disproportionate operational and financial burdens, further limiting innovation and device differentiation.</p> <p>We understand that Ofcom assumes that RTSS have full editorial control of PCA areas, when from a functional perspective is not always the case. In some cases, PCAs are functionally linked to core navigation elements, rather than operating as standalone content discovery surfaces. Some members note that content displayed in these areas is often driven directly by user interaction with navigation controls, and all app providers have an equal opportunity to surface content through normal platform functionality and ranking logic. In such cases, requiring PSB-related content to appear within PCA areas could, in effect, necessitate mandating placement of PSB apps within core navigation elements that are globally harmonised and user-controlled. Imposing obligations to rebalance or re-engineer such areas would risk undermining user agency and distorting functionality that is designed to respond directly to individual user preferences.</p> <p>We support a more flexible, evidence-led approach that allows Public Service Broadcasters (PSBs) to achieve visibility across disaggregated content areas where appropriate, while preserving simple, intuitive navigation patterns such as logical channel numbers (LCNs) and Elec-</p>

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	<p>tronic Programme Guides (EPGs). In our view, prominence requirements should be grounded in user behaviour and open, interoperable technical standards to ensure consistency without imposing onerous operational or commercial costs.</p>
<p>Question 4: Do you agree with our proposals on search, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We do not support further micro-regulation of search.</p> <p>Search functionality already performs effectively in meeting audience needs. The only necessary regulatory safeguard is ensuring that no artificial barriers prevent PSB content from being searchable and discoverable.</p> <p>Some members further highlight that search functionality on connected TV platforms is typically relevance-driven and operates at the level of individual programme titles rather than services. In this context, search results already treat PSB and non-PSB content equivalently where relevance is equal.</p> <p>Requiring service-level prioritisation or attribution within title-based search results would introduce technical complexity without clear consumer benefit and could reduce search result accuracy. Members note that service attribution is often more appropriately provided at the point of content selection or within programme information pages, rather than at the initial results stage.</p> <p>Additional prescriptive requirements would increase cost and technical complexity without clear evidence of consumer detriment. Search optimisation is a dynamic and data-driven process; rigid regulatory intervention risks unintended negative consequences.</p>
<p>Question 5: Do you agree with our proposals on listed channels, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>The proposals relating to listed channels lack practical substance due to the absence of universally accessible PSB linear IP streams.</p> <p>The underlying structural issue is restricted access to PSB IP streams. Where such streams are made available to selected platforms, equivalent access must be provided to all RTSSs on fair and non-discriminatory terms. Without horizontal delivery models and open standards (for</p>

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	<p>example DVB-I based delivery), prominence regulation on listed channels cannot operate effectively.</p> <p>Failure to ensure universal, non-proprietary access fragments the market and undermines the principle of universality that has historically underpinned PSB.</p>
<p>Question 6: Do you agree with our proposals on attribution, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Attribution requirements are uniquely UK-specific and lack established interoperable technical solutions.</p> <p>Developing cross-platform attribution mechanisms will require new standards, coordination across multiple industry actors, and significant engineering investment. The consumer benefit remains unclear relative to cost.</p> <p>In practice, our members advise that attribution is already conveyed to users in a number of contexts without the need for additional prescriptive labelling. In these content areas, users can often readily identify the source of content through the context in which it is surfaced (for example, through branding, content grouping, or surrounding UI cues), making further on-screen attribution redundant.</p> <p>Where content is returned through search, some members highlight that attribution is already provided at the point of deeper engagement rather than at the initial search results stage.</p> <p>We therefore urge Ofcom to adopt a flexible, phased, and standards-aligned approach.</p>
<p>Question 7: Do you agree with our proposal on alternatives to visual information, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Our members have already invested significantly in accessibility features and are largely compliant with existing obligations, including those aligned with the European Accessibility Act.</p> <p>We support accessibility in principle. However:</p> <ul style="list-style-type: none"> • Overly prescriptive requirements risk forcing re-design of otherwise accessible interfaces. • Where voice functionality is implemented voluntarily, this should be recognised positively within

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	<p>overall accessibility assessment rather than mandated.</p> <ul style="list-style-type: none"> • Additionally, it is important to note that not all visuals are relevant or provide a unique source of information. In many cases, the image is not needed for the provision of the service itself. Requiring alternative text or descriptions for purely decorative or redundant images imposes unnecessary compliance burdens without enhancing accessibility for users. <p>We encourage alignment with existing international and EU accessibility frameworks to avoid UK-specific divergence that increases cost and fragmentation.</p> <p>Several members confirm that their operating systems already meet or exceed the proposed accessibility requirements, including non-visual guidance, magnification, and contrast controls. They caution that introducing UK-specific or overly prescriptive design mandates risks diverting engineering effort away from continuous accessibility improvements and towards compliance-driven UI redesign, with limited incremental benefit for users.</p>
<p>Question 8: Do you agree with our proposal on text and image enlargement, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>The Code should require that appropriate UI elements be capable of enlargement, not “any” element. Certain visual components are not technically suitable for enlargement.</p>
<p>Question 9: Do you agree with our proposal on distinguishable text and images, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We encourage alignment with existing international and EU accessibility frameworks to avoid UK-specific divergence that increases cost and fragmentation.</p>
<p>Question 10: Do you agree with our proposal on information on accessibility features, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We support making information about the platform’s own accessibility features easily discoverable, consistent with the EAA, but third-party providers should remain responsible for their own accessibility documentation.</p>

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<p>Question 11: Do you agree with our proposal on labelling of accessible content, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We broadly support the objective of improving information about accessible content. However, we caution against overestimating its impact. Evidence suggests many users with disabilities consume content beyond their specific access requirements.</p> <p>Implementation must account for technical complexity where multiple providers offer varying accessibility services for the same programme. In particular, a prescriptive approach creates significant technical burdens for platforms aggregating third-party content, requires maintaining accessibility metadata that may not be consistently provided by content owners, and goes beyond the EU requirement under EAA. Therefore, we propose alignment with the EAA's approach: ensuring accessibility information is available through accessible EPGs without mandating specific programme-level labelling formats that may impose disproportionate compliance costs.</p>
<p>Question 12: Do you agree with our proposal on enabling use of the available accessibility features, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>The proposal lacks clarity and risks duplicating other accessibility provisions. We note that established industry initiatives, such as the DTG Usability and Accessibility Guidelines (DTG U&A), already provide a robust framework developed over many years to support accessible broadcast products. Rather than duplicating existing effort, these standards should be recognised and leveraged as they continue to inform and underpin accessibility in IP-based television platforms. Additional prescriptive layers appear unnecessary without clear evidence of systemic failure.</p> <p>We request clearer articulation of the policy objective and expected outcomes, provided this does not give rise to any expansion of the regulatory framework or additional prescriptive obligations.</p>
<p>Question 13: Do you have any views or evidence on the effectiveness or impact of any other actions in relation to making use of the RTSS and find-</p>	<p>Confidential? – N</p> <p>No answer submitted.</p>

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ing/making use of accessible programming? Please provide your reasoning, and if possible, any supporting evidence.	
<p>Question 14: Do you agree with our proposed draft Guidance, and our assessment of its associated impacts? Please provide your reasoning and, where relevant, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We strongly object to paragraph 5.40¹, which suggests that PSBs may charge RTSSs for access to linear IPTV streams.</p> <p>This represents a fundamental red line for manufacturers. For decades, PSB linear services have operated under a paradigm of open access. There is nothing in the Media Act 2024 that supports enabling PSBs to impose carriage charges selectively.</p> <p>If PSBs provide streams to platforms such as Freely, Sky or Virgin, equivalent access must be available to all RTSSs on fair and non-discriminatory terms. Allowing charging or selective access would distort the UK market and undermine competition.</p> <p>We urge Ofcom to remove this provision.</p>
<p>Question 15: Do you agree with the assessment of the combined impact of our proposals when considered as a package? Please provide any relevant evidence that supports your position.</p>	<p>Confidential? – N</p> <p>No – across all proposals, several systemic risks emerge:</p> <ul style="list-style-type: none"> • Fragmentation of user experience due to vertical app-based silos and proprietary arrangements. • Increased implementation complexity and compliance costs, particularly for smaller manufacturers. • Reduced innovation in UI design and device development.

¹ <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/197515-prominence-and-accessibility-on-connected-tv-platforms/main-docs/consultation---prominence-and-accessibility-on-connected-tv-platforms.pdf?v=410792> (p94)

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	<ul style="list-style-type: none"> • Distortion of competition through asymmetrical access to PSB IP streams. • Misalignment between regulatory intervention and actual audience behaviour. <p>Policy must remain genuinely audience-centred. Audiences seek seamless, simple access to content — PSB and non-PSB alike — not complex regulatory constructs embedded within UI architecture.</p> <p>Open, interoperable standards for IP linear delivery and metadata are the necessary foundation for preserving universality in the transition from DTT to IP-based systems. Without such standards, prominence obligations risk operating in isolation from technological reality.</p> <p>Finally, Ofcom’s statutory growth duty, alongside the Government’s wider focus on promoting economic growth, requires that regulatory interventions are assessed with clear regard to their impact on investment and business. In this context, Ofcom’s acknowledgement that the proposed measures could impose costs running into “millions of pounds” appears disproportionate, and potentially understated, underscoring the need for a more robust assessment of the impact on industry and growth in line with the Government’s own stated objectives.</p>
<p>Question 16: Do you agree that 12 months is a reasonable period for all providers to bring themselves into compliance? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>No, our members consider the implementation timelines unrealistic given the technical complexity involved, particularly where changes would need to cascade through specifications, data pipelines, and third-party integrations. Of particular concern is how the application of new regulatory requirements to devices already on the market would work in practice, and the implications for operating system updates.</p> <p>A further point we wish to make as relating to the BBC Charter Renewal process which is ongoing, and that is that any future changes arising from the BBC Charter Review, particularly those that may increase the commercialisation of the BBC’s revenue streams, should be kept under review, with consideration given in due course to whether the current prominence regime remains appropriate in that context, and in this proposed timeframe.</p>

