

RADIOCENTRE RESPONSE TO OFCOM CONSULTATION ON THE DESIGNATION OF RADIO SELECTION SERVICES: PRINCIPLES AND METHODS FOR OFCOM'S RECOMMENDATIONS

SUMMARY

1. Radiocentre welcomes the opportunity to respond to Ofcom's consultation¹ on the designation of Radio Selection Services (RSS). The entire UK radio industry supports Part 6 of the Media Act which will safeguard the future of radio on voice-activated devices, like smart speakers.
2. We broadly agree with Ofcom's proposed principles and methods for designation recommendations. However, we would encourage Ofcom to establish a new regulatory framework that is effective and future-proof in a context where voice assistant (VA) technology is undergoing rapid changes.
3. The Media Act is the first piece of media-specific legislation in over 20 years. Given the time it has taken to get this vital piece of legislation in place, it is crucial that Ofcom gets the underpinning regulatory regime right.
4. Ofcom should therefore adopt an approach that is adaptable, including regular reviews to ensure the framework remains relevant and effective in the face of technological developments. This is particularly important at a time when the integration of AI into VAs is on the cusp of dramatically improving functionality and could potentially bring new entrants into the market. It is notable that there are already two new AI powered VAs (Gemini and Alexa+) from major platforms that are not captured in Ofcom's Voice Assistant Brands Research² from September 2024.
5. Ofcom should also consider the potential impact of market fragmentation on its regulatory framework and assess how this will affect thresholds for significance. A more fragmented VA market risks leaving a significant portion of radio listening across multiple smaller platforms vulnerable to harmful gatekeeping behaviours.
6. In addition to ensuring that the regulatory regime that underpins the designation of radio selection services is fit for purpose and future-proof as possible, it is vital that the enforcement regime allows Ofcom to realise the principles and objectives that the Media Act set out to achieve.
7. The commercial radio industry looks forward to working closely with Ofcom as it progresses with its implementation of Part 6 of the Media Act, and we welcome opportunities to share our expertise and insight to support the development of this new regulatory framework.

¹ [Designation of Radio Selection Services](#), Principles and methods for Ofcom's recommendations, February 2025

² Figure 3 [Consultation: Designation of Radio Selection Services - Principles and Methods for Ofcom's Recommendations](#)

8. For the avoidance of doubt, we consider the following voice assistant platforms should be actively considered by Ofcom for designation:

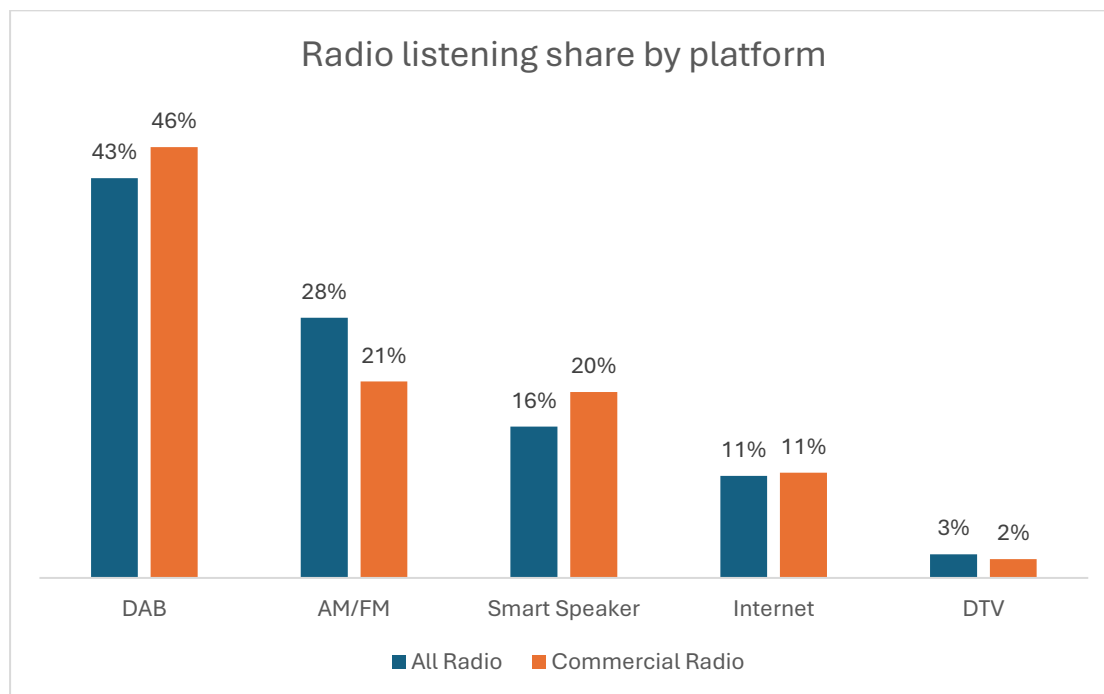
- Amazon’s Alexa (including Alexa+ and the associated white label voice assistant platform ‘Alexa Custom Assistant’³)
- Google Assistant (alongside the newer LLM-based Google Gemini)
- Apple’s Siri (including within the Apple Intelligence ecosystem)
- Samsung’s Bixby (and any future iterations such as potential LLM upgrades along the lines of previously mentioned voice assistants)
- Any white-labelled or other version of these voice assistants on different platforms such as in-car voice assistants or smart TV voice assistants powered by one of the above.

BACKGROUND

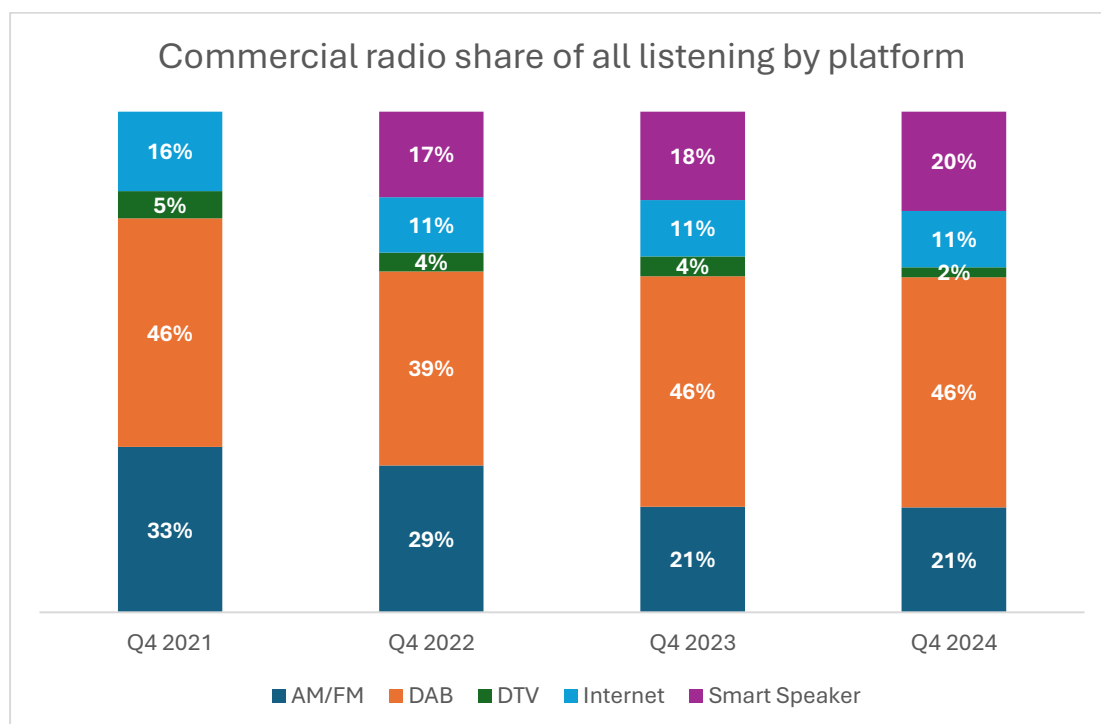
9. Radiocentre supports Part 6 of the Media Act. The safeguards enshrined in legislation are critical for the future of UK radio on VA platforms and connected devices, like smart speakers and connected car infotainment systems, which are the fastest growing platforms for radio distribution.
10. Radio in the UK remains an important and powerful medium. UK radio listeners are well served by a diverse mix of national, regional and local broadcasters, from commercial radio and the BBC, with 9 out of 10 of the adult population tuning in every week. Radio broadcasters make a significant public value contribution by providing listeners with a broad mix of music, trusted news, entertainment and companionship.
11. Commercial radio alone has 40 million listeners and is one of the UK's largest providers of news and information, broadcasting over 10,000 news bulletins weekly. The sector is also a significant contributor to the creative economy. Commercial radio is estimated to provide £683 million GVA to the UK economy, as well as supporting 12,340 jobs.
12. In supporting the provisions in the Media Act, parliament recognised the significant public value provided by broadcasters and the need for a new regulatory framework to safeguard against the risk that tech platforms, which play an increasingly important role in the distribution of UK radio services, may seek to exploit their powerful position and engage in anti-competitive gatekeeping behaviours.
13. Part 6 will help to guarantee access to UK radio services on the major voice-activated smart speaker platforms and voice-activated systems in connected cars. This is vital as online listening to radio is growing rapidly and has more than doubled since 2019 to a record high of 27%. Crucially, over half of this online listening growth (16%) is through smart speakers powered by VAs like Amazon’s Alexa or Google Assistant.
14. This transformation is even more pronounced for commercial radio with the share of online listening now at 31%. Smart speaker listening to commercial radio is currently on

³ This is particularly important for radio in cars, where automotive manufacturers like [BMW](#) and [Fiat Chrysler](#) are using Alexa Custom Assistant to power their in car VAs.

a par with traditional AM/FM broadcast listening and now accounts for a fifth of all commercial radio listening hours. This shift underscores the urgent need for a new regulatory framework that reflects rapidly changing listening habits.



Source: RAJAR Q4 2024



Source: RAJAR

Note: RAJAR only started recording smart speakers as a separate listening platform in Q1 2022 and so it is not accounted for in Q4 2021.

15. Tech platforms are important partners for radio. However, as listening habits shift and radio's reliance on these platforms deepens, the inherent risk of an abuse of power in the market significantly increases.
16. Without the Part 6 safeguards, tech platforms would be free to engage in practices that could severely threaten the future viability of UK radio. This includes charging for distribution, actively pushing listeners to their own radio-like services, or inserting their own advertising spots into UK radio streams.

FUTURE-PROOFING

17. Future-proofing this regulation is paramount in a rapidly changing market. VA technology is being supercharged with AI integration – for example, Amazon announced its new AI-powered Alexa+ on 26 February⁴ 2025 and Google is now integrating Gemini into its smart home products⁵. The audio landscape is constantly evolving, so it is essential that Ofcom establishes appropriate principles and methods for designation that are able to keep up with future market developments.
18. The advent of AI has the potential to fundamentally transform the market for the distribution of UK radio via VAs, offering new opportunities for user interaction and content delivery. However, AI also introduces new risks and complexities, including potential market fragmentation. Ofcom should consider how these changes might affect the market in future – particularly around thresholds for “significant use” as a platform for radio listening.
19. The designation process must be sufficiently robust and forward looking to deliver the original policy intention of Part 6 of the Media Act as VA technology evolves. In practice this would mean being able to designate VAs owned and operated by a single tech platform, even if their market share superficially changes with the deeper integration of AI. It should also include white label or custom VAs that are powered by an underlying VA platform that meets a threshold of significance (for example, Alexa Custom Assistant⁶). This is crucial to prevent a situation where a platform might attempt to circumvent regulation and remain out of scope by artificially segmenting their VA offerings to remain below a threshold for significant usage.
20. Given the rapid pace of advancements in this area, Ofcom should closely monitor developments the voice assistant market, particularly with Large Language Models (LLMs) that could in future become gatekeepers for radio content such as Open AI's ChatGPT, Anthropic's Claude, Microsoft's Copilot.
21. Ofcom should be mindful of technological developments (particularly around Generative AI) that may create regulatory gaps. The consultation document notes⁷ that a voice assistant that serves a user a clickable link, rather than causing a radio station to play,

⁴ [Introducing Alexa+, the next generation of Alexa](#)

⁵ [Google is replacing Google Assistant with Gemini | TechCrunch](#)

⁶ [Amazon Announces Alexa Custom Assistant](#)

⁷ Para 3.10 [Consultation: Designation of Radio Selection Services - Principles and Methods for Ofcom's Recommendations](#)

would not fall within the scope of the existing definition of a RSS. However, the recent launch of Amazon's AI-powered Alexa+, initially exclusive to Echo Show devices, indicates a shift towards a hybrid voice/screen approach. If AI-powered voice assistants are increasingly integrated into screen-based devices, which serve more than one option in response to a spoken request (i.e. 'Play my favourite radio station'), then this may fall outside the scope of the new regulatory framework. This development could therefore raise a significant self-preferencing risk, with platforms free to offer up their own competing radio-like music or podcast services. Ofcom should monitor market developments to ensure that the original policy intention (to safeguard access to UK radio on connected devices) is upheld.

22. Ofcom should also ensure that the methodology for calculating whether a threshold for "significant use" is met is *technology neutral*. It should therefore cover all the ways that audio content is served to users. For example, radio services which are protected by Part 6 of the Media Act which rely on voice assistants to reach audiences are not only those that have gone through a certification process (i.e. a process whereby the radio service provider has designed an app specifically for a voice assistant). This is not the only way audio content is distributed through voice assistants. For example, virtual assistants can also scrape audio content from URLs. To measure radio listening only via the former mechanism would be too narrow. The European Commission regrettably took this approach when interpreting the criteria for quantitative designation under the EU Digital Markets Act, and Ofcom should avoid falling into such methodological traps.

QUESTIONS

Q1. Do you agree with our proposed principles and methods for assessing the number of members of the public using an RSS to listen to internet radio services and the manner in which they use the RSS?

23. We broadly agree with Ofcom's proposed principles and methods for assessing the number of members of the public using an RSS to listen to the radio and the manner in which they use it.
24. Given that the regulation concerns radio listening, it is logical and appropriate to focus on the number of people using a RSS to listen to radio services (rather than using it to control a smart home device, alarm or timer). However, we would encourage Ofcom not to give this point a disproportionate significance. Ofcom can safely assume that a voice assistant with a significant number of overall users also has a significant number of radio users (assuming a sensible threshold is used for the definition of "significant"). According to the latest RAJAR MIDAS⁸ the vast majority (72%) of audio listening on a smart speaker is to live radio, and a user that is not currently listening to radio today may well start to do so tomorrow. There is no reason to believe that certain voice assistants are not often used for radio, or that the percentage of radio listeners differs widely between voice assistants.

⁸ RAJAR MIDAS Winter 2024

25. We agree that Ofcom should be drawing on robust and reliable data to provide an objective and evidence-based foundation for designation recommendations. This is essential for ensuring fair and transparent recommendations for designation.
26. It is worth highlighting that RAJAR does provide relevant public data on the number of people listening to radio via smart speakers. RAJAR has included smart speakers as a separate listening platform since Q1 2022. This provides a recognised and trusted industry standard for audience measurement across all radio distribution platforms. However, we recognise that this smart speaker data does not breakdown listening by individual VA platforms.
27. While we agree with Ofcom that certain aspects of the ‘manner of use’⁹, such as how often listeners are using a RSS and where the listening is taking place (relevant for understanding significance in specific contexts like ‘in-car’ listening), are pertinent and provide useful contextual information, it is not *prima facie* clear why the length of listening sessions is relevant to the core designation.
28. The policy intention behind the regulations in Part 6 is very clearly to target situations where the selection of an internet radio service is carried out – and crucially, *controlled* – by a VA platform in direct response to a voice command from the user. This means that the delivery of the radio service is intermediated by the VA and then served as a single result to the user. The risk arises precisely because the radio service that is surfaced is presented as a single, pre-selected result (rather than a list of results, as would be the case with a typical internet search). This effectively removes agency from the user in the radio selection process.
29. Provided that a significant number of users are demonstrably using a given platform to ask for radio services to be delivered via voice command, it should not be materially relevant how long individual listening sessions last.¹⁰ Whether someone listens for 5 minutes or for an hour does not alter the fundamental fact that they are relying on the platform’s VA functionality to access radio content. This reliance on the VA, and thus the potential for harmful gatekeeping behaviour, is the core risk the regulation is designed to address.

SQ. We welcome views on the potential sources of data we are considering using in our first report to assess number of users and manner of use.

30. We support Ofcom’s intention to use a combination of audience-derived data and industry-derived data – this is likely to provide a comprehensive understanding of the market. RAJAR and streaming data sets are two distinct ways of measuring radio listening, each with its own benefits for the purpose of assessing the number of people using a RSS to listen to radio.

⁹ Para 4.9 [Consultation: Designation of Radio Selection Services - Principles and Methods for Ofcom's Recommendations](#)

¹⁰ It is also worth noting that there are different thresholds for measuring use of digital services compared with audience measurement like RAJAR. The former often identify users based on a few seconds of a viewing or listening session, whereas RAJAR measures radio listening session in 5 minute blocks.

- **RAJAR** is a well-established, research-based measurement system that primarily uses listener diaries and surveys to collect data on radio listening habits, alongside passive data sources – including noting the device used and the location (home, work, car). It provides a comprehensive view of radio listening across different platforms (including smart speaker listening) and demographics. It is considered the gold standard for audience measurement and the only way that UK stations can be properly compared to each other.
- **Streaming data** directly measures online listening volume in real-time. It measures connections to individual streams of a radio station's output. Streaming data can register the stream's location and duration. It can therefore provide immediate feedback on listening trends, but it doesn't capture the full picture of radio listening, as it only measures unique users/accounts attached to a stream rather than the total number of listeners (for example a family of five could be listening to a single smart speaker stream). Also, such data would be incomplete as a proportion of voice requests are not accurately routed, or not routed at all.

31. Using a combination of RAJAR and streaming data sets could provide a more objective and complete measure of the number of people using an RSS to listen to radio. RAJAR's comprehensive data on listening habits, including its ability to capture *all* listeners to a radio stream, can be used to contextualise and interpret the real-time streaming data from broadcasters and tech platforms. Crucially, RAJAR is collected by an external third-party (Ipsos) and so is considered highly trusted and reliable – it is for this reason that it is used as the basis for trading and broader industry comparisons. When making its assessment of users, Ofcom should be transparent about how it is using RAJAR and streaming data to assess user numbers and manner of use in its research.
32. It is worth highlighting that current access to data is inconsistent between different tech platforms. For example, we understand that Google and Apple provide virtually no data at all to broadcasters. Amazon, on the other hand, does provide limited data to broadcasters through their Radio Skills Kit. In light of this data inconsistency, we recommend that Ofcom place a greater emphasis on independent data sources (i.e. RAJAR) rather than unverified data from platforms. Ofcom should be in a position to cross-reference the independent audience data with streaming data provided by platforms and radio broadcasters. Given the asymmetry in data access and transparency between tech platforms and broadcasters, Ofcom should use its investigative powers (via formal requests for information) in order to cross-reference independent audience data with the data provided by the platforms.

Q2. Do you agree with our proposed principles and methods for assessing whether the level of use of an RSS is significant?

33. We agree that Ofcom should set a threshold for significance that is designed to ensure that relevant internet radio services are widely and readily available to audiences across the UK. As noted above with regard to the importance of future-proofing the new regulatory regime, the designation process must be sufficiently robust to uphold the original policy intention of Part 6 of the Media Act as VA technology evolves, providing the

Secretary of State with the ability to designate VAs owned and operated by a single tech platform, even if their market share superficially changes with the deeper integration of AI.

34. We note Ofcom's intention to retain the flexibility to consider justifiable reasons *not* to recommend a RSS that technically meets this threshold – for example, in cases of a demonstrably declining user base where the platform is highly unlikely to remain above the threshold for a reasonable period post-designation. However, we believe it is equally important for Ofcom to consider this in the round. For instance, if a VA platform's market share is in decline, but radio listening on that platform remains significant for a large proportion of users, it should remain in scope for RSS designation.
35. A designation framework based on a snapshot of 'significance' at a certain point in time could quickly become outdated and ineffective. Ofcom should therefore adopt an approach that allows for regular reviews of significance thresholds as the market evolves.
36. Ofcom should clarify its intended process for periodical reviews of its assessment of what is deemed significant. This should include outlining the proposed frequency of these reviews, as well as defining what conditions or triggers might prompt a re-evaluation of designation outside of a periodic review. This is crucial for ensuring the regulation remains fit for purpose. Furthermore, a level playing field is protected by a predictable regulatory regime. In this respect, it will be important for Ofcom to provide more information on the nature and frequency of its reviews. It will also be important for Ofcom to encourage the Secretary of State to designate a newly significant RSS as quickly as possible following an Ofcom review.
37. While the regulation is intended to cover 'significant' platforms, Ofcom must also be mindful of the potential risk of fragmentation, where a number of smaller VA platforms, each perhaps not meeting a threshold of 'significance' when considered in isolation, could collectively constitute a very substantial and significant portion of overall radio listening in certain contexts.
38. This risk is particularly the case for 'in-car' radio listening given the more fragmented nature of the VA market within the automotive sector. For example, some car manufacturers, including BMW, Mercedes-Benz and Mini, have integrated their own proprietary VAs into their cars. Skoda has announced an integration with ChatGPT in its 'Hey Laura' voice control system.¹¹ This is in addition to the VAs in Apple CarPlay and Android Auto which use Siri and Google Assistant (soon to be Gemini) respectively.
39. This fragmentation risk could also apply to the broader smart speaker market in the future, particularly if there are successful new entrants into the market. For example, if advanced AI-powered VAs from major platforms are initially only available on newer devices or put behind a paywall (such as Alexa+); or if new VAs from AI developers like

¹¹ [In-car voice assistants: how do they work and which ones are best? | AutoTrader](#)

OpenAI¹², Anthropic¹³ or Meta¹⁴ become widely incorporated into a range of consumer electronics devices that are used to listen to the radio via voice command (e.g. Meta smart glasses, next-generation smartwatches), the market could become significantly more fragmented.

40. In this scenario, several medium-sized platforms for radio listening might each account for a modest slice of the overall VA market but collectively represent a significant portion of total radio listening. Not designating these platforms could leave a large portion of radio listening exposed to gatekeeping risks. Ofcom should therefore consider how to account for this kind of fragmentation when making recommendations on what constitutes a significant threshold.
41. Fragmentation should be considered within the wider context of the Media Act, where the policy intention is aimed at voice assistant platforms that are used by a significant number of people to listen to radio. We do not expect fragmentation to lead to a scenario where Ofcom is regulating small or emerging VA platforms as a RSS. To avoid this scenario, Ofcom may want to consider the size of the company that is offering the VA service – for example if new VAs are launched they may fall under the new regime if they are offered by large tech companies such as Meta, OpenAI or Anthropic, that have the scale and reach to quickly meet a threshold for significant usage.
42. Finally, Ofcom should also be mindful of significance in relation to particular audience groups. For example, certain demographics could be using a platform at a significant level, but this may not necessarily be captured if the threshold is considered across all adults. For example, older audiences generally listen to radio for longer than younger audiences. In future, should overall radio listening across the population decrease, it is likely that listening amongst older demographics will be resilient and remain significant. Some commercial radio stations, such as Boom Radio which predominantly serves older demographics, have particularly high levels (41%) of smart speaker listening¹⁵ compared to average. Ofcom should therefore take audience demographics into account when it is conducting assessments and setting thresholds for significant usage.

Q3. Do you agree with our proposed principles and methods for assessing any other relevant matters?

43. We agree with Ofcom's proposed principles and methods for assessing any other relevant matters. Deciding on a case-by-case basis is appropriate and necessary, given there is no one-size-fits-all approach to VAs. Tech platforms have taken very different strategic approaches to interoperability with radio broadcasters, as well as very different approaches in the ways in which they surface radio content to users within their respective VA ecosystems.

¹² [ChatGPT can now see, hear, and speak | OpenAI](#)

¹³ [Claude AI's new voice-controlled model may render your mouse and keyboard pointless someday – Firstpost](#)

¹⁴ [Meta accelerates voice-powered AI push](#)

¹⁵ RAJAR Q4 2024

44. The market is likely to change dramatically over the coming years, with VAs becoming increasingly integrated into a diverse and expanding range of consumer electronics and automotive systems. It is therefore right that Ofcom retains the flexibility to take a considered view of the relevant additional matters at the beginning of each assessment. This will enable Ofcom to reflect evolving market indicators and the ways that significance could manifest in different circumstances.
45. It is important that Ofcom is transparent about what ‘relevant matters’ it will consider in an assessment. Ofcom should also consult with industry to ensure its assessment is informed by relevant data and insight, and genuinely reflective of the market.
46. Should Ofcom deem it necessary to undertake any additional research in order to inform an assessment key stakeholders should be given an opportunity to provide relevant expertise.

Q4. Do you agree with our proposed approach to general principles in our principles and methods statement annex?

47. We broadly agree with Ofcom’s proposed approach to general principles. However, if Ofcom considers it necessary to depart from these principles and methods (A1.20) then it should provide a comprehensive explanation for this change and consult with industry in advance of any changes.

ABOUT RADIOCENTRE

Radiocentre is the industry body for commercial radio. We work on behalf of more than 50 stakeholders who represent over 90% of commercial radio in both listening and revenue.

www.radiocentre.org

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