

Consultation: Assessing the impact of proposed changes to the BBC's public service activities

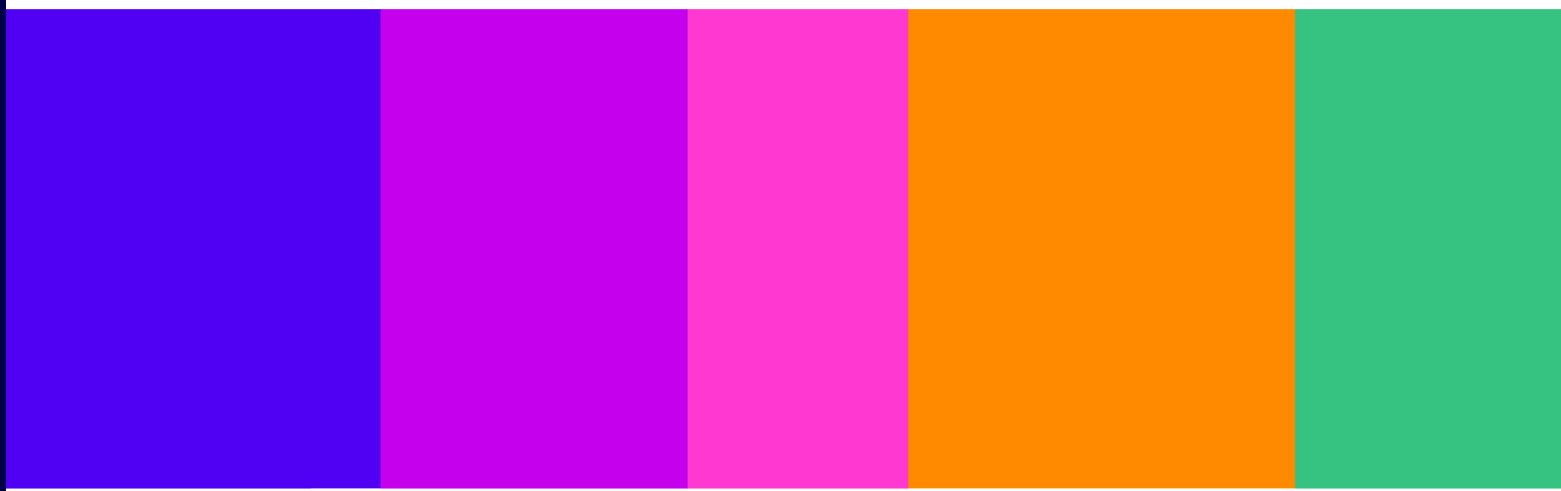
Proposals for changes to our guidance

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Consultation

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1. Overview

- 1.1 In our review of [How Ofcom regulates the BBC](#) published in June 2022 ('June 2022 review'), we reviewed how the market the BBC operates in had changed and considered how regulation needs to evolve to remain fit for purpose.
- 1.2 Our June 2022 review recommended that Government should consider making changes to the Charter and Framework Agreement (the 'Agreement')¹ to give Ofcom more flexibility in its regulatory processes. For example, to enable us to approve a BBC change without conducting a competition assessment, if we agree with the BBC's analysis and it has effectively engaged with stakeholders.
- 1.3 In its [BBC Mid-Term Review 2024](#) ('MTR'), the government agreed with our recommendations. The Government has now published updates to the Agreement which implements these changes.² This document therefore sets out changes that we propose to make to our guidance about how the BBC's competition impact is assessed³ to reflect Government's updates to the Agreement.

What we are consulting on – in brief

We are consulting on the updates we need to make to our guidance in light of changes to the Agreement. Changes we are consulting on are:

- Updates to our guidance to reflect that we can now approve a material BBC change without conducting a BBC Competition Assessment or shorter assessment if we consider that matters have been appropriately addressed under the BBC's public interest test. This includes updates to our guidance on the factors we may take into account in making this decision and how we will engage with stakeholders.
- The removal of references to "new services" being automatically considered a material change.
- Updates to our guidance to reflect that Ofcom can now approve a BBC change with conditions or modifications after undertaking a shorter assessment.

This consultation closes on 24 February 2026.

¹ The [Charter and Agreement](#).

² [Updates to the BBC Framework Agreement December 2025](#)

³ [Guidance for assessing the impact of proposed changes to the BBC's public service activities](#)

2. Background to this consultation

2.1 In this section we:

- Explain how we regulate the BBC's impact on competition, including changes we have recently made to our guidance to promote more transparency and engagement in the regulatory process.
- Explain why we are consulting on further changes to our guidance following the publication of the Updated Agreement between DCMS and the BBC.
- Set out the aims and structure for rest of this document.

Overview of BBC competition regulation

The competition impact of the BBC's public services

- 2.2 The BBC is a large publicly funded organisation which operates across the television, radio and online sectors in the UK. In meeting the requirements set out in the Charter and its Mission and the Public Purposes, the BBC has an impact on competition in the media industry.
- 2.3 The BBC needs to be able adapt its services to continue to reach and remain relevant to audiences, so that it can continue to fulfil its Mission and Public Purposes. Changes the BBC makes which improve existing services or expand the range of its services may be positive for competition by offering more choice, stimulating audience demand or encouraging innovation.
- 2.4 However, if the BBC changes its public services in a way that leads audiences to switch away from commercial services to BBC services, commercial providers' revenues may diminish. This may in turn limit commercial providers' ability to invest in their services, reducing the overall choice, quality and range of content available for UK audiences. We refer to this effect as 'crowding out'.⁴ In some extreme cases, companies may cease providing services altogether, undermining plurality and choice within the UK media sector.
- 2.5 The BBC must seek to avoid adverse impacts on competition that are not necessary for the fulfilment of its Mission and Public Purposes.

Balancing protecting competition with allowing the BBC to adapt and innovate

- 2.6 The BBC operates in sectors which are undergoing significant change. In our 2022 review, we looked in detail at changes in the market and our regulation, and considered whether any changes were required to ensure that regulation remains fit for purpose.
- 2.7 As part of this review, we considered that there could be greater flexibility for the BBC to make changes more rapidly in areas where its impact on competition may have diminished,

⁴ Crowding out is not the only way in which the BBC can harm competition – for example, there is a risk that BBC activity may cause harmful impacts on services elsewhere in the UK media supply chain.

and in areas where the BBC could deliver significant additional public value. Therefore, we made recommendations for changes to the Agreement which looked to improve the efficiency of the regulatory framework whilst retaining sufficient protection against the potential for unjustified competition impacts. The changes Government has made to the Agreement are:

- a) to remove the automatic link between the BBC undertaking a public interest test and Ofcom doing a BBC competition assessment, so that Ofcom can make a determination that the BBC may carry out the proposed change without conducting a competition assessment if Ofcom considers, in accordance with its guidance, that matters have been appropriately addressed under the BBC's public interest test;
- b) enabling Ofcom to approve a change with conditions using a shorter assessment; and
- c) changing the definition of a 'material' change so that new public services are not automatically considered to be material (they would still be subject to the test of whether the change or new service may have a significant adverse impact on fair and effective competition).

2.8 Following our 2022 review, we also consulted on changes to our guidance to encourage more engagement and transparency between the BBC and stakeholders, and to provide more clarity on the regulatory process. In April 2023, we published a statement on [how Ofcom regulates the BBC's impact on competition](#). This set out the changes to our guidance about how the BBC's competition impact is assessed that aimed to encourage more engagement and transparency between the BBC and stakeholders, and to provide more clarity on the regulatory process.

2.9 We have since published our second [Periodic Review](#) of the BBC's performance in the current charter period, covering 2021 to 2025. In Section 4 of the Periodic Review we set out our view that the competition assessment framework has continued to operate effectively (with changes to public services both approved and not permitted in the period); that the BBC had improved transparency and engagement with stakeholders and that the changes we suggested in 2023 to improve flexibility could bring further improvement.

2.10 In January 2024, the government published its Mid-Term Review of the BBC, which set out that it would be implementing the recommendations we made in relation to competition regulation. The Updated Agreement was published on 16 December 2025⁵ and the amendments to the paragraphs relevant to this consultation will come into force six months from the date of publication⁶. In this document we consult on how we should update our guidance to reflect the changes made to the Agreement.

⁵ [Updates to the BBC Framework Agreement December 2025](#)

⁶ Where, in respect of a change, the BBC has begun a PIT assessment under clause 8 of the Framework Agreement published in December 2016 (updated May 2022) prior to the amendments to clauses [10 to 15] coming into force, this will be assessed by the BBC and Ofcom according to the provisions of that previous Framework Agreement.

3. Regulating the competition impact under the Updated Agreement

- 3.1 The Agreement provides two means of addressing competition concerns that might arise out of the BBC's activities: firstly, a means of considering changes to the BBC's activities before they are implemented, and secondly, a means of considering the effect of services on competition on an ongoing basis.
- 3.2 Under the Agreement, the BBC is responsible for assessing whether the proposed changes to its public services may be 'material' (a materiality assessment). Under the Updated Agreement, a change is material if it may have a significant adverse impact on fair and effective competition.
- 3.3 Where a change is material, the BBC conducts an assessment of whether competition impacts are justified by the public value (a public interest test, or 'PIT'). Under the Agreement, Ofcom is also required to assess whether the change is material. Under the Updated Agreement, if we decide it is material then we will consider whether it is appropriate to carry out a competition assessment, or to make a determination that the BBC may carry out the change where we consider, in accordance with our guidance (which this document consults on), that we are satisfied with BBC's PIT process.⁷
- 3.4 Where evidence emerges of harm to competition from ongoing BBC activities, Ofcom has the regulatory tools to address this, using a BBC competition review (BCR). We may carry out a BCR if we have reasonable grounds for believing that the carrying out of a UK public service is having a significant adverse impact on fair and effective competition. As part of a BCR we must assess whether the public value of the relevant activity justifies any adverse impact on fair and effective competition. We may conclude that the BBC can continue the activity, or stipulate that it must make modifications, or continue the activity subject to conditions.

Aims and structure of this document

- 3.5 In this document we consult on our proposals to update our [guidance for assessing the impact of proposed changes to the BBC's public service activities](#), to reflect the Updated Agreement.
- 3.6 In the remainder of this document:
- Section 3 sets out the proposed changes to our guidance.
 - Annex 1 provides the full text of our guidance, setting out the proposed changes.
 - Annex 2 sets out our equality impact assessment.

⁷ While the Agreement does not set out a specific role for Ofcom to review the findings of materiality assessments where the BBC has found that a change is not material, we do have the power to step in and direct the BBC to conduct a PIT if we disagree on materiality.

- Annexes 3 to 6 set out how to respond to this consultation and our consultation process.

4. Proposed changes to the guidance underpinning competition regulation

4.1 In this chapter we set out the key changes we are proposing to make to the guidance, this covers:

- Proposed updates to our guidance to reflect the new option Ofcom has to approve a material BBC change without conducting a competition assessment where we are satisfied with the BBC's PIT, including:
 - Factors we will consider in deciding whether a competition assessment is required;
 - Inviting stakeholder comment on the above decision, and
 - Clarifying when a shorter assessment may still be appropriate, given our new option to not conduct an assessment.
- Proposed changes to reflect the removal of 'new UK public service' from the definition of material.
- Changes we propose to make to reflect that we can now approve a BBC change *with conditions* using a shorter assessment.

We explain our reasoning for the proposals in the following sections. Our proposed changes to the guidance are set out in extracts. Proposed additions to the guidance are **in bold**, and deletions are ~~struck through~~. These proposed revisions are set out in full in the proposed updated guidance document at Annex 1.

Setting out how Ofcom will decide whether a BBC change can be approved without conducting a competition assessment

- 4.2 Under the previous Agreement, Ofcom was required to undertake a BBC Competition Assessment (BCA) or a shorter assessment where the BBC had undertaken a PIT and we agreed that the change is material.
- 4.3 The Updated Agreement will allow us to approve a material BBC change without conducting either a BCA or a shorter assessment where we are satisfied with the BBC's PIT. Where Ofcom decides not to undertake a competition assessment, the Agreement sets out that Ofcom must publish its reasoning for its determination.
- 4.4 The change to the Agreement will provide additional flexibility and reduce the overall length of the regulatory process where the BBC has appropriately assessed the competition and public value impacts of the change and found that any competition impacts are justified. As part of this the BBC will need to effectively engage with stakeholders and appropriately take account of their concerns.
- 4.5 We propose to make several changes to our guidance to reflect how we will approach this new option in our regulatory process, we set these out below.

Factors we will consider when deciding whether further assessment is required

- 4.6 In order to provide more clarity to the BBC and other stakeholders, we think it is important that our guidance sets out the factors we will consider in determining if an assessment is needed. This will include factors related to the BBC's engagement with stakeholders and its assessment. We discuss the factors we propose to consider in more detail below. At 3.34, we set out how we propose to clarify in our guidance when we would still expect a shorter assessment to be appropriate, given our new option not to conduct an assessment.
- 4.7 There is no requirement within the Framework Agreement for us to consult on our determination on whether to undertake a competition assessment. However, we propose to invite stakeholder comment on a determination not to undertake an assessment and set out the proposed process for this below.

BBC's engagement

- 4.8 If we were to allow the BBC to proceed with the implementation of a material change without undertaking a competition assessment, one factor we would need to be satisfied with is the level of engagement that the BBC had undertaken as part of its PIT process. As we set out when proposing changes to the guidance in 2023, effective and meaningful engagement with stakeholders allows the BBC to understand the potential impacts its changes might have and also allows it to consider whether a proposal might be amended to mitigate concerns raised by stakeholders. Where we are considering not undertaking a competition assessment, it will be particularly important that the BBC's engagement and consultation process has been effective as, while we will engage with stakeholders, we will not consult in detail on the BBC's analysis. Therefore, we propose to set out in guidance factors we will consider in deciding whether the BBC has effectively engaged with stakeholders.
- 4.9 For the BBC to be able to properly take into account stakeholder views and be able, where necessary, to mitigate potential competition impacts by making changes to its proposals, it will need to engage at a point where changes to its proposals can be made. Therefore, we propose to consider whether the BBC has engaged with stakeholders at a stage of the process where stakeholders could still meaningfully influence the proposals.
- 4.10 It will also be important for the BBC to engage in a transparent and constructive way as it develops its analysis, and to set out a level of detail in its PIT consultation that means stakeholders are able to engage meaningfully on a proposal (as if we were to allow the BBC to implement a change without undertaking a competition assessment, the PIT consultation is the only opportunity for stakeholders to comment specifically on the BBC's analysis).
- 4.11 We propose adding the following guidance on what we expect to see from the BBC:

4.43 *In deciding whether the BBC may carry out the proposed change without an Ofcom competition assessment we may consider the following list of factors:*

A) *Whether the BBC has engaged with interested parties at a stage where it is still realistic that input could meaningfully influence proposals in a manner which mitigates potential adverse impacts on fair and effective competition.*

B) *Whether it has been transparent with stakeholders about its plans and provided sufficient time and detail to allow third parties to understand the proposal and its*

analysis fully and provide constructive input. This should normally include providing:

- i. Details of the planned changes and timescales for implementation***
 - ii. Analysis of the potential impact on the market***
 - iii. Analysis of the public value***
- 4.44 To inform our decision we will speak with stakeholders to understand the engagement they have had with the BBC, and ensure we are aware of any concerns about the effectiveness of its engagement.***

Consultation question

- 1) Do you agree with our proposals to add guidance on how we will consider the BBC's engagement with stakeholders as a factor in determining whether a competition assessment is required?

BBC's assessment

- 4.12 In deciding whether or not to undertake a competition assessment we will consider whether we agree with the BBC's conclusions in its PIT. In order for us to come to a decision on whether we agree, we would need to be clear about the approach the BBC has taken in its analysis, so we can be satisfied that it has sufficiently considered the relevant issues and that it has come to evidence based conclusions. For us to be able to understand the BBC's approach to its analysis, it is crucial that the BBC to engage with us during its PIT process.
- 4.13 The BBC will need to effectively engage with stakeholders, as mentioned above, and its assessment should reflect the outcomes of this engagement. For example, if stakeholders have raised concerns about potential impacts of a change during engagement, the BBC should consider this in its assessment, and see if it is appropriate to modify its proposals to mitigate any impacts.
- 4.14 It will need to be clear to us that the BBC in its assessment has properly considered the potential competition impacts its proposal may have, and what public value the proposal is likely to deliver.
- 4.15 We will also consider if it would be duplicative for us to undertake our own competition assessment. This does not mean that the BBC analysis needs to reflect everything we might have done in an assessment. Instead, we will be considering whether any additional work we would do would be likely to add further to the conclusions reached by the BBC. We recognise that the BBC may not be able to consider everything we might consider in an assessment, as it might not have access to all the information we do. For instance, stakeholders may choose to not share commercially sensitive information with the BBC. If we receive such information, we will consider whether the inclusion of this information would have been likely to change the outcome of the BBC's PIT. Our decision to undertake a further assessment will take this into account.
- 4.16 We recognise that the BBC has an incentive to reach a positive conclusion of its public interest test, as it will only propose a change it wants to make. Therefore, when we receive a BBC PIT, we look to see whether it has carried out its assessment in a robust and balanced way, objectively assessing the impacts.
- 4.17 We propose to add the following guidance:

- 4.43** *In deciding whether the BBC may carry out the proposed change without further assessment we may consider a range of factors including whether:*
- a)** *We agree with the outcome of the BBC's analysis*
 - b)** *The BBC has engaged with Ofcom during the PIT process so that we understand its approach to its analysis*
 - c)** *The BBC has taken into account stakeholder concerns in its analysis and modified its plans where appropriate*
 - d)** *The standard of the BBC's own work is such that we consider a full assessment would be largely duplicative.*
- 4.45** *The BBC has an incentive to reach a positive conclusion from its public interest test and we would be looking to see evidence that work is appropriately balanced and robust. This may include, for example, full and objective discussion of adverse impacts and limitations in the public value case.*
- 4.46** *We recognise that there may be cases where stakeholders have been unable to share data with the BBC for confidentiality reasons. If we receive this information and it is likely it would have altered the outcome of the analysis, then we would need to consider undertaking a competition assessment. Additional information from stakeholders will not always mean we decide to do a full assessment.*

Consultation question

- 2) Do you agree with our proposals to add guidance on how we will consider the BBC's assessment as a factor in determining whether a competition assessment is required?

Impact of scale of a change

- 4.18 The potential impacts of a change may be a factor we consider when determining whether a competition assessment is needed. We consider that where a BBC proposal has a large and compelling case to provide public value, and the adverse impacts on fair and effective competition are small and necessary relevant to that public value, we would be less likely to need to undertake a competition assessment.
- 4.19 We propose to add the following guidance:

- a)** *Where there is clearly a large and compelling public value case, and the adverse effects on fair and effective competition appear both small and necessary relative to the public value we would be more likely to consider not undertaking a BCA.*

Consultation question

- 3) Do you agree with our proposal to add guidance on how we will consider the impact of the scale of a change?

How we will consider these factors

- 4.20 We have set out above a range of factors we may take into account when deciding whether a competition assessment is required. We do not consider that the BBC will need to have fulfilled our expectations relevant to each of these factors in order for us to not undertake an assessment, nor is the list of factors set out above intended to be exhaustive, there may be others we consider relevant in the circumstances. When considering the factors we will assess them in the round, on a case-by-case basis. There may be times where, in line with

our administrative priorities, we will also need to consider whether we have the resources needed to conduct a competition assessment.

4.47 *To determine that the BBC can carry out a change without further assessment, we would not have to be satisfied that the BBC has fulfilled our expectations relevant to each of these factors. We will consider how it has met them in the round, on a case-by-case basis. There may also be instances where it is appropriate for us to consider whether the resources needed to conduct a full assessment are proportionate to the scale of the proposal.*

Consultation question

4) Do you agree with our proposal to set out in guidance how we will consider a range of factors in determining whether a competition assessment is required for a BBC change?

Inviting comment on a decision not to undertake further assessment

Publishing our provisional determination to not undertake an assessment

4.21 Where we come to a provisional determination that further assessment of a BBC change is not needed, we propose that we will publish this provisional determination and invite stakeholders to comment on this, and plan to set this out in the guidance.

4.22 We expect to engage with relevant stakeholders during the course of a BBC PIT process to understand how the BBC has engaged with them, and so we understand concerns stakeholders may have about a proposal. As mentioned in the section above, this is something we will consider in deciding whether to make a provisional determination to not conduct a competition assessment.

4.23 Publishing and inviting comment on our provisional determination will mean stakeholders still have opportunity to comment on this as part of our regulatory process and raise any concerns about our determination. However, inviting stakeholder comment at this stage will not be intended to duplicate the BBC's engagement and PIT consultation. Where we publish our provisional determination not to undertake an assessment, we will generally be satisfied with the BBC's engagement with stakeholders, and that its assessment has appropriately considered stakeholder concerns. Inviting stakeholder comments on our determination will allow for stakeholders to tell us why they agree or disagree with this determination.

4.36 *We may invite third parties to comment on whether they consider the BBC's published proposals to be material, and **whether either a BCA or shorter** ~~what~~ **further** assessment may be required. **Where we consider that the elements of a BCA have been appropriately addressed in the BBC's public interest test, we will always invite third parties to comment before making a determination that the BBC can carry out the proposed change without an Ofcom competition assessment. If** **Where** we do this, generally we will place a limit of two weeks for third parties to respond.*

Consultation question

5) Do you agree with our proposal to set out, in light of our new option to not undertake a competition assessment, when we will invite third party comment on our determination?

Clarifying when we will now consider conducting a shorter assessment

4.24 As the Agreement now gives us the option to not conduct further assessment where we are satisfied with the BBC's PIT process, we propose to revise our guidance on when a shorter assessment may be appropriate.

4.25 Our current guidance states that where the BBC's PIT adequately addresses all or most issues, a shorter assessment may be appropriate. Now that the Agreement has been updated, if the BBC's PIT has adequately addressed all issues, then it is likely we would consider not conducting an assessment, therefore we need to adjust our guidance to reflect this.

4.26 We propose the following change to our guidance:

4.48 (...) We expect shorter assessments to be potentially appropriate in the following circumstances:

- Where the public interest test carried out by the BBC adequately addresses ~~all (or~~ most} issues (...)

4.27 Similarly, in this section of guidance (4.49), we set out the factors we may take into account when deciding between a BCA and shorter assessment. This states that where the standard of the BBC's work means we consider a full assessment to be duplicative, we may consider running a shorter assessment. As we now have the option to not conduct an assessment, we propose to update this guidance to clarify the factors we would consider in deciding whether a shorter assessment was appropriate.

4.49 In deciding ~~if either which~~ of the assessments above ~~are is most~~ appropriate, we will take into account those factors we consider most relevant in the circumstances. These will vary depending on the facts of the case but may include (without limitation):

- The thoroughness, quality and balance of the BBC's public interest test. A full BCA would involve reviewing the BBC's procedures and the BBC's assessment of the public value, and assessing the adverse impact on fair and effective competition and whether this is justified by public value. **If in general the standard of the BBC's own work is such that we consider a full assessment to be duplicative but there are specific areas that warrant further assessment then we may consider undertaking a this would be a factor in deciding to conduct a more limited** shorter assessment.

Consultation question

6) Do you agree with our proposed revisions to our guidance to clarify when a shorter assessment may be appropriate?

Other changes to our guidance to provide clarity alongside the above proposed additions

4.28 It is apparent to us that the guidance at 4.48 which notes when a shorter assessment may be appropriate could be made clearer since this now needs to be distinguished from instances where we would not expect an assessment to be required.

4.29 The current guidance says that a shorter assessment may be potentially appropriate in the following circumstances:

- Where large parts of the change proposal give little cause for concern but a limited element (e.g., a separable element of a proposal) requires consideration.
- Where the public interest test carried out by the BBC adequately addresses all (or most) issues.

4.30 We consider it may not be clear what the difference in meaning is between these two points, and propose to clarify the guidance as follows to ensure it is clear what we mean⁸:

4.48

(...)

- ~~Where large parts of the change proposal give little cause for concern but a limited element (e.g. a separable element of a proposal) requires consideration.~~
- **Where the public interest test carried out by the BBC adequately addresses most of the issues, *and/or a change proposal generally gives little cause for concern, but a limited element (that may be separable) requires consideration.***

Consultation question

7) Do you agree with our proposed revision to the guidance in order to clarify the text in light of other changes to our guidance?

Removing ‘new public service’ from the definition of what is considered a ‘material’ change

4.31 In June 2022, we recommended to the Government that new BBC services should not automatically be considered ‘material’ changes.⁹ We considered that there may be some instances where new services were unlikely to have a significant adverse impact on fair and effective competition, and therefore should not be subject to a PIT.

4.32 The previous Agreement defined a ‘material’ change as:

- a) the carrying out of any activity as a new UK Public Service; and
- b) any change to a UK Public Service which may have a significant adverse impact on fair and effective competition.

4.33 The Government and the BBC have updated the Agreement to remove ‘the carrying out of any activity as a new UK Public Service’ from the definition of a material change. As such we have updated our guidance to reflect that a change will only be considered material where it may have a significant adverse impact on fair and effective competition.

⁸ Note that current guidance states *where the public interest test carried out by the BBC adequately addresses all (or most) issues*. In this text we have reflected other changes that we propose to make to this piece of guidance due to the change to the Agreement to allow Ofcom the option to not conduct an assessment, as explained at 3.24 – 3.26 of this document.

⁹ Statement: How Ofcom regulates the BBC, paragraphs 6.30-6.31, 22 June 2022

- 4.34 While a new service will no longer automatically be considered material, the BBC will still need to determine whether it may have a significant adverse impact on fair and effective competition and therefore is a material change.
- 4.35 When the BBC publishes a proposed change, Ofcom must first assess whether a change is material.¹⁰ Our guidance sets out a range of factors we will consider when we look at whether a change is material. Currently we do not have a factor relating to the ‘newness’ or ‘novelty’ of a change, as any new service would have been automatically considered material. However, given the changes to the definition of a ‘material change’ we consider that it may be useful for us to include whether the novelty of a change means its impact may be more uncertain as part of the non-exhaustive list of factors we may take into consideration as to whether a change is material. Uncertainty around the impact of a novel change does not necessarily mean it is material, but we would consider whether this uncertainty results in a risk of a significant adverse impact on fair and effective competition.
- 4.36 Our proposed changes are as follows:¹¹
- 4.37 Removing reference to “new UK public services” being automatically material:

~~4.7 — The Agreement is explicit that the introduction of a new UK Public Service will always be deemed “material” and therefore subject to a public interest test as set out below.~~

~~4.7 The BBC may also propose changes to public service activities which are not “new” UK Public Services (i.e. which are new non-service activities, or changes to existing UK Public Services or non-service activities). To determine whether these proposed changes are “material”, the BBC is required to consider whether the change “may have a significant adverse impact on fair and effective competition”.~~

~~4.40 In relation to materiality, the introduction of a “new UK Public Service” should be reasonably easy to identify. The situation is more complex for other changes, where we will consider whether they proposed changes “may have a significant adverse impact on fair and effective competition”.~~

~~4.48 If we conclude a further assessment is appropriate, the two options available to us would be:~~

- ~~- BCA. (...)~~
- ~~- Shorter competition assessment. (...). We expect shorter assessments to be potentially appropriate in the following circumstances:~~
- ~~- Where an Ofcom procedure is technically required because the BBC’s proposal concerns a new UK public service, but no real competition issues can be identified.~~

- 4.38 Adding guidance around how we might consider ‘novelty’ of a change as part of whether a change “may have a significant adverse impact on fair and effective competition”:

¹⁰ For material changes, the BBC is required to carry out a PIT on the ‘proposed changed’. If the BBC determine that the public interest is satisfied, it will publish the proposed change and send a copy to Ofcom.

¹¹ We are also proposing changes to this section of the guidance due to the change to Clause 9 of the Updated Agreement. This blue box under 3.37 shows all the changes we are proposing to make as part of this consultation, but only the changes relevant to Clause 7 of the Updated Agreement are shown as highlighted or crossed-through text.

4.40 (...) A non-exhaustive list of factors we may take into account when assessing the potential significant adverse impact of a change include:

(...)

- **the novelty of a change and whether that means its impact is more uncertain.**

Consultation question

8) Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 9)?

Setting out the process for Ofcom approving a BBC change with conditions using a shorter assessment

- 4.39 In June 2022, we recommended to the Government that the Agreement should be amended to enable Ofcom to approve a BBC change with conditions using a shorter assessment.¹² Under the previous Agreement, we could only approve a change with conditions or modifications after a BCA.
- 4.40 The Updated Agreement specifies that Ofcom may reach a determination that the BBC may carry out a proposed change in accordance with such modifications to the service, or subject to such conditions, Ofcom consider appropriate, following a shorter assessment.
- 4.41 This allows greater flexibility for Ofcom to take any necessary measures to mitigate competition concerns that are identified in the BBC's PIT without the need to first conduct a full BCA. This would help to remove unnecessary delays to the BBC implementing changes.
- 4.42 It remains the case that we will only be able to block a change after conducting a full BCA.
- 4.43 There are several places in the guidance where we will propose new text to reflect this change. We have set out below an example of our proposed changes. The full proposed changes to our guidance can be seen in Annex 1.

4.79 *In the case of a shorter assessment, the Agreement does not permit us to determine that the BBC may not carry out the change¹³ ~~or require it to make modifications.~~ However, **in the event that we** ~~if~~ identify issues in the course of a shorter assessment **that mean it is possible that we could come to a view that the BBC may not carry out the change** ~~such means appear likely to be appropriate to resolve the issues identified,~~ we may extend the procedure from a shorter assessment to a BCA.*

2.6 *(...) Clauses 11 and 20 set out the possible outcomes of a BCA or shorter assessment. These are an Ofcom determination that the BBC may carry out the change, that it may not do so, that it may do so only subject to modifications or conditions, or that it must go back and reconsider any element of the public interest test or follow such further procedures as we consider appropriate. We may only block a change ~~or make it conditional~~ following a BCA and not a shorter assessment.*

¹² Statement: How Ofcom regulates the BBC, paragraphs 6.28-6.29, 22 June 2022

¹³ Clause 11(2) of the Updated Agreement in relation to UK Public Services and clause 20(2) in relation to non-service activities.

Consultation question

9) Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 11)?

A1. Guidance for assessing the impact of proposed changes to the BBC's public service activities – proposed changes for consultation

- [Annex 1: proposed updates to Ofcom's Guidance for assessing changes to BBC's public service activities](#)

A2. Impact assessment and Equality impact assessment

Impact assessment

- A2.1 Section 7 of the Communications Act requires us to carry out and publish an assessment of the likely impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom’s activities.
- A2.2 All of the changes we are proposing to make as part of this consultation follow on from the updates to the Agreement, and are to ensure that our guidance text accurately reflects the this. For example, we propose to remove references to “new UK Public Services” being considered automatically material because the Agreement no longer states this to be the case.
- A2.3 As part of this, we are proposing changes to our guidance that look to provide detail on how we will assess BBC changes, in line with the updated Agreement. The impact of this will be greater transparency for stakeholders about our process. This is positive as it means that businesses operating in the market will have more clarity on how Ofcom will consider proposed BBC changes, and a better understanding of what to expect from and how to engage with our process.

Equality impact assessment

- A2.4 Section 149 of the Equality Act 2010 (the “2010 Act”) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A2.5 Section 75 of the Northern Ireland Act 1998 (the “1998 Act”) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom’s Revised Northern Ireland Equality Scheme¹⁴ explains how we comply with our statutory duties under the 1998 Act.
- A2.6 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics, and in particular, whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- A2.7 We have not considered it necessary to carry out separate EIAs in relation to race or sex equality, or equality schemes under the Northern Ireland and Disability Equality Schemes.

¹⁴ Available at: https://www.ofcom.org.uk/data/assets/pdf_file/0023/123737/Revised-NI-Equality-Scheme.pdf

This is because we anticipate that our proposed changes to our guidance on the assessment of competition impacts from changes to the BBC's public services will not have a differential impact on people of different sexes, or ethnicities, consumers with protected characteristics in Northern Ireland or disabled consumers, compared to consumers in general.

- A2.8 We have not identified any potential negative impacts on any groups sharing protected characteristics that are directly linked or relevant to our specific proposals.
- A2.9 Our proposals concern how the competition impacts of changes to BBC services are assessed. The nature of any real-world impacts on audiences therefore depends on the specific changes that the BBC may propose, and how our framework is applied to those changes (which may or may not be of relevance to any groups sharing protected characteristics).
- A2.10 We consider that, in general, our proposals should have an over-arching positive impact on the BBC's ability to continue to deliver its Mission and Public Purposes for all audiences, including those from groups sharing protected characteristics, while ensuring that all audiences continue to benefit from fair and effective competition in the sectors in which the BBC operates.

A3. Responding to this consultation

How to respond

- A3.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 24 February 2026.
- A3.2 You can download a response form from [here](#). You can return this by email or post to the address provided in the response form.
- A3.3 If your response is a large file, or has supporting charts, tables or other data, please email it to BBCCompetitionConsultation@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 31 March 2026.
- A3.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Content Policy Development
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A3.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A3.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A3.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A3.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A3.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 6. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A3.10 If you want to discuss the issues and questions raised in this consultation, please contact by email to BBCCompetitionConsultation@ofcom.org.uk.

Confidentiality

- A3.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A3.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A3.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A3.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A3.16 Following this consultation period, Ofcom plans to publish a statement in Q2 2026.
- A3.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A3.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 4.
- A3.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A3.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
- A3.21 Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A4. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A4.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A4.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A4.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A4.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A4.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A4.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A4.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A5. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- Nothing
- Name/contact details/job title
- Whole response
- Organisation
- Part of the response

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes No

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A6. Consultation questions

Question 1: Do you agree with our proposals to add guidance on how we will consider the BBC's engagement with stakeholder as a factor in determining whether a competition is required?

Question 2: Do you agree with our proposals to add guidance on how we will consider the BBC's assessment as a factor in determining whether a competition is required?

Question 3: Do you agree with our proposal to add guidance on how we will consider the impact of the scale of a change?

Question 4: Do you agree with our proposal to set out in guidance how we will consider a range of factors in determining whether a competition assessment is required for a BBC change?

Question 5: Do you agree with our proposal to set out, in light of our new option to not undertake a competition assessment, when we will invite third party comment on our determination?

Question 6: Do you agree with our proposed revisions to our guidance to clarify when a shorter assessment may be appropriate?

Question 7: Do you agree with our proposed revision to the guidance in order to clarify the text in light of other changes to our guidance?

Question 8: Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 9)?

Question 9: Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 11)?