

The regulation of Electronic Programme Guides

Electronic programme guides (or 'EPGs') are a very convenient way for viewers to choose the television programmes they want to see. EPGs give details of programme listings on the television screen. Viewers looking at the EPG can click on the channel they want to watch, and go direct to that channel.

EPGs are available for most multi-channel television services, including Sky, Freeview and the digital cable services provided by NTL and Telewest. All these services are broadcast in digital form, and can be used with an EPG. Television services broadcast in analogue form (such as those received through an aerial without a set top box, or through an analogue cable service) cannot be used with an EPG. Because digital multi-channel services become more popular than analogue services, EPGs are becoming a more important way for viewers to select the television programmes they want to see.

Because of this, Parliament has asked Ofcom to make certain rules for companies providing EPGs. The consultation document Ofcom has published on its website explains what rules it proposes to make. This summary explains briefly what those rules would require, and why.

First, Ofcom wants BSkyB, which provides the EPG for the Sky multi-channel service, to allow any television service which wants it to have a listing on the Sky EPG. BSkyB must also offer to treat that service fairly and reasonably, and it must not treat it differently than other television services without a good reason. This means that viewers would be able to use the Sky EPG to access any channel that had paid for a listing on the EPG, even if it was not part of a Sky package. There are many satellite channels that can be received by Sky subscribers, but which are not part of any Sky package. If those channels could not get listings on the Sky EPG, it would be very difficult for viewers to find them. This would be inconvenient for viewers. It would also be difficult for the channels to compete fairly with other channels that were shown on the Sky EPG.

We do not think that this rule would be unfair to BSkyB – we are simply proposing to continue rules similar to those which have been applied for several years. Any television channel that wants to be included in the EPG will still have to pay BSkyB a fair sum of money. We do not think that it is necessary to apply similar rules to companies providing EPGs on Freeview or on cable services. The reason is that all the television services on Freeview or cable are part of the packages offered by Freeview and the cable companies.

Second, we are publishing a draft code that will tell all EPG providers what they must do in order to comply with the law. Parliament has decided that all public service channels (the BBC's public services, ITV 1, Channel 4, Five and S4C) should be given 'appropriate prominence' on EPGs. It is up to Ofcom to decide what this means. We think that there are different ways in which this could be done. For example, one EPG might choose to show channels in list form, and place public service channels at or near the top of the list. Other EPGs might choose to display channels in 'tile' form, in which case public service channels might appear in the centre. For these reasons, Ofcom believes that it is sensible for EPG providers to make their own judgements, and for Ofcom to intervene only if there are complaints, or if it is not happy with the way public service channels are displayed. The draft code says that, in these cases, Ofcom would expect the EPG provider to have rules that explained properly how public service channels were treated in comparison to other channels. It would also consider whether public service channels were displayed in the way viewers would expect. Finally, EPG providers would have to ensure that viewers could get access to the public service

channel appropriate for their region (e.g. BBC 1 Scotland in Scotland) by going to the main listing for the channel in the EPG.

Parliament has also decided that people who have difficulties with hearing or seeing should be able to use EPGs in the same way as everybody else, to the extent that is practicable. This means that EPG providers will have to make some changes now. As technology improves, we shall ask EPG providers to make more changes, so that it will become easier for disabled people to use EPGs. For the time being, we want EPG providers to make clear which programmes come with subtitling, signing or audio description – an extra soundtrack in which a narrator describes events for people who are blind or who have difficulty for seeing.

Those groups representing the interests of people who have difficulties with hearing or seeing have told us that large numbers of people do not know that there are many programmes with subtitling, signing and audio description. We call these services ‘television access services’. Because of this, Ofcom wants EPG providers to do more to advertise the availability of these services on their EPGs, websites and in newspapers, magazines and other media used by people with hearing and seeing difficulties. We do not believe that this will cost EPG providers a lot of money. On the other hand, we do think that it will help people with hearing and seeing difficulties to understand and enjoy television programmes. We have published separate proposals (‘Consultation on the draft code on television access services’) which would require television channels to give EPG providers accurate and timely information about which programmes come with television access services. You can read about these proposals on our website.

Finally, Ofcom wants EPG providers to treat the channels listed on their services fairly and reasonably, and no differently than other television services without a good reason. Without such a rule, we think that there is a risk that some television services might be charged more money, or be given worse treatment, than would be justified by the circumstances. This might make it difficult for those television services to compete fairly against television services with more favourable treatment. We believe that this is a reasonable rule, and that it should not make a big impact upon EPG providers. Most of them have been subject to similar rules applied by the Independent Television Commission, from which Ofcom has now taken over.

We are now asking anyone who has views on our proposals to tell us what they think. These proposals will be of particular interest to EPG providers, to television services and to people who have difficulty hearing or seeing, or both. You can find copies of this summary (and the consultation document) on our website. You can also get a Braille or taped copy by contacting us in any of the ways described below.

If you want to let us have your views, please do so by 25 March 2004. You can contact us in any of the following ways:

- By visiting our website, www.ofcom.org.uk
- By emailing us at peter.bourton@ofcom.org.uk
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