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Siobhan Walsh,
Director, Content and Media Policy,
Ofcom,
Riverside House,
2a Southwark Bridge Road,
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10 July 2019

Dear Siobhan,

BBC iPlayer Competition Assessment: Consultation on Ofcom's provisional determination

I am writing in response to Ofcom's BBC iPlayer Competition Assessment provisional determination. As we set out in our response to your initial call for evidence, we recognise the market changes the BBC cites in favour of an extension of the iPlayer window. Expectations as to the VOD availability of content associated with the primary licence purchase has significantly expanded; albeit we also believe that the continuation of a healthy secondary market is also critical in limiting the costs of primary licenses and therefore protecting the financial integrity of the PSB ecology. However, we remain of the view that a healthy secondary market is still consistent with the final proposals the BBC has set out in its Public Interest test submission to Ofcom.

We also recognise the importance of Licence Fee payers getting value for money for their licence fee as technology changes. As the BBC has observed, BBC content is already far more accessible for free than it ever was in the pre-digital age. Clearly an extension of iPlayer will enhance that further. This is why we have been supportive of the BBC's proposals for a standard availability of 12 months for content on iPlayer, with a limited number of boxsets and series, and additional availability as set out in the Britbox MOU.

It remains important that any consent for iPlayer doesn't reduce the space which the SVOD offer would realistically need to be viable. Whilst we are optimistic about the potential for a UK SVOD service, there are already enough market challenges that such a service will need to overcome in order to succeed. We have now reached a binding agreement with the BBC enabling us to move forward with the BritBox service. This agreement mitigates our concerns about the BBC's proposed changes to the iPlayer which, if made in isolation, had the potential to negatively impact our current services and to limit the potential of BritBox.

We still remain firmly of the view that the BBC can both develop the iPlayer to meet its own goals and at the same time allow sufficient space for broader growth across the market, increasing choice for UK consumers and supporting UK broadcasters and producers. The launch of BritBox alongside the BBC's iPlayer reforms suggest very exciting times lie ahead for UK broadcasting and PSB in particular.

Yours Sincerely,

A handwritten signature in black ink that reads 'Magnus'.

Magnus Brooke