

## Consultation response form

Question	Your response
<p>Do you have any comments on Ofcom's proposed changes?</p>	<p>1. This is the response of Sky UK Limited (“<b>Sky</b>”) to Ofcom’s consultation on proposed changes to broadcast licence conditions, which Ofcom published on 10 September 2020.</p> <p><b>Non-EPG changes resulting from the Broadcasting (Amendment) (EU Exit) Regulations 2019</b></p> <p>2. Ofcom proposes to insert a new requirement for licensees to “<i>publish or provide recipients of the service with, [...] upon request: [...] (f) the composition of the Licensee’s capital; and (g) the nature, purpose and mode of financing of the programming service the broadcaster is providing or intends to provide.</i>” This new condition reflects an obligation imposed by the European Convention on Transfrontier Television (“<b>ECTT</b>”) on ‘competent authorities’ to make this information generally available on request.</p> <p>3. As this is a new obligation on broadcasters, Ofcom should clarify what information licensees would need to provide on request and the level of detail required. Broadcasters provide Ofcom with significant amounts of information when applying for broadcast licences, including confidential information about shareholders. This information is used by Ofcom for a number of purposes including determining whether the entity applying for the licence is ‘fit and proper’. It would not be appropriate for Ofcom to require broadcasters to disclose this type of information in response to a request from a user for information about the licensee’s ‘capital composition’. Accordingly, Ofcom should also make it clear that licensees will not be required to disclose confidential information to end users as a result of these changes.</p> <p>4. As regards the new proposed condition on ECTT Standards, Sky welcomes Ofcom’s agreement that there is no need for a separate code, and that any new content rules that would need to be complied with by in-scope services should be included in the existing Broadcasting Code. It is important, however, that any such changes to the Broadcasting Code are consulted upon as soon as possible, in order to minimise the risk of confusion.</p> <p><b>Other changes</b></p> <p>5. Ofcom proposes the following amendment of the ‘retention and production of recordings’ condition:</p>

*"The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings, in broadcast quality of the Licensed Service's broadcast output in sound and vision."*

6. Whilst Sky agrees that the copies of recordings that licensees provide to Ofcom should be of sufficient quality to enable Ofcom to assess a complaint about a programme, the proposed wording risks imposing unnecessarily burdensome regulation. It is unclear whether Ofcom intends "broadcast quality" to mean the quality in which a programme is broadcast (e.g. SD, HD, or UHD). Therefore, Sky considers that "broadcast quality" should instead mean "sufficient quality to allow Ofcom to make an adjudication".