

Ofcom broadcasting codes: proposed amendments to the Broadcasting Code and the Code on the Scheduling of Television Advertising

Response of ITV plc

ITV welcomes the opportunity to comment on Ofcom's proposals to amend the Broadcasting Code and the Code on the Scheduling of Television Advertising ("COSTA"). We have shared our response to the Consultation with our fellow Channel Three licensee STV, and they support the comments we make below.

Our response to the specific consultation questions is as follows:

Question 1: Do you consider Ofcom's proposed amendment to the definition of "Hate Speech" in Section Three of the Broadcasting Code reflects appropriately the requirements of the AVMS Directive? If not, please explain why.

We have no specific comments to make on this proposed amendment.

Question 2: Do you consider Ofcom's proposed amendments to Section Nine of the Broadcasting Code reflect appropriately the requirements of the Communications Act, as amended by the AVMS Regulations, and the ECTT? If not, please explain why?

As regards the proposed changes to the Code's rules on product placement, we welcome the replacement of the list of permitted genres of programming in the current Rule 9.6 with the list of prohibited genres in Rules 9.6, 9.7 and 9.12. We believe this is a more permissive approach and creates greater clarity and certainty for broadcasters.

However we have a number of comments on the drafting of the proposed new rules:

- "Religious, consumer affairs and current affairs programmes made before 1 November 2020" (Note to Rule 9.7) – we suggest this should be phrased "programmes the production of which began before 1 November". This wording is consistent with the new Rule 9.12, and otherwise it is not clear whether product placement is permitted in a programme whose production began before 1 November 2020 and which is completed after 1 November.
- The Note relating to the new Rule 9.7 as drafted on page 8 of the Consultation paper does not match the Note as drafted on page 52. The version as set out on page 8 appears to us to be the correct version.
- "Religious, consumer advice or current affairs programmes made under any jurisdiction after 31 October 2020, Rule 9.7(c) applies" (Note to Rule 9.12) – again we suggest this should be phrased "programmes made under any jurisdiction the production of which began after 31 October". This wording is consistent with the Note to the new Rule 9.7.

Also as the whole of Rule 9.7 applies (not just paragraph c)), the “(c)” should be removed.

- Rule 9.12 as drafted on page 53 of the Consultation lists the prohibited genres as IV, V and VI, when Ofcom presumably means I, II and III.

Question 3: Do you consider Ofcom’s proposed amendments to COSTA reflect appropriately the requirements of the ECTT? If not, please explain why?

We have no specific comments to make on these proposed amendments.

Question 4: Do you wish to make any additional comments on the proposed amendments to the Broadcasting Code and/or COSTA? If so, please specify.

No.

18 December 2020