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## **VLV RESPONSE TO OFCOM REVIEW OF PROPOSED INCREASED AMOUNT OF ARCHIVE CONTENT ON BBC IPLAYER**

**November 2022**

## **INFORMATION ABOUT THE VLV**

The Voice of the Listener & Viewer (VLV) is an independent, not for profit membership-based charity, free from political and sectarian affiliations. VLV supports high quality broadcasting which maintains the democratic and cultural traditions of the UK. We support the independence and integrity of the BBC and encourage work which demonstrates commitment to the principles of Public Service Broadcasting (PSB). VLV is a charitable company limited by guarantee (registered in England and Wales No 4407712 - Charity No 1152136).

## **INTRODUCTION**

1. VLV works to represent the interests of citizens in broadcasting policy and it believes that the public value of the BBC's proposals to put more archive content on the iPlayer will be beneficial for citizens.
2. VLV considers that Licence Fee payers have already funded the content in the BBC Archive and therefore they should, when possible, have access to it on the iPlayer, allowing that there are additional costs for distribution and rights payments.
3. VLV believes that removing the current limit on the volume of content the BBC is allowed to provide on the iPlayer represents increased public value for Licence Fee Payers. It will also better enable the BBC to fulfil its Mission and deliver the Public Purposes.
4. VLV agrees with Ofcom's provisional view that the BBC's proposal is not a material change, although we will be interested to read the responses of the BBC's competitors, especially those of the commercial Public Service Broadcasters who may feel the impact of these changes.

**Question 1: Do you agree with the BBC's assessment in the BBC PIT submission about the market impact of the Proposal? If you disagree, please provide any evidence supporting your reasoning.**

5. VLV has reviewed the BBC's assessment in the BBC PIT submission and the additional evidence it has provided which models the potential market impact of its proposals.
6. VLV agrees with the BBC that these proposals will provide significant benefits for Licence Fee Payers: better value for money; a wider range of programmes; potentially better representation of people and places; greater accessibility to BBC programmes; and potentially increased news consumption.
7. Regarding the market impacts of these proposals, VLV does not feel adequately qualified to judge whether the BBC's forecasting will prove to be accurate. However, based on the market impact of the 2019 iPlayer changes, VLV agrees that increasing the amount of archive content on the iPlayer is

unlikely to drive a significant increase in audiences to the platform and therefore have a significant market impact on the BBC's competitors.

**Question 2: Do you agree with Ofcom's initial assessment that the Proposal is not material? If you disagree, please provide any evidence supporting your reasoning.**

8. VLV agrees with Ofcom's initial assessment that the BBC Proposal is not material.
9. While the the evidence provided by the BBC strongly suggests that the impact on individual competitors will be limited, we acknowledge Ofcom's concerns regarding the 'robustness of the results' and agree that 'forward-looking exercises are inherently uncertain'<sup>1</sup>.
10. VLV agrees that the Proposal is unlikely to 'crowd out' commercial activity. We agree with Patrick Barwise's comments made to the BBC PIT that in general terms there is less risk of the BBC crowding out the market because of the real term cuts to BBC public funding since 2010<sup>2</sup>.
11. VLV is reassured by the BBC's response to concerns expressed by stakeholders in the PIT consultation regarding acquisitions. VLV would not welcome a significant increase in acquisitions being made available on the BBC iPlayer.

**Question 3: If you consider that the Proposal is material, please explain whether you consider Ofcom should undertake a BCA or a Shorter Assessment of the Proposal.**

12. VLV does not consider that the Proposal is material.

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<sup>1</sup> *Review of proposed increased amount of archive content on BBC iPlayer*, Ofcom, 19 October 2022, paragraph 2.53

<sup>2</sup> *BBC iPlayer II: Public Interest Teste Submission*, 19 October 2022, paragraph 4.6.2.