



## Comments on BBC iPlayer II: Public Interest Test Consultation

August 2022

TAC represents the independent TV production sector in Wales. We welcome the opportunity to supply some brief comments in response to this consultation.

**Question 1:** What do you think about the potential public value of our proposals for BBC iPlayer content availability, including the extent to which our proposals contribute to the BBC's mission to serve all audiences through the provision of high quality and distinctive output and services which informs, educates and entertains?

(and) **Question 2:** What do you think about the benefit to audiences who watch BBC iPlayer, as well as wider potential social and cultural impacts?

- We recognise that the BBC wishes to make the best use of the iPlayer in order to respond to the audience's expectations and that it gives the public an opportunity to access content they have paid for.
- Nevertheless, it is costly and it is a concern if too much of the BBC's resource is used to fund iPlayer costs at the expense of the BBC's core services and the TV commissioning budget in particular, given the significant cuts the BBC is facing following the recent TV Licence Fee settlement.
- The consultation's statement as follows is of concern:

*"We will make tough choices about titles which may be performing on linear but are not doing enough to drive viewers to on-demand"<sup>1</sup>*

This would appear to be potentially discriminating against those viewers, especially among the older population, who may still view most or all of their content live or via a digital recording box. There will therefore be particular content which could fall foul of this new approach, despite successfully appealing to those specific demographics, therefore that part of the Licence Fee paying audience would not be well served if such content were not re-commissioned on the basis they did not perform well on iPlayer.

**Question 3:** What impact (positive or negative) do you think our proposals for BBC iPlayer might have on fair and effective competition?

(and) **Question 4:** Are there any steps you think we could take to minimise any potential negative effects on fair and effective competition or to promote potential positive impacts?

- Whilst acknowledging that discussions are taking place on the terms of trade between the BBC and PACT in terms of the amount paid to producers for additional rights to place their

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<sup>1</sup> [bbc-iplayer-ii-public-interest-test-consultation.pdf, p13](#)

content on the iPlayer after the first 12 months, the producers must hold onto the right to be able to realise the true value of their content in the UK's secondary market. This often goes towards funding some of the costs of producing the content, when financial proposals for commissioning often leave a gap between the commissioning fee and the actual cost of production. We know that the second use fees on Clic/the iPlayer by S4C do not go close to recovering part of the cost of content production.

- We would like to be clear that the iPlayer should not be available outside the UK at any time – it would destroy the secondary value and be fundamentally contrary to the Terms of Trade.
- There also needs to be further clarity on the relationship between the BBC and BBC Studios (which should be operating as a fully independent commercial company) – the paragraph on page 16 is a concern if it is referring to content from independent companies, or if independent companies are expected to follow this path:

*“Third, we will – via BBC Studios – continue to have commercial arrangements to provide programmes to commercial channels and on-demand services, such as BritBox and UKTV.”<sup>2</sup>*

- Lastly, we would welcome more clarity on whether the BBC will pay any fee to the production companies for the series that will come from the archive. The consultation refers to paying underlying rightsholders such as writers and actors, but does not mention the production companies.

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**[www.tac.cymru](http://www.tac.cymru)**

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<sup>2</sup> [bbc-iplayer-ii-public-interest-test-consultation.pdf](http://bbc-iplayer-ii-public-interest-test-consultation.pdf), p16