RTÉ Response to BBC Consultation on ‘The BBC’s Draft Distribution Policy’

RTÉ welcomes the opportunity to respond to BBC’s consultation on its draft distribution policy which governs how its services are made available to the public.

RTÉ operates a range of services in Ireland, it is a dual-funded public service media organisation funded through a combination of a licence fee and commercial revenues. RTÉ operates in a different legal and regulatory regime to the BBC so while RTÉ is broadly in agreement with the BBC’s draft policy, there would be areas where RTÉ would have different or revised criteria, e.g. in terms of payment/value from third party platforms who carry RTÉ services and content.

Media Landscape and Public Service Media

Media consumers are faced with an unprecedented choice of content, platforms and devices. This is creating a new, radically different and dynamic landscape. The wider choice of content, channels, devices and platforms has driven a surge in media consumption, but in a more fragmented way. Media organisations must transform to remain relevant to younger audiences in particular and must develop new ways to engage audiences and give them access to content.

With the seismic shifts that have occurred in the media landscape and convergence of telecommunications and media organisations on a global scale, consumers are living in a global market where there is more global ownership of media and distribution than ever before. In addition, new platforms such as Google, Amazon and Facebook are increasingly influential on content discovery, news and entertainment among younger audiences in particular, many of whom are foregoing their privacy for access to free content. Brands are also flocking to these platforms to connect with younger demographics and increasing advertising spends are being weighted towards them which presents a challenge for traditional media organisations, publishers and producers of high quality content and journalism.

Media companies have responded by collaborating with platform companies to explore new ways to reach, engage and entertain audiences but these platforms are increasingly the gatekeepers controlling access to content. As organisations of global scale they do not have the same focus on distinctive, high quality local content or command the same levels of trust as public service media, and the source of the content being served to audiences is often unclear.

Against this background, RTÉ, like the BBC and all media organisations, is faced with a huge array of distribution options and challenges as viewers, listeners and users adopt new forms of consumption, and on different devices. In light of technological evolution
and market changes, RTÉ continues to review its policies surrounding the supply of its services and content to platforms and other third parties.

At its core, PSM is integral in democratic societies. It serves to promote and develop cultural awareness; it provides a platform for society to debate and delivers a range and diversity of content and content schedules, which the commercial market may find difficult to justify. Few organisations in the commercial sector could sustain the costs of a newsgathering operation provided by PSM. Public Service Media engages local audiences with valuable national points of reference in a diverse, international media environment. It serves as the national record with independence from commercial and political influence. It promotes shared values and brings large audiences together for shared viewing and listening experiences.

RTÉ is committed to re-imagining public service media so that it works for, and engages, everyone wherever they are. In doing so, we believe that RTÉ should have an ability to negotiate fair value for content with platforms and be compensated for the supply of its services for two reasons: to reflect impairment to its underlying revenue model that can arise from certain forms of distribution, and, to secure fair value from the benefits that accrue to third parties whose business models are enabled or enhanced by access to RTÉ services and content.

This helps RTÉ as a PSM to protect investment in indigenous programmes and content to ensure a future PSM ecosystem that continues to play a key role in a vibrant democracy and society.

**BBC Consultation Principles**

**RTÉ supports the principle of primarily offering services as an aggregated Product or Product(s),** rather than supplying content on a disaggregated basis. By supplying content in aggregated form, audiences benefit from the scheduling and curation of a trusted public service media organisation which has the primary purpose of serving audiences with impartial and trusted news and high quality content. Furthermore in an IP environment, a standard product(s) enables media organisations such as RTÉ and the BBC, to develop direct relationships with audiences and optimise brand attribution and build enhanced features, functionality and experiences based on understanding audience behaviours.

As a public service media organisation, we **support the conditions outlined by the BBC relating to prominence, editorial control, branding and attribution, quality experience and data.** As a general point, when the BBC states that conditions may be applied on a case-by-case basis, it is RTÉ’s view that conditions should not be dropped if a platform cannot comply.

**Prominence and discoverability of PSM services and content is one of the biggest challenges in the emerging media landscape.**
TV platform operators (Sky, Virgin), device manufacturers (Apple, Samsung, LG) and platform owners (Facebook, Google) are increasingly owning the access routes to audiences and controlling the gateway to content and programming. Greater integration between web and TV means the interface on TV devices is like an internet experience with curated content and recommendation engines defining what is displayed on the screen. This moves away from the conventional EPG and disaggregates content from channels and schedules. ‘Featured’ content is increasingly algorithm-based on data the device operator can access about consumers and includes content the operator wants to promote. This threatens the visibility of the EPG and of broadcaster channels and will likely require regulatory intervention if the prominence of publicly supported channels and programming is to be maintained.

Without protection, it is also possible that prominence becomes a valuable commodity which can be bought and sold directly. Commercial content suppliers may be prepared to pay platforms directly for a prominent position in their guides (whether at the top of a programme grid or on the home page in an apps store) or for inclusion in a “recommended” or “featured” list – perhaps to launch new content or to “buy” shelf space for their products. Virgin’s recent EPG consultation suggested that channels with broad rights portfolios would get favourable positioning on the platform. It is RTÉ’s view that PSM prominence should not be tradable. With search and navigation techniques now subject to considerable innovation, public service media channels and content should have appropriate priority and prominence on all platforms, and in all existing and new navigation paradigms regardless of whether they are curated or driven by algorithms. This principle needs to be safeguarded in relevant regulation.

Emerging technology such as voice is a current example of this challenge where voice is being embedded into navigation on existing platforms (e.g. Sky Q remote), in addition to new devices such as connected speakers (e.g. Amazon Echo, Google Home) which are disrupting navigation and discoverability of public service media audio services such as Radio. This raises important questions about prominence in audio-controlled environments, particularly when the environment is controlled by an algorithm and owned by a global platform. RTÉ believes that prominence of PSM content should be safeguarded, in this environment also.

The BBC consultation makes important references to editorial control. Based on the nature of PSM independence and impartiality outlined previously, RTÉ agrees that platforms should not edit PSM content or metadata unless otherwise agreed. In addition, it is crucial that PSM media organisations be responsible for curation of their content when it is presented to users in different interfaces. The same principle applies to brand attribution - if PSM channels, content or programming are presented to users in any interface, RTÉ believes that it should be clearly attributed to the source. This is particularly important in the case of social media where content is often disaggregated.
from a channel or product. Social platforms do not currently provide adequate brand attribution functionality for media organisations in general.

As mentioned earlier, media organisations need access to data to understand audience behaviours and enhance their offerings and user-experiences. **Platforms should supply timely consumption data to media organisations** and should also support secure sign-in for media services on their platform.

RTÉ believes that it is important for PSM and media providers to have measures whereby they can review the supply of services to platforms if a platform deviates from the distribution principles agreed or if a media provider changes its policies for supply of services or content to a platform. In addition RTÉ believes that the duration of deals should be capable of review, subject to applicable law and regulation to facilitate changes related to applicable laws or to enable commercial negotiations.

Finally, like the BBC, RTÉ believes that in certain instances there may be flexibility applied to distribution principles, for example in the case of experimentation with new ways to distribute content which involve partnering with a third party to innovate in an emerging market or with an emerging technology.