

Designation of Television Selection Services

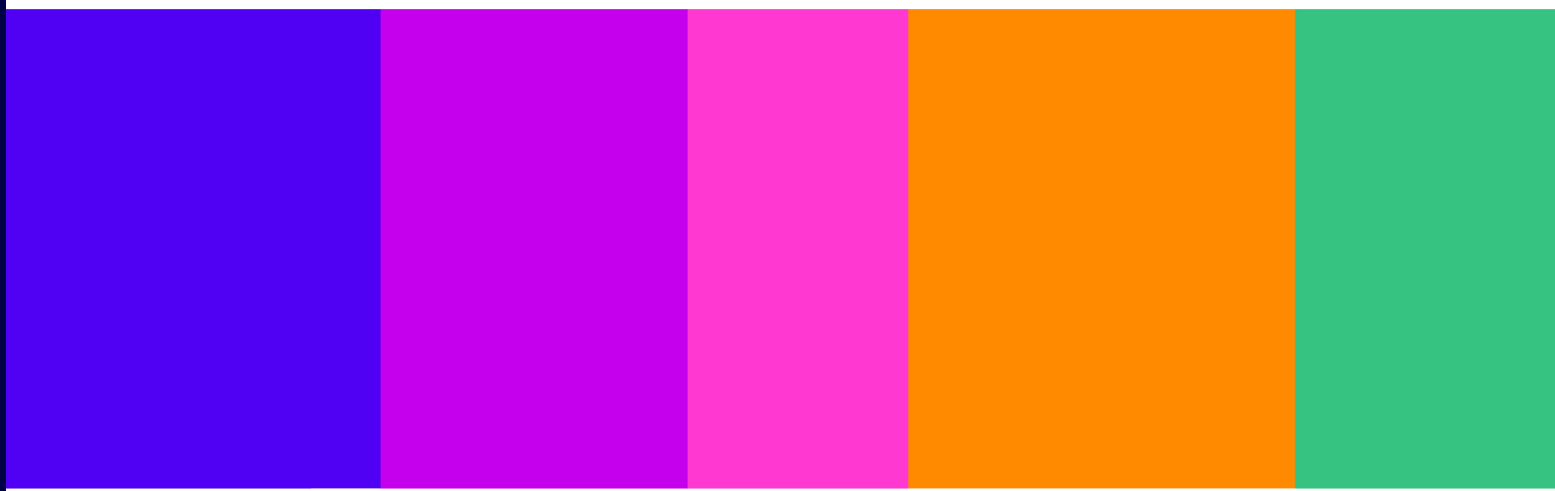
Consultation on our draft report to the
Secretary of State

Consultation

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1. Overview

- 1.1 The Media Act 2024 introduced a new online availability and prominence regime focused on connected TV platforms that enable people to select and access TV players and the programmes provided via those players.¹ Under this regime, connected TV platforms designated by the Secretary of State will be required to ensure that BBC iPlayer,² and any other public service broadcaster ('PSB') TV players designated by Ofcom, along with their public service content, are available, prominent, and easily accessible.
- 1.2 Connected TV platforms that could fall in scope of these new rules are referred to in the legislation as television selection services ('TSS'). Before deciding which services to designate, the Secretary of State must first receive a report from Ofcom setting out our recommendations. In this consultation document, we explain which TSS we propose to recommend for designation and why.
- 1.3 This consultation is structured as follows:
- a) **Section 2** provides background information about the connected TV market, the role which TSS play and how services are designated.
 - b) **Section 3** explains how we have assessed TSS using a set of principles and methods that we finalised, following consultation, in April this year.³
 - c) **Section 4** sets out our draft recommendations.
 - d) **Annexes** provide additional details on the legal framework, the data sources and research underpinning our work and impact assessments.
- 1.4 We welcome responses to this consultation by **16 September 2025**. We plan to publish our finalised report to the Secretary of State later this year, following which they will make regulations to determine which TSS will be regulated TSS ('RTSS').
- 1.5 Although the Secretary of State is responsible for designating TSS, it is Ofcom's duty to determine whether the individual internet programme services ('IPS') of the PSBs meet the criteria for IPS designation set out in the Act. We have published a statement setting out our approach to IPS designation alongside this work.⁴
- 1.6 Later in the year, we will consult on a code of practice setting out how RTSS providers can comply with their prominence and accessibility requirements as well as Guidance for how RTSS providers and providers of designated IPS ('DIPS') can act consistently with the 'agreement objectives' set out in the Act.⁵

¹ The new online availability and prominence regime was introduced by Part 2 of the Media Act, which inserted Part 3A into the Communications Act 2003 ('the Act').

² BBC iPlayer will be automatically designated (section 362AA(1)(a) of the Act).

³ Ofcom, 2025, [Statement of Principles and Methods](#); and Ofcom, 2025, [Designation of Television Selection Services](#).

⁴ Ofcom, 2025, [Designation of Public Service Broadcaster Internet Programme Services: Statement on the methods Ofcom will apply when making our designation decision](#).

⁵ An up-to-date timeline of the implementation process is available on [the Ofcom website](#).

What we are proposing – in brief

In this document, we have applied the principles and methods we set out earlier in the year to identify the TSS which we propose to recommend for designation to the Secretary of State.

We have assessed the number of users of TSS using what we consider to be the best available metric – the number of TSS installed on internet television equipment ('ITE') devices in UK homes that have been actively used in the last year.

Applying this metric, we propose that a TSS must have at least 700,000 active users if it is to be considered to have a significant number of users. We consider that setting a threshold at this level will ensure that public service content is widely available.

We recognise that, for some TSS, multiple versions may be in use. In those cases, we propose that the designations should apply only to the currently available versions of those TSS – i.e. those versions of a TSS available on the market in July 2025 – as well as any future versions made available while the designations are in place. We adopted this approach when setting and applying the threshold.

Finally, we also considered the levels of take-up by different audience groups – which we don't consider to be a significant factor at this time – and whether trends in active use indicated a TSS above the threshold was unlikely to remain so for a reasonable period of time – which applies in one case.

Taking the above into account, **our provisional view is that the following 14 TSS** (plus any future versions of these TSS) should be designated: Amazon Fire TV OS 6, 7 and 8; Android TV 10, 11, 12 and 14; Apple TV OS 18 and 26; Google TV 10, 11, 12 and 14; LG WebOS 25; Roku OS 14; Samsung Smart Hub (Tizen) 8 and 9; Sky Entertainment OS; ⁶ Sky Q; VIDAA OS U6, 7, 8 and 9; Virgin Media Horizon ⁷; Virgin Media TiVo on V6 ITE; YouView on EE TV (Sagemcom ITE); YouView on Sony ITE.

We have based our recommendations on the best available evidence. There are limitations to the available data, so in addition to seeking comments from stakeholders about our approach, we propose to gather additional information to confirm our estimates during the consultation period. We will take full account of the views of stakeholders and any further available information when making our final recommendations to the Secretary of State later this year.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on, and our reasoning are set out in the full document.

⁶ [REDACTED] response dated 09 May 2025).

⁷ [REDACTED], response dated 06 May 2025).

2. Background

The new availability and prominence regime reflects changing viewing habits

- 2.1 The habits of UK viewers have changed significantly over the last decade. People are watching more TV online, driven by the mass take-up of broadband, a range of different video-enabled connected devices, and new platforms and services providing vast on-demand catalogues, including big-budget original programmes. Of the estimated 27.7 million TV households in the UK at the end of 2024, 23.6 million (85%) were connected to the internet via the primary (main) TV set, either through a smart TV or a streaming device.⁸ This is up from 20.2 million (75%) in 2019.
- 2.2 Live TV still plays an important role. In 2024, people spent an average of 1 hour 42 minutes per day watching live TV via broadcast (37 minutes more than the average time spent watching video-on-demand or ‘VoD’ content) and for people aged 75 and over, almost three quarters of their in-home viewing in 2024 was of live TV.⁹
- 2.3 However, as people’s viewing increasingly focusses on online services – including online TV players (described as internet programme services or ‘IPS’ in the Act)¹⁰ – we are seeing rapid declines in viewing via broadcast platforms like digital terrestrial television (‘DTT’) and satellite. Combined viewing of live TV and recordings of broadcast channels fell from an estimated 70% of total in-home TV and video viewing in 2017 to 46% in 2024,¹¹ and is forecast to fall to further, to around 20% by 2030.¹²
- 2.4 By 2024, IPS accounted for around 24% of total viewing, with people spending an average of 1 hour 5 minutes per day watching a range of these services, including subscription VoD services like Netflix, broadcaster VoD services like BBC iPlayer, and free advertising-supported VoD services like Pluto TV.¹³
- 2.5 Many primary TV sets can be used to view both linear broadcast channels and online content, but a growing proportion – around a quarter, or 6.7 million – are not connected to a traditional broadcast network, such as DTT or satellite, meaning that all of the TV content viewed on them is delivered via the internet. This proportion of online-only households is forecast to increase to around 70% by 2034, as shown in **Figure 1**.

⁸ 3 Reasons / MTM.

⁹ Ofcom analysis of Barb viewing data – as-viewed on TV sets and other connected devices in the home – as published in Ofcom, 2025, [Communications Market Report: interactive data](#).

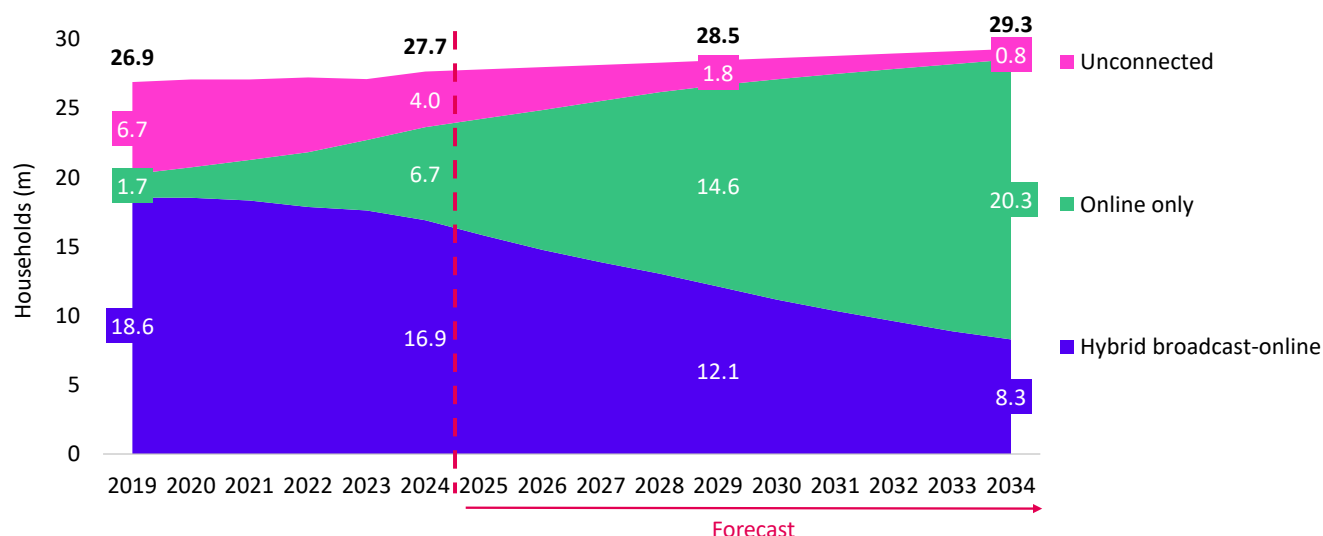
¹⁰ ‘Internet programme service’ is defined in section 362AA(10) and (11) of the Act.

¹¹ Ofcom analysis of in-home TV and video viewing data, including unidentified TV set usage. Data source for 2024 data is Barb as viewed on TV sets and other devices in the home; 2017 data is estimated based on Barb, Touchpoints and ComScore.

¹² 3 Reasons / MTM.

¹³ Ofcom analysis of Barb viewing data – as-viewed on TV sets and other connected devices in the home – as published in Ofcom, 2025, [Communications Market Report: interactive data](#).

Figure 1: TV households by type of ITE used on primary TV set: 2019-2034



Source: MTM / 3 Reasons. 'Online only' includes households relying on internet-delivered linear TV services, such as Freely and Sky Stream. 'Unconnected' refers to a TV set that has no connection to IP-delivered video and relies entirely on linear broadcast delivery, mainly from DTT or free satellite. The 'unconnected' forecast assumes DTT continues in its current form, i.e. with no switch-off during the forecast period.

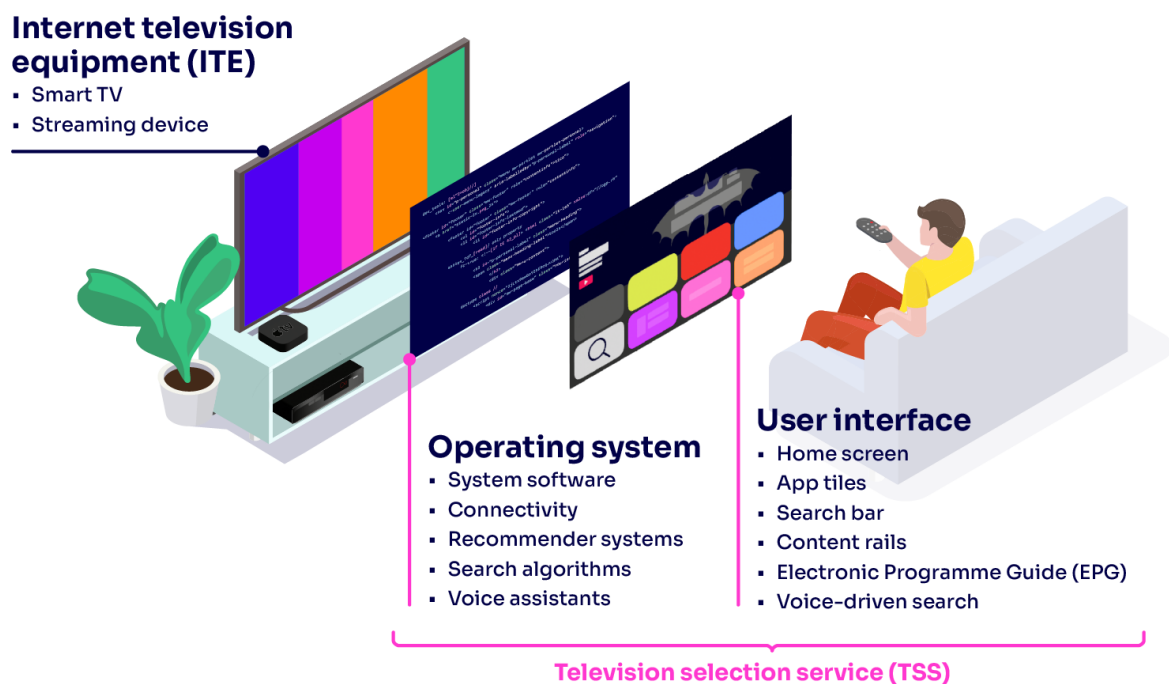
- 2.6 In this context, where an increasing proportion of viewing is online, people's main route to content is often not via the traditional Electronic Programme Guide ('EPG'). With well-funded competition from international streaming services, it is important if the benefits of public service media are to continue that public service content is easy for people to find and discover on the main navigational user interfaces used by connected TV devices.
- 2.7 Prior to the introduction of the Media Act, the regulatory framework for PSB focussed exclusively on linear television channels. The new regulatory regime seeks to build on that existing prominence framework by bringing into scope the PSBs' IPS, along with the connected TV platforms (television selection services or 'TSS') on which those IPS are distributed.
- 2.8 Under the Act, providers of designated TSS (referred to as regulated TSS or 'RTSS') must ensure that BBC iPlayer and any other PSB IPS designated by Ofcom (designated IPS or 'DIPS') are available, prominent, and easily accessible on their RTSS.

Connected TV software platforms are TSS

- 2.9 Under the Act, TSS are defined on the basis of four cumulative criteria, according to which a TSS must:
- a) be provided via the internet;
 - b) be provided in connection with Internet Television Equipment ('ITE');
 - c) consist of the presentation of IPS; and

- d) enable a user to select between and access IPS or programmes provided by those IPS, or both.¹⁴
- 2.10 ITE means apparatus specified by the Secretary of State in regulations.¹⁵ The initial regulations made in October 2024¹⁶ specify smart TVs¹⁷ and streaming devices, such as set-top boxes and streaming sticks,¹⁸ as ITE.
- 2.11 As illustrated in **Figure 2**, ITE are the physical devices which viewers use to access content on their TVs. The software platforms integrated into those devices enable viewers to navigate, select and watch programmes. These software platforms are TSS.
- 2.12 A TSS is usually provided on a range of different devices, many of which are available in different models. This means that, for example, smart TVs made by a manufacturer may operate different versions of a certain TSS. We explain how we treat TSS and different versions of the same TSS under the Act in Section 3.

Figure 2: Components of ITE devices and TSS software platforms



Source: Ofcom.

- 2.13 We are aware that there are several new services which function in ways that are not entirely equivalent to an operating system, but may have significant control over an ITE. For example, Freely is an HBB ('hybrid broadcast broadband') TV operator app that provides a

¹⁴ Section 362AE(1) of the Act.

¹⁵ Section 362AE(2) of the Act.

¹⁶ [The Internet Television Equipment Regulations 2024 \(2024/1056\)](#).

¹⁷ Article 2(2) of the regulations say that "smart television" means "a television which is (a) capable of connection to the internet; and (b) designed primarily for (i) enabling the user to select and access programmes; and (ii) displaying programmes".

¹⁸ Article 2(2) of the regulations say that "streaming device" means "apparatus which is (a) capable of connection to the internet; (b) designed primarily for (i) enabling the user to select and access programmes; and (ii) displaying programmes; and (c) not able to display programmes by itself".

complete TV environment that can sit alongside a smart TV's user interface ('UI') or replace it entirely.

- 2.14 We have reviewed each relevant case and considered whether it meets the definition of a TSS. We consider there are currently two such services that are TSS: Freely¹⁹ and YouView in its new form available on smart TVs such as Sony TV and Apple TV.²⁰
- 2.15 We also recognise that it is possible to have more than one TSS operating on a single ITE. For example, some smart TVs offer users the manufacturer's operating system and related UI, and also a service such as Freely. For the purposes of this report, we have considered such services to be separate TSS.

Recommending TSS for designation

- 2.16 The Secretary of State will make regulations to designate TSS as RTSS, having first received a report from Ofcom setting out our recommendations on designation.²¹

Designation powers

- 2.17 Under the Act, the Secretary of State may designate TSS by regulations using two powers: by specifying individual TSS, or by describing TSS.²² Individual designation regulations will name individual TSS. Designation by description regulations will set out a description of TSS,²³ and any TSS that meets that description is designated.²⁴
- 2.18 We may make recommendations to the Secretary of State about the exercise of either or both powers.²⁵ As set out in our Statement of Principles and Methods ('SOP&M'), to ensure transparency we will explain in our report why we have recommended the exercise of a particular power.²⁶

¹⁹ Freely is a service, or a dissociable section of a service provided by means of the internet. It is provided in connection with ITE since it is integrated as an operator app on a number of different smart TVs. It consists of the presentation of IPS included in the service as users are able to access PSB IPS through Freely. Finally, it enables users to select between and access IPS or programmes provided by those IPS, or both.

²⁰ YouView services have been available in the UK market for several years and we considered its main operating system and also its new form available on Sony and Apple TVs. YouView is a service, or a dissociable section of a service provided by means of the internet. It is provided in connection with ITE, since it is integrated into ITE and has some degree of control over it. However, it functions in a significantly different way depending on the device. It consists of the presentation of IPS included in the service as a user is able to access all of the PSB IPS through YouView. Finally, it enables users to select between and access IPS or programmes provided by those IPS, or both.

²¹ We may prepare a report on our own initiative, or the Secretary of State may ask us to prepare one, in which case we must do so (section 362AG(1), (3) and (6) of the Act). Where the Secretary of State seeks Ofcom's advice, they may provide us with a particular description of TSS to be designated. Annex 3 paragraphs A1.3, and A1.12-A1.13, discuss the designation powers in more details.

²² Section 362AF(1) of the Act.

²³ Section 362AF(3) states that the regulations may frame a description of TSS, in particular, by reference to the TSS being used, or being used in a specified manner, by no fewer than a specified number of users; the date on which it was first made available in the UK; and the functions it is capable or may be made capable of carrying out.

²⁴ Providers of TSS that meet the description must notify Ofcom under section 362AH of the Act. However, designation is not dependent on notification – a TSS becomes designated as soon as it meets the description.

²⁵ Section 362AG(1) of the Act.

²⁶ Ofcom, 2025, [Statement of Principles and Methods](#), paragraph 1.13.

- 2.19 As set out in the rest of this document, we are proposing to recommend designation of relevant versions of TSS with a significant number of users. We consider that it is likely to be challenging to give effect to our proposals by designating using a description. In particular, the complexities we explain below about the available data relating to numbers of users, and the treatment of different versions of TSS, mean that we think the better approach is to designate on an individual TSS basis. We consider that this would provide clarity for RTSS and DIPS providers, and that it is practicable in light of the relatively small number of TSS that we are proposing to recommend for designation. In Section 4 we set out a possible approach to implement our proposals.
- 2.20 We recognise that designating on an individual TSS basis would mean that the designations would remain in place until such time as the Secretary of State removes or amends the designations. However, we consider the designations we are proposing to recommend are not likely to become outdated within a reasonable time period.
- 2.21 In future, as the market changes, alternative approaches may be appropriate. To ensure that our proposed designation approach and recommendations reflect market conditions accurately, we will continue to monitor market developments.

Establishing who is the provider of a TSS

- 2.22 The Act states that there may only be one provider of a TSS: the person who has general control over the manner in which that service presents IPS to its users.²⁷ This means that legally there can only be one person responsible for complying with the relevant statutory duties for a particular RTSS once it is designated.
- 2.23 We recognise that some providers license their software platforms to third-party hardware companies, e.g. Google licenses its software platforms to device manufacturers such as Sony for its Sony smart TVs. Where a company licenses their TSS to a third-party manufacturer while retaining general control over the licensed TSS, we will generally consider it to be a single TSS across all the different brands of hardware on which it is installed.²⁸ We have taken into account the specific circumstances which apply in each case when identifying the providers of TSS services that we consider should be subject to regulation.

²⁷ The ‘provider’ under the Act is “The person, and the only person, who is to be treated for the purposes of this Part as providing a television selection service is the person who has general control over the manner in which the service presents to its users IPS that are included in the service” (section 362AE(5) of the Act).

²⁸ Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), paragraphs 3.16-3.18.

3. Assessment

Applying our principles and methods

- 3.1 For the reasons set out in paragraphs 2.17-2.21, we intend to recommend designation of individual TSS.
- 3.2 When we prepare a report making recommendations on individual designation, we must take account of a range of factors which are specified in the Act:
- a) the number of UK users of a particular TSS and whether that number is significant;
 - b) the manner in which the service is used;
 - c) whether the service is capable of functioning as an RTSS, including any necessary modifications; and
 - d) any other matters we consider likely to affect these issues.²⁹
- 3.3 Our SOP&M sets out the principles and methods we will apply when preparing recommendations for the Secretary of State.³⁰ In the following sections, we explain how we have done this in relation to:
- a) **metrics to measure the number of users and manner of use:** our assessment and proposed measure of the number of users and manner of use of TSS in this first report;
 - b) **threshold for a significant level of use:** our assessment of those key factors we considered in proposing a threshold for a significant level of use, which include:
 - i) seeking to ensure that public service content is widely available,
 - ii) determining the threshold in a proportionate way looking at potential impacts on RTSS and DIPS providers; and
 - iii) explaining how we propose to approach older versions of TSS;
 - c) **technical functionality:** our assessment of the core technical functionalities of the TSS providers who meet the threshold; and
 - d) **additional matters:** our assessment of any additional relevant matters for designation, which include use by different demographic groups.

²⁹ Section 362AG(4) of the Act.

³⁰ Ofcom, 2025, [Statement of Principles and Methods](#).

Metrics to measure the number of users and manner of use

3.4 In our SOP&M³¹ we stated that we would do the following to measure the number of people using a TSS in the UK and the manner in which such services are used:

(a) The number of members of the public in the United Kingdom using the service and whether that is significant

1.16 In order to assess this matter, Ofcom will need to assess the number of members of the public in the UK using the service. To achieve this, we:

- a) Will use the best available evidence to provide an objective and reliable basis to measure the number of people in the UK using a service;
- b) May use a proxy for user numbers if we consider individual user numbers cannot be measured reliably; and
- c) Will apply a consistent methodology to our assessment of each TSS to ensure fair treatment.

[...]

(b) The manner in which that service is used by such persons

1.19 We will generally take account of the extent of active use of the TSS. We may consider available data or estimates of how regularly particular TSS are accessed by users in addition to the overall number of users.

1.20 If different approaches for assessing use of TSS on different types of ITE are more suitable, we will seek to take the most appropriate approach.

3.5 In order to identify the best available measure, we evaluated a variety of data sources,³² including:

- a) comparative analysis of different metrics and methods to measure consumer take-up and usage of TSS; and
- b) industry engagement to understand what data TSS providers themselves collect to measure the performance of their services. We did this by analysing responses to the supplemental questions in our consultation on SOP&M,³³ as well as further requests for information from a range of TSS providers.

³¹ Ofcom, 2025, [Statement of Principles and Methods](#), paragraphs 1.16 and 1.19-1.20.

³² See Annex 2 for more information on the data sources and related methodologies.

³³ In our consultation on the principles and methods, we sought views on what factors Ofcom should take into account when conducting this assessment. In our supplemental question 1, we welcomed views and supporting evidence on: this potential use of 'number of TSS installed on ITE devices in UK homes' as a proxy, and on the potential use of an absolute number of UK users when setting a threshold for significant use in our first report setting out our recommendations on designation of TSS (Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), p. 20).

Assessment

- 3.6 Our evaluation of the available sources shows that there are challenges to measuring actual individual TSS users and their usage reliably.
- 3.7 We have analysed several sources of consumer survey data that provide some measure of individuals or households using specific ITE or TSS.³⁴ We found that these surveys sample from different groups of people,³⁵ and we note that questions asked are often different and therefore not directly comparable. Accordingly, we consider that it would not be appropriate to rely solely on the available survey data to prepare our recommendations. However, insights from the survey responses do offer some valuable contextual data, which has helped to fill gaps and provided useful benchmarks in our analysis.³⁶
- 3.8 We considered whether to undertake our own bespoke consumer survey to measure TSS usage. However, we consider that consumer surveys are likely to be less appropriate for estimating TSS usage than alternative methods as they generally rely on a participant's recall rather than actual usage. It is also challenging to measure TSS usage as opposed to ITE usage, as people tend to be less aware of the software platform than the device on which it operates. This can become particularly problematic when measuring usage of smart TVs, where the brand of the TV set and the TSS installed on it can be different. For example, Google licenses its TSS to device manufacturers such as Sony for installation in their smart TVs.³⁷
- 3.9 We also considered viewing data, which tracks the amount of time people spend on each TSS. However, we are not aware of any consistent, suitably comprehensive measures of the time people spend watching TV online. Where viewing time is measured, it is not tracked on all of the different TSS and related devices available on the market.³⁸
- 3.10 Beyond the above examples of third-party market research as a data source for measuring TSS users, we also considered using data collated by the TSS providers themselves. However, through our engagement with TSS providers, we have found that the data they collect (for example, user accounts or pay-TV subscriptions) can be inconsistent. They also do not capture the number of individual users of specific ITE or TSS, which are often shared by members of a household.
- 3.11 In the absence of suitable data measuring actual individual TSS users or usage, we considered other measures that could serve as a proxy for user numbers and the available methods to collect such data. Based on research and stakeholder engagement, we identified that the 'number of TSS installed on ITE that are in active usage in UK homes' could serve as a potentially suitable proxy.

³⁴ As defined in regulation and explained in paragraph 2.11, ITE refers to the connected devices and TSS to the software platforms that run on such devices. ITE and device in this text can therefore be used interchangeably.

³⁵ For example, some surveys use samples of online individuals in a certain age range (e.g. adults aged 18-64), compared to others that draw their sample from a wider base, such as all UK households (therefore including additional age demographics as well as people that do not have internet access at home).

³⁶ Such research has, for instance, informed our understanding of level of TSS multihoming among UK audiences. Further information on the consumer research we have used, and how, can be found in Annex 2.

³⁷ Ofcom, 2024, The connected TV platforms market. An update on our work, pp. 13-15.

³⁸ Barb, for instance, provides measurement of connected TV viewing but not for some specific TSS on smart TVs.

- 3.12 This metric provides a comprehensive and consistent picture of the TSS market by measuring all ITE – and the specific TSS installed on them –used by members of the public in the UK, across all television sets in the home (whether the set itself is an ITE or it is connected to one, such as a streaming device). While the metric does not permit an assessment of actual *users*, it does capture *usage* of each individual ITE and the TSS installed on it.
- 3.13 Data for this metric is available from several sources. Our initial analysis drew on third-party market data estimating the active installed base of individual TSS. This data is informed by: device shipment figures from the ITE supply chain (i.e. from manufacturers of ITE devices and components, such as panels and semiconductors/microchips); device failure and replacement-rate modelling; and consumer survey data.³⁹
- 3.14 Data for the proxy metric is also held by TSS providers themselves, who track the devices (and the TSS installed on them) used by households to support their business operations.⁴⁰ To cross-check our third-party data for this metric with first-party data, we issued information requests to a range of TSS providers,⁴¹ requesting data over a three-year period (2022-2024).
- 3.15 These information requests also allowed us to consider two different measures of how regularly TSS are used: devices used at least annually, and devices used at least monthly.⁴² Our approach was informed by responses to our consultation on the SOP&M where some stakeholders made suggestions about the metrics we should use for assessing active usage and offered differing views about the period over which we should measure this.⁴³
- 3.16 We assessed whether using one or the other frequency-of-use metric would materially change the relative scale or market position of the TSS we measured. We found that, while there are variations in the number of TSS used at least annually compared to those used at least monthly, the respective market position of the TSS remained broadly the same, meaning that either frequency of use would result in similar relative sizing of such services.
- 3.17 In comparing and cross-checking our two data sources for each of these frequency-of-use metrics, the third-party data had more limited coverage of monthly usage compared to the first-party data as it did not measure this for all TSS; for annual usage, it had a sufficient level of coverage. We were therefore able to conduct a more thorough cross-check for the annual usage data. Comparison of this data showed a broadly consistent picture of the market. While there were some differences between the first-party data and third-party data, using the third-party data would not have affected our proposed recommendations

³⁹ See Annex 2 for more information on the methodology used to collect this data.

⁴⁰ See Annex 2 for more information on the methodology used to collect this data.

⁴¹ Based on the third-party market data we analysed and stakeholder engagement, we determined some TSS to have relatively low numbers of users (according to our proxy metric) – we did not consider it appropriate, relevant and proportionate to issue requests for information to providers of such services.

⁴² In our information requests to TSS providers, for monthly active usage data we requested the average for each month across the year, to negate any fluctuations in a specific month caused by seasonality or irregular events.

⁴³ [REDACTED] suggested using monthly active users over a one-month time period, whereas the BBC's view was that active use should not require device use more frequently than monthly. Channel 4 considered a requirement for weekly or monthly use to be too high a bar and instead recommended that use at least every two months would be more reasonable (Ofcom, 2025, [Designation of Television Selection Services](#), paragraph 3.35).

on TSS with a significant level of use. We therefore relied primarily on the first-party data for our analysis, as we expect this to be more accurate.

Our proposed approach

- 3.18 In summary, we consider the ‘number of TSS installed on ITE in UK homes’ to be the best available proxy for ‘the number of members of public in the UK who use a TSS’. Using this proxy also allows us to assess the manner of use of TSS since it measures whether TSS are actively used.
- 3.19 In our assessment for this draft report, we have used annual active TSS, as opposed to monthly, as we consider this would better allow us to continue monitoring the market using third-party data. We would not be able to do so as comprehensively if we were to opt for tracking monthly usage.

Consultation question 1:

Do you agree with our proposed approach to measure the number of people using a TSS in the UK and the manner in which such services are used?

Please provide evidence to support your views.

Threshold for a significant level of use

- 3.20 In our SOP&M⁴⁴ we stated that we would do the following to assess whether the number of members of the public using a TSS was significant:

(a) The number of members of the public in the United Kingdom using the service and whether that is significant

[...]

- 1.17 Using the measure developed according to the principles and methods in paragraph 1.16 we will set a threshold that we consider to be significant:

- a) When setting this threshold, we will seek to ensure that public service content is widely available.
- b) We will generally consider what level of use is significant every time we prepare a report. We will consider any relevant factors which may affect what is significant at that particular time, recognising that significance is context dependent. As such, where we have previously given recommendations, we will consider if the threshold used in that report is still appropriate.
- c) We will determine the threshold in a proportionate way. We will seek to ensure that our recommended designations benefit a wide range of audiences. We will take into account that designation of an RTSS will impose regulatory obligations on the RTSS provider and on providers of designated IPS (DIPS) but may also bring benefits to both in terms of ensuring availability and prominence of DIPS and their programmes.

⁴⁴ Ofcom, 2025, [Statement of Principles and Methods](#), paragraph 1.17.

3.21 In order to determine a significant level of use consistent with this approach, in our assessment we have taken account of:

- a) the information we have obtained using the metric discussed above;
- b) responses to the supplemental questions in our consultation on SOP&M;⁴⁵ and
- c) additional evidence and data we requested from TSS and IPS providers.

Assessment

Ensuring that public service content is widely available

3.22 In making our assessment, we have taken account of the range of ways people currently access and watch PSB content as well as viewing trends and forecasts.

3.23 The ability for people to access public service content on TSS will become ever more important as people watch more TV online and the viewing of broadcast TV continues a long-term downward trajectory across most age groups.⁴⁶ However, while the forecasts show that viewing of broadcast TV is expected to drop significantly in the coming years, the evidence suggests that, currently, most people are ‘hybrid viewers’, accessing both broadcast TV channels and online content.⁴⁷ Given the continuing availability of DTT, satellite and cable platforms, many people will continue to have access to broadcast public service channels – the prominence and wide availability of which is protected by existing regulation⁴⁸ – even after online-only homes become the majority.

3.24 We have also considered the available evidence on online viewing habits and how audiences currently access content on ITE in the household. Our evidence shows that UK households often use more than one ITE and therefore more than one TSS, with the average number of ITE devices used per ITE household close to three (2.8).⁴⁹ Within this context, a significant minority of viewers – around 40% of connected TV users⁵⁰ – use multiple different services to watch TV online, such as by connecting additional streaming devices to a smart TV or using a different TSS to the primary TV set in another room. This means that DIPs providers could, to some degree, reach audiences in a single household through different TSS rather than rely on one TSS.

3.25 As such, we consider it is unlikely to be appropriate for a new TSS market entrant or a TSS used by a relatively small number of people to be designated at this time in order to secure the wide availability of public service content.

⁴⁵ In our consultation on the principles and methods, we sought views on what factors Ofcom should take into account when conducting this assessment. In our supplemental question 1, we welcomed views and supporting evidence on: this potential use of ‘number of TSS installed on ITE devices in UK homes’ as a proxy, and on the potential use of an absolute number of UK users when setting a threshold for significant use in our first report setting out our recommendations on designation of TSS (Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), p. 20).

⁴⁶ Ofcom, 2024, [Media Nations 2024](#), pp. 3, 8-9.

⁴⁷ See paragraphs 2.2-2.5 and Figure 1 in this document.

⁴⁸ Section 310(2) of the Act; Ofcom, 2023, [Code of practice on electronic programme guides](#).

⁴⁹ Analysis based on ITE device figures sourced from TSS provider data and supplemented by data from Omdia, and ITE households figures sourced from 3 Reasons / MTM.

⁵⁰ Omdia Consumer Research. Online adults aged 18-64. Analysis excludes the use of games consoles for watching TV online.

Impacts on TSS providers

- 3.26 In making our assessment, we have looked at the potential costs and benefits of designation for TSS providers. We have also considered the potential effects of recommending a lower or higher threshold on competition and innovation.

Costs of must carry obligation

- 3.27 RTSS providers will have to comply with ‘must-carry’ obligations which require them to enter into arrangements with each DIPS provider to include that DIPS on their TSS.⁵¹ Some RTSS providers may therefore incur additional costs if one or more DIPS are not currently included in that RTSS provider’s service.
- 3.28 The potential scale of these costs will depend on the extent to which TSS providers already carry PSBs’ IPS. Our analysis shows that most TSS providers with relatively large numbers of users already carry the majority of the PSBs’ IPS and negotiate commercial agreements with PSBs as part of their normal operations.⁵² We have not identified any reasons why these TSS providers would change their behaviour in the future, so we have assumed that they would continue to carry PSB IPS without regulation.
- 3.29 To obtain a clearer understanding of the likely costs of adding a PSB’s IPS to their platforms, we sought information from a range of TSS providers. The evidence we obtained showed that ‘onboarding’ a new IPS created costs relating to negotiation, technical development, testing and quality assurance. Although not all TSS providers were able to provide estimates, our view is that costs are likely to be relatively small, even for those providers that do not currently host all PSB IPS, with one off-costs ranging between c£50k and £200k and ongoing costs ranging between c£10k and £50k a year.⁵³
- 3.30 The costs for some TSS providers would be more significant if they have multiple versions of their TSS and need to support the carriage of PSB IPS on older TSS versions, which may run on older ITE with hardware limitations. We return to this when we discuss our proposed approach to considering TSS with multiple versions in use (paragraphs 3.49 to 3.56).

Costs of complying with other obligations

- 3.31 RTSS providers will also have to comply with the prominence and accessibility requirements in the Act.⁵⁴ We intend to consult later in 2025 on our Code of Practice (‘Code’), which will set out the actions we recommend RTSS providers take to comply with these requirements. We will also consult on our Guidance as to how RTSS providers and DIPS providers can act consistently with the objectives that must be met when negotiating carriage arrangements.
- 3.32 While we anticipate that there could be some additional costs, or potentially lost revenues, for some RTSS providers in meeting their new obligations, we cannot assess the full impact, as the Code and Guidance have not yet been finalised. We will consider these costs as part

⁵¹ Section 362AK of the Act.

⁵² This is based on an in-depth mapping conducted via desk research and triangulated with targeted engagement with PSBs.

⁵³ These are generalised and anonymised estimates based on TSS providers’ responses to Ofcom request for information ([redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025, [redacted] response dated 08 May 2025 [redacted], response dated 06 May 2025 [redacted] response dated 09 May 2025).

⁵⁴ See section 362AO of the Act.

of our consultation on the Code and Guidance. However, as discussed above, we would note that many TSS providers already enter into commercial arrangements with PSBs, which include terms covering prominence, and take steps to ensure the integration of certain accessibility features into their TSS. In relation to the latter, for those TSS providers that supply to EU member states, products placed on the market since 28 June 2025 need to comply with the European Accessibility Act, which also requires certain accessibility features.⁵⁵

Benefits to TSS of designation

- 3.33 We have also considered the potential benefits to TSS providers of designation. Under the Act, DIPS providers ‘must offer’ their DIPS to RTSS providers. According to Ofcom research, the PSBs are highly valued by audiences in the UK, particularly for their delivery of a wide range of UK programming, trusted and accurate UK news, and events that bring the nation together.⁵⁶ The PSBs’ IPS have been growing in popularity, with viewing to each one increasing year-on-year, and BBC iPlayer and ITVX are among the top five most-watched IPS in the UK.⁵⁷ We therefore consider the presence of DIPS are likely to be a benefit to those TSS providers who do not currently carry PSB IPS, and designation is likely to represent a valuable guarantee for those who do.
- 3.34 In addition, RTSS providers and DIPS providers must also act consistently with the agreement objectives when negotiating carriage arrangements. This feature of the regime is designed to encourage effective commercial negotiations and support both parties reaching appropriate terms to ensure the availability, prominence and accessibility of the DIPS.⁵⁸

Potential effects on competition and innovation

- 3.35 In considering our recommendations on the threshold for significant use, we have considered the potential impacts on competition and on innovation of different threshold levels.⁵⁹
- 3.36 In response to our consultation on the SOP&M, some stakeholders raised concerns that designating only the largest TSS providers might lead DIPS providers to prioritise these services. They considered that smaller TSS providers may find it more difficult to compete as a result, as they could face increased difficulties in securing carriage deals with the PSBs.⁶⁰ Although a lower threshold could help mitigate such a risk, we consider it is also possible that the presence of regulation could discourage some smaller TSS providers from entering the market and/or seeking to grow their business.

⁵⁵ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the [accessibility requirements for products and services](#).

⁵⁶ Ofcom, [Media Nations UK 2024](#), p. 14; Ofcom, 2025, [Public Service Media Review - Review of Public Service Media \(2019-2023\)](#).

⁵⁷ Barb-as viewed. BBC iPlayer was the second-most watched IPS in 2024 (11 minutes per person per day, on average), after Netflix (22 minutes). ITVX was fifth (five minutes), after Disney+ (nine minutes) and Amazon Prime Video (seven minutes). Of the 25 minutes per person per day spent people spent watching IPS from broadcasters (or broadcaster VoD) in 2024, PSBs’ IPS accounted for more than three-quarters, or 19 minutes.

⁵⁸ Media Act and Explanatory Note, paragraph 133.

⁵⁹ We have not taken into account the broader costs of the regime itself as this, including the [impact assessment](#) produced by the Government at the time, has been subject to scrutiny by Parliament.

⁶⁰ Ofcom, 2025, [Designation of Television Selection Services](#), paragraph 3.20.

- 3.37 We have also taken into account the possible effects on innovation of a lower threshold. There is a risk that applying regulation to TSS could discourage innovation and, by including more TSS, a lower threshold could increase this risk. However, we consider this risk to be low, as we will ensure any adverse effects on innovation are minimised when developing the Code and Guidance.⁶¹

Impacts on DIPS providers

- 3.38 In making our assessment, we have also taken into account the potential impact on DIPS providers.
- 3.39 In general, we think that a DIPS provider should benefit from a lower threshold for designating an RTSS. This is because more RTSS would be required to carry the DIPS and give them and their public service content appropriate prominence.
- 3.40 However, there are also potential costs for DIPS providers, as they will be required to ensure their DIPS are available and functional on all RTSS. In many cases, the PSB IPS are already carried on TSS, and there will be no additional costs. But where a PSB IPS is not currently carried by an TSS provider, and would be following designation, the DIPS provider would incur some costs to ensure technical compatibility, as well as any costs associated with new and then ongoing commercial negotiations.
- 3.41 As for TSS providers, the costs for DIPS providers could be more significant if they needed to ensure their DIPS were available and functional on older versions of TSS, running on older ITE.
- 3.42 If a PSB IPS provider determined that the costs of offering its IPS on an RTSS (that did not already carry it) outweighed the potential benefits, it might choose not to apply for designation.⁶² A higher threshold limits, but does not eliminate, this risk, by reducing the number of TSS designated.

Our proposed approach

- 3.43 In summary, in coming to a view on the level of use of TSS in the UK that should be considered significant, we have taken into account the factors set out above, our SOP&M, and our relevant statutory duties.⁶³
- 3.44 We have also been mindful of the need to make practical and proportionate recommendations, which can be readily and effectively implemented in secondary legislation, were they to be accepted by the Secretary of State.

⁶¹ The agreement objectives about which Ofcom must provide guidance include ensuring that arrangements “do not disproportionately restrict how [an RTSS provider] may make innovations in the ways that users may select and access IPS or programmes included in the IPS.” See section 362AM of the Act.

⁶² A TV player provided by the BBC will be designated automatically by the Act (Section 362AA(1)(a) of the Act. This provision has not yet been brought into force (for more information about the IPS designation process see Ofcom, 2025, [Designation of Public Service Broadcaster Internet Programme Services: Statement on the methods Ofcom will apply when making our designation decision](#)).

⁶³ In our SOP&M consultation, we described that using a market share threshold was less appropriate than an absolute number because it would require knowledge of total market size and the relative sizes of all TSS, and reliable data for this was not available. We sought views on this and in our SOP&M statement confirmed our view that considering the absolute number of users for each candidate RTSS was appropriate (Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), p.20).

- 3.45 In our statement on our SOP&M⁶⁴ we said that the software platforms used on smart TVs and streaming devices met the definition of TSS under the Act. We proposed treating different versions of these software platforms as single TSS in our reports.
- 3.46 Since publishing our SOP&M, we have gathered information from a range of TSS providers about the use of older TSS versions, industry practices for supporting older software platforms and related devices, and how carriage and compatibility with IPS are maintained.⁶⁵
- 3.47 Some TSS providers automatically update their services on a regular basis so that they effectively maintain only one version of their TSS at any given time.⁶⁶ In this case, we apply the threshold to that TSS.
- 3.48 Other providers operate multiple TSS versions across various ITE, offering updates and notifications to users without forcing upgrades, and supporting different versions for a period.⁶⁷ In the paragraphs below, we explain how we have taken account of TSS with multiple versions in use.

TSS with multiple versions in use

- 3.49 Our analysis shows that there is no consistent industry practice relating to the support of older TSS versions or IPS compatibility. Most of the TSS providers from whom we gathered information support TSS versions on older ITE models for at least five years after the device's market launch. Others offer support for seven to ten years or longer. However, TSS versions on devices older than five years often receive lower levels of support and may not include the latest features. The duration of support is case-specific, varying by IPS and TSS, the costs involved, and the audience size. Generally, PSB IPS are supported on older TSS versions for around seven to ten years, although users may not be able to access the latest functionality throughout this period.⁶⁸
- 3.50 The extent of support for older TSS versions is influenced by the hardware limitations of the older ITE for which they were originally designed and the cost implications of updates.

⁶⁴ Ofcom, 2025, [Designation of Television Selection Services](#), paragraphs 3.71, 3.80.

⁶⁵ In our consultation on the principles and methods, we sought views on what factors Ofcom should take into account when conducting this assessment. In our supplemental question 3, we welcomed views and supporting evidence on: the number of people using older versions of TSS that are no longer supported by their provider; when TSS providers release a new version of their service, for how long do they normally support it?; when IPS providers release a new version of their service, for how long do they normally support it?; and the technical limitations and/or costs that are associated with supporting older versions of TSS and older versions of IPS still available in the market (Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), p. 24). We then complemented this information with requests for information, desk research and targeted stakeholder engagement.

⁶⁶ [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 06 May 2025; and related stakeholders' engagement.

⁶⁷ [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 08 May 2025, and related stakeholders' engagement.

⁶⁸ [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 09 May 2025; [redacted] response dated 08 May 2025; [redacted] response dated 06 May 2025; [redacted] consultation response; [redacted] consultation response (Ofcom, 2025, [Designation of Television Selection Services](#)).

Older ITE may lack the processing power, memory, or storage capacity to run the latest TSS versions. Consequently, TSS providers may discontinue software support for older ITE over time.

- 3.51 IPS providers can face similar challenges as they update their IPS to incorporate new features and functionalities. In some cases, such updates - for example, upgraded security features - can be costly or technically impossible to implement on older IPS available on older ITE models. This can lead to IPS becoming incompatible with older TSS versions, potentially preventing users from accessing the IPS.⁶⁹

Proposed approach to TSS versions to designate

- 3.52 Given the above considerations, we do not think it would be proportionate to designate all versions of a TSS. Technical limitations of older ITE may render it impractical to update some older TSS versions to comply with the Act's requirements. We consider that requiring support for every TSS version would likely impose disproportionate costs on both RTSS and IPS providers, negatively impacting investment that might otherwise benefit audiences.
- 3.53 Where a TSS has multiple versions in use, we propose designating only the currently available versions of that TSS and any future versions released while the designation is in place. By 'currently available', we mean TSS versions available on the market as of July 2025.⁷⁰
- 3.54 While RTSS and DIPS providers would not be required to do so by the new regulations, they may still opt to make PSB IPS available on some older TSS versions (as is currently the case). Based on information provided to us by stakeholders, when negotiating such agreements, we understand they may negotiate for the platform as a whole or agree similar terms for some older TSS versions, where this is possible with the ITE. This decision will partly depend on the costs for the RTSS and DIPS providers of doing this and the audience size for each older TSS version. This reflects the case-by-case assessments that we understand TSS and IPS providers currently make when deciding whether to continue supporting older TSS versions. We do not consider their approach is likely to change as a result of the new regulatory framework.
- 3.55 We refer to the TSS versions that we propose to designate (set out at paragraph 4.2) as 'relevant versions'.

Alternative approaches considered

- 3.56 Our analysis in the remainder of this consultation is based on the approach to TSS versions set out above. However, we recognise that this approach might be burdensome for TSS providers with older ITE models running currently available versions of TSS. We have therefore considered supplementing our proposed approach with a cut-off date related to the age of the ITE. Specifically, we have considered a five-year cut-off date. This would mean that TSS installed on ITE first made available on the market more than five years ago would not be covered by the designation. This older ITE would therefore not be counted when assessing whether a TSS is used by a significant number of people.
- 3.57 We have provisionally decided not to propose this for the following reasons:

⁶⁹ Ofcom, 2025, [Designation of Television Selection Services](#), paragraphs 3.50-3.51.

⁷⁰ We determined whether a TSS version was available on the market based on: the availability at major retailers of ITE carrying that version of the TSS; stakeholder engagement; and requests for information to TSS providers.

- a) it is likely that the introduction of a cut-off date would reduce the audience benefits by decreasing the number of users covered by RTSS;
- b) it is not clear that ensuring the continued provision of PSB IPS on ITE older than five years would impose significant costs for RTSS providers. This is because RTSS providers would not be required to update older ITE with as yet unrealised new versions of their TSS. Rather, they would only be required to maintain the existing version currently present in the market;
- c) it may be impractical to implement a cut-off date related to the age of the ITE. This is because TSS providers may not be able to determine how many devices older than five years are using currently available versions of the TSS. Consequently, we may be unable to assess whether or not a TSS has a significant number of users.

Our proposed approach to setting and applying the threshold

- 3.58 Using our proxies for measuring members of the public in the UK who use a TSS and the manner of that use, we recommend setting the threshold for designating a TSS at 700,000 active users. This threshold is equivalent to around 1% of the total market, that is, of the total number of actively used TSS installed on ITE.
- 3.59 We consider a threshold at this level to be significant in terms of the number of people who would have access to public service content through an RTSS. Our assessment takes into account the current market conditions and audience behaviours, particularly the increasing proportion of audiences viewing TV content online.
- 3.60 When determining which TSS exceed this threshold, as set out above we only want to include ITE running relevant versions. However, the third-party data, and the data we originally requested from TSS providers for our cross-checks, included *all* versions of each TSS that is in active usage. It did not separately identify ITE with relevant versions. We therefore conducted further analysis and engaged with stakeholders to better understand the number of ITE using relevant versions. During the consultation period for this draft report, we will gather additional information to confirm our estimates.
- 3.61 Based on our current assessment of the data, there are fifteen TSS that exceed the threshold. Collectively, the relevant versions of these fifteen TSS account for the large majority of ITE in active usage. We estimate that over 65% of the total ITE in active use will be running a relevant version of these fifteen TSS. This proportion is expected to increase over time as people acquire new ITE that use a relevant version of a TSS, given that we propose to recommend that all future versions of the TSS be included in the designations.
- 3.62 Most of these fifteen TSS already carry all the PSB IPS, although there are some exceptions – in particular, some do not carry the S4C IPS. Given this, we would expect the costs associated with the must-carry obligation are, on the whole, likely to be limited.⁷¹

⁷¹ Based on the IPS that these TSS currently carry, we estimate that the total cost of onboarding the IPS required to comply with the must-carry obligation (assuming all PSB IPS providers opt to be designated) will come with £0.45-£1.8m one-off costs and £0.09-£0.45m ongoing costs annually across them all. This calculation excludes costs relating to Sky+ HD. This is because, although it is above the 700,000 threshold, we propose not to recommend it for designation for other reasons, as explained later in this document, in paragraphs 3.91-3.92.

- 3.63 Having assessed the potential costs, benefits and wider effects of designation on potential RTSS and DIPS providers, we believe the proposed threshold would be a proportionate way of achieving the policy outcome.

Alternative approaches considered

- 3.64 As part of our assessment, we have also considered higher and lower threshold levels. It makes no difference if the threshold were slightly lower or higher. For instance, if it were 100,000 more or 100,000 less, the same fifteen TSS would be above the threshold.
- 3.65 We consider that a significantly higher threshold would be less effective in ensuring the wide availability of public service content. For instance, we estimate that setting the threshold at 1.5 million would mean only seven TSS would be above the threshold and that approximately seven million fewer devices would be subject to regulation.
- 3.66 We have also discounted a lower threshold. We believe a lower threshold would offer limited incremental audience benefits, as the number of additional devices that would be included is relatively limited. Moreover, a significantly lower threshold risks imposing disproportionate costs on smaller TSS providers and new market entrants, and by including many smaller TSS providers, it tends to increase risks to innovation. It would also impose greater costs on DIPS providers to make their IPS available to TSS with relatively small audiences.
- 3.67 We have also taken into account the current market context.⁷² Given the current hybrid viewing habits and the continuing availability of DTT, satellite and cable platforms, many people will continue to have access to broadcast public service channels for some time to come. Also, in households where online viewing is the norm, a significant minority of households use multiple TSS to watch TV online and if one of these TSS were not designated, another one may be.⁷³ Taking these factors into account we do not consider it would be appropriate to set a threshold at a significantly lower level.

Conclusion

- 3.68 Based on our analysis of the best available evidence, we consider that relevant versions of the following fifteen TSS have a significant number of users as of 2024 (in alphabetical order): Amazon Fire TV OS, Android TV, Apple TV OS, Google TV, LG WebOS, Roku OS, Samsung Smart Hub (Tizen), Sky Entertainment OS,⁷⁴ Sky Q, Sky+ HD, VIDAA OS, Virgin Media Horizon,⁷⁵ Virgin Media TiVo on V6 ITE, YouView on EE TV (Sagemcom ITE), YouView on Sony ITE. We refer to these TSS as 'candidate RTSS'.
- 3.69 As outlined in our SOP&M, we recognise that while the appropriate threshold is affected by market conditions, future changes may necessitate adjustments.⁷⁶ Each time we prepare a

⁷² See Section 2 in this document.

⁷³ See paragraph 3.24 in this document.

⁷⁴ [redacted] response dated 09 May 2025).

⁷⁵ [redacted] response dated 06 May 2025).

⁷⁶ Ofcom, 2025, [Statement of Principles and Methods](#), paragraph 1.17(b).

report, we will consider market conditions and other factors, including technological developments.

Consultation questions 2 -3:

Do you agree with our proposals in relation to TSS available in multiple versions, as set out above?

Do you agree with our assessment and the threshold we are recommending?

Please provide evidence to support your views.

Technical functionality

3.70 In our SOP&M⁷⁷ we stated that in assessing whether a TSS was capable of functioning as an RTSS and/or would need to be modified to do so, we would take account of the following:

(c) Whether that service is capable of functioning as a regulated television selection service and the modifications, if any, that are needed to make it so capable

1.21 We will generally consider a TSS to be capable of functioning as an RTSS if it is capable of:

- a) Carrying DIPS, as defined in section 362AA(1) of the Act;
- b) Presenting IPS and programmes with different levels of prominence; and
- c) Including features to ensure it is accessible to people with disabilities.

1.22 In considering if a TSS is capable of functioning as an RTSS, we will take into account its current capabilities and any modifications that may be needed for the TSS to carry out the functions above.

3.71 In order to determine whether the candidate RTSS listed in paragraph 3.68 above have the technical functionality required we have considered the following:

- a) information that we gathered using our formal powers from TSS providers;⁷⁸
- b) an in-depth literature review of industry practices and in-house testing; and
- c) the responses that we received to the supplemental question that we asked in our consultation on the SOP&M seeking stakeholders' views and supporting evidence regarding support for TSS and IPS, including technical limitations and/or costs associated with supporting older versions of TSS and IPS available in the market.⁷⁹

⁷⁷ Ofcom, 2025, [Statement of Principles and Methods](#), paragraphs 1.21-1.22.

⁷⁸ In our requests for information, we asked for information on the type and extent of technical support that TSS providers give for their services, as well as for different versions of such services.

⁷⁹ In our consultation on the principles and methods, we sought views on what factors Ofcom should take into account when conducting this assessment. In our supplemental question 3, we welcomed views and supporting evidence on: the number of people using older versions of TSS that are no longer supported by

Assessment

- 3.72 Using that evidence, we conducted a qualitative assessment of the candidate RTSS and their carriage, prominence and accessibility functions. In doing so, we recognise that each service operates differently and that there may be different ways to achieve the criteria set out in our SOP&M.

Carriage of DIPS

- 3.73 As IPS designation has not yet taken place, in assessing whether a TSS would be capable of carrying DIPS, we have considered the IPS that the PSBs currently make available,⁸⁰ and the technical support needed to ensure such carriage.
- 3.74 We assessed whether the TSS offered the elements of technical support which we consider to be necessary for a TSS to be capable of carrying DIPS.⁸¹ These are:
- a) development (one-off): to enable PSBs to develop IPS and to deploy them on the TSS, support is needed from the TSS provider, including providing information about the TSS architecture and technical requirements (e.g. supported video formats) and testing the DIPS and its content to ensure that there are no issues;
 - b) maintenance (ongoing): once the DIPS has been onboarded onto the TSS, ongoing support is needed to ensure that the DIPS and its content continue to function, to make updates (e.g. to add a new feature or function to the IPS or TSS or for security reasons) and to fix bugs or defects; and
 - c) security (one-off and ongoing): all content providers, including the PSBs, need to protect their content from unauthorised access and piracy. To do that, they need the TSS to grant them certain access e.g. to enable the PSB to detect when a screen recorder or other technology is being used in relation to their content on a TSS. TSS providers may also provide processes, software solutions and guides for content providers including PSBs to manage and renew security certificates protecting the content in their IPS.
- 3.75 Based on our assessment, all candidate RTSS providers listed in paragraph 3.68 provide the technical support required, but there are differences in how IPS are carried. For most candidate RTSS, the PSB IPS are provided in the form of apps which are developed by, or on behalf of, the PSB. In some cases, however, the IPS can also be an integrated on-demand service that is bespoke to the candidate RTSS. For instance, Sky+ HD and Sky Q make available such a bespoke service to audiences. Moreover, Sky+ HD does not carry the PSB apps, and it is unlikely to be made capable of carrying them.

their provider; when TSS providers release a new version of their service, for how long do they normally support it; when IPS providers release a new version of their service, for how long do they normally support it; the technical limitations and/or costs that are associated with supporting older versions of TSS and older versions of IPS still available in the market (Ofcom, 2024, [Consultation: Designation of Television Selection Services](#), p. 24). We considered the answers to these questions as part of our first report.

⁸⁰ Ofcom, 2025, [Statement of Principles and Methods](#), paragraph 1.22(a), footnote 16.

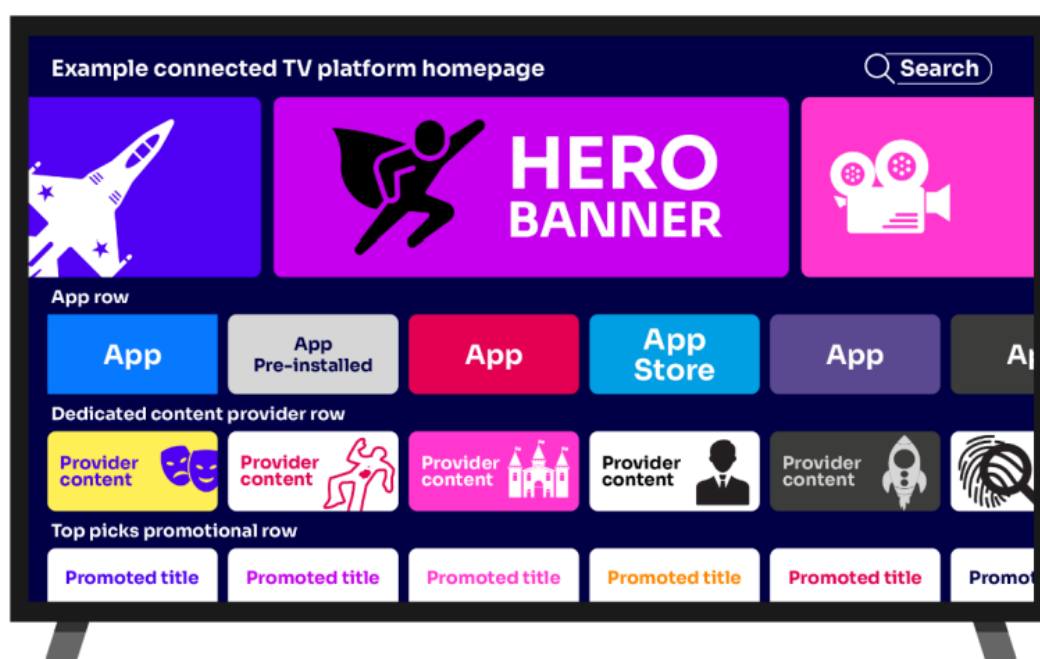
⁸¹ [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 08 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 09 May 2025; [redacted] response dated 01 May 2025; [redacted] response dated 08 May 2025; [redacted] response dated 06 May 2025.

- 3.76 As noted in paragraph 3.62, at present some TSS that are above the threshold for significant level of use do not carry the IPS provided by S4C. However, as these TSS carry all the other PSB IPS, we consider that they would be technically capable of carrying the S4C IPS in the event it was designated.

Presentation of IPS and programmes with different levels of prominence

- 3.77 In assessing whether a candidate RTSS is capable of presenting IPS and programmes with varying levels of prominence, we considered whether it has a UI that presents IPS and programmes through a range of means and the technical support needed to ensure that. **Figure 3** provides illustrative examples of these features, which include, but are not limited to, rows of apps, content promotional spaces, and other similar features.

Figure 3. Illustrative prominence features on a TSS



Source: Ofcom

- 3.78 While the technical support provided for this purpose varies depending on the requirements of both the candidate RTSS providers and DIPs providers, examples of the types of support include: engineering work to modify the UI as agreed contractually, which may include development and maintenance of bespoke rows for IPS content (sometimes called 'partner managed rows'); and data management systems, for example to process metadata and ensure appropriate data reporting needed to surface content in search results.
- 3.79 While most of these types of technical support are common among all PSBs' IPS, some of them require bespoke support.⁸² The need for bespoke support may depend on various factors, including but not limited to differences in the PSBs' content metadata, which may not always correspond to the standard search feed specifications of each TSS in which case

⁸² [REDACTED] response dated 01 May 2025; [REDACTED] response dated 01 May 2025; [REDACTED] response dated 01 May 2025.

TSS providers may develop custom app-wrappers,⁸³ offer modified Application Programming Interfaces (APIs)⁸⁴ or host apps in neutral environments (e.g. web apps).⁸⁵

- 3.80 Based on our assessment, all candidate RTSS listed in paragraph 3.69 have a UI that presents IPS and programmes with different levels of prominence and provide the above technical support. However, we note that some candidate RTSS present a relatively limited range of prominence features compared to the others. For instance, some lack features such as hero banners and disaggregated content rails, and do not have spaces for content to be displayed with varying levels of prominence.

Inclusion of features to ensure it is accessible to disabled people

- 3.81 In assessing whether a TSS is capable of including accessibility features, we considered the basic functions used to ensure that these services are accessible to disabled people. These include:
- navigational accessibility features enabling disabled people to make use of the TSS for all the same purposes as non-disabled people (such as text-to-speech functionality and high-contrast displays); and
 - features to ensure that people are informed about, and able to make use of, access services provided in relation to the IPS it carries (such as subtitles, audio description, signing).
- 3.82 Based on our assessment, we consider that all candidate RTSS are able to include features to ensure that they are accessible to disabled people. However, we note that some present fewer accessibility features than others.

Conclusion

- 3.83 Based on our analysis, despite the individual differences between services, overall we consider that relevant versions of the following fifteen candidate RTSS are capable of functioning as RTSS (in alphabetical order): Amazon Fire TV OS, Android TV, Apple TV OS, Google TV, LG WebOS, Roku OS, Samsung Smart Hub (Tizen), Sky Entertainment OS,⁸⁶ Sky Q, Sky+ HD, VIDAA OS, Virgin Media Horizon,⁸⁷ Virgin Media TiVo on V6 ITE, YouView on EE TV (Sagemcom ITE), and YouView on Sony ITE.

Consultation question 4:

Do you agree with our assessment of technical functionality?

Please provide evidence to support your views.

⁸³ App wrappers refer to the way in which an “outer layer” is developed for an app to apply policies and controls, such as security features, manageability enhancements, and analytics capabilities. This allows the app to run on a platform it was not originally designed to.

⁸⁴ Application Programming Interface (API) is a communication layer allowing data to be requested and shared between apps and platforms.

⁸⁵ Web apps refer to applications designed to run in browsers, making them less dependent on platform-specific code and having a low memory footprint.

⁸⁶ [REDACTED] response dated 09 May 2025).

⁸⁷ [REDACTED], response dated 06 May 2025).

Additional matters

- 3.84 In our SOP&M⁸⁸ we stated that we would take into account the following additional relevant factors on a case-by-case basis, considering our statutory duties and the circumstances at the time of our reporting:

(d) Such matters as Ofcom considers likely to affect the matters referred to in (a) to (d)

- 1.23 We will consider whether it would be appropriate to assess any other factors that are likely to affect the matters referred to above, taking into account our relevant statutory duties.¹
- 1.24 These matters may include level of use by different audience groups, market indicators such as growth projections or other market factors contributing to the way in which public service content is accessed. The relevance of these factors is likely to depend on the circumstances at the time we are preparing a report.

- 3.85 We also noted that we may decide not to designate certain TSS above the threshold, in certain cases, such as if a TSS's user numbers were declining and unlikely to stay above the threshold for a reasonable period of time after designation.⁸⁹
- 3.86 Having considered current market practices, audience trends and the responses to our SOP&M consultation,⁹⁰ we have evaluated the following additional matters:
- a) demographic factors; and
 - b) declining active usage of TSS.

Assessment

Demographic factors

- 3.87 We have considered whether the proposals in this document may have a particular impact on certain audience groups.
- 3.88 As third-party data provides the most comprehensive picture of device and associated TSS usage across different audience demographics in the UK, we used this data as the basis for our analysis.⁹¹ Where possible, we supplemented this with insights we could draw from Ofcom surveys that track device and associated TSS use by different demographics at a more granular level.⁹²

⁸⁸ Ofcom, 2025, [Statement of Principles and Methods](#), paragraphs 1.23-1.24.

⁸⁹ Ofcom, 2025, [Statement of Principles and Methods](#), paragraph 1.24.

⁹⁰ Stakeholders responding to our SOP&M consultation emphasised the importance of demographic data and regional variation in setting a significant threshold. Some suggested that certain TSS might be more popular among specific groups, such as younger viewers, and that this should influence our decision-making process (Ofcom, 2025, [Designation of Television Selection Services](#), paragraph 3.19).

⁹¹ See Annex 3, paragraphs A3.4-A3.9 for more information about the analysis.

⁹² See Annex 2 for more information on the methodology used to collect this data, and Annex 3, paragraphs A3.4-A3.9.

- 3.89 In general, our analysis indicated that variations in TSS usage between age groups, income levels, or across the UK's nations are not significant and would not affect our proposed designation approach.

Declining active usage of TSS

- 3.90 As part of our assessment, we considered whether any of the fifteen candidate RTSS are likely to have levels of active usage that fall below the threshold in the next few years. We analysed annual active usage over the past three years (2022-2024) to identify any trends. We used third-party data from industry sources cross-checked with first-party data through requests for information. In this analysis, we took into account modest fluctuations in use, both positive and negative, that can occur over a period of time and are reflective of several external factors, such as commercial release cycles of ITE and audience viewing habits.
- 3.91 Informed by this, we consider there is one TSS, Sky + HD, that is not likely to remain above the threshold for a reasonable amount of time from a possible designation. The level of active usage of Sky+ HD has been steadily declining [REDACTED]

Conclusion

- 3.92 Based on our analysis, we are proposing not to recommend that Sky+ HD is designated. [REDACTED]
- [REDACTED]. As noted above the service is no longer available to new customers so there is no possibility of user numbers increasing. Our provisional view is that the impact of designation in terms of potential costs, especially for DIPS providers, would outweigh the potential benefits for audiences.

Consultation question 5:

Do you agree with our assessment of additional matters, and the conclusion we reached?

Please provide evidence to support your views.

4. Recommendations

Summary of our proposals

- 4.1 As set out in section 3, we have assessed the following matters specified in the Act:
- a) the number of UK users of a particular TSS and whether that number is significant;
 - b) the manner in which the service is used;
 - c) whether the service is capable of functioning as an RTSS, including any necessary modifications; and
 - d) any other matters we consider likely to affect these issues.
- 4.2 We propose recommending the designation of the following fourteen TSS plus any future versions of these TSS (in alphabetical order):
- a) Amazon Fire TV OS 6, 7 and 8;
 - b) Android TV 10, 11, 12 and 14;
 - c) Apple TV OS 18 and 26;
 - d) Google TV 10, 11, 12 and 14;
 - e) LG WebOS 25;
 - f) Roku OS 14;
 - g) Samsung Smart Hub (Tizen) 8 and 9;
 - h) Sky Entertainment OS;⁹³
 - i) Sky Q;
 - j) VIDAA OS U6, 7, 8 and 9;
 - k) Virgin Media Horizon;⁹⁴
 - l) Virgin Media TiVo on V6 ITE;
 - m) YouView on EE TV (Sagemcom ITE); and
 - n) YouView on Sony ITE.

Potential implementation approach

- 4.3 We have also considered how our proposed recommendations could be implemented by the Secretary of State in the secondary legislation that they must make to designate TSS. We think that a possible approach could be to define the TSS in scope by reference to the ITE they are carried on and the date it was first made available to members of the UK public.

⁹³ [REDACTED] response dated 09 May 2025).

⁹⁴ [REDACTED], response dated 06 May 2025).

- 4.4 The relevant date would therefore be the year in which the oldest ITE carrying the relevant versions of the TSS was first made available on the UK market. To reflect the range of commercial practices and arrangements that exist in the market in terms of releasing new versions, the date would need to be specific to each RTSS.
- 4.5 For example, if the provider of TSS A released the relevant version of its TSS in 2022 and updated all ITE back to those first made available in 2020 to carry this version, then the relevant date would be 2020. The designation for TSS A could state “TSS A provided in connection with ITE first made available to members of the public in the UK on or after 1 January 2020”.
- 4.6 We have determined the relevant date for each TSS we are recommending by in-depth desk research of TSS providers’ websites ITE store presence, requests for information to a range of TSS providers and stakeholder engagement, and where relevant, ITE store presence. The relevant dates for each of the TSS we recommend are set out in Table 1.

Table 1: List of candidate RTSS, related providers and relevant dates (in alphabetical order by provider).

Candidate RTSS providers	Candidate RTSS
Amazon	Amazon Fire TV OS provided in connection with ITE first made available on or after 01 January 2020.
Apple	Apple TV OS provided in connection with ITE first made available on or after 01 January 2015.
Google Alphabet	Android TV provided in connection with ITE first made available on or after 01 January 2019.
	Google TV provided in connection with ITE first made available on or after 01 January 2020.
LG	LG WebOS provided in connection with ITE first made available on or after 01 January 2023.
Roku	Roku OS provided in connection with ITE first made available on or after 01 January 2015.
Samsung	Samsung Smart Hub (Tizen) provided in connection with ITE first made available on or after 01 January 2023.
Sky	Sky Entertainment OS provided in connection with ITE first made available on or after 01 January 2021.
	Sky Q provided in connection with ITE first made available on or after 01 January 2016.
VIDAA	VIDAA OS provided in connection with ITE first made available on or after 01 January 2021.
Virgin Media	Virgin Media Horizon provided in connection with ITE first made available on or after 01 January 2021.
	Virgin Media on V6 ITE provided in connection with ITE first made available on or after 01 January 2016.
YouView	YouView on EE TV provided in connection with ITE first made available on or after 01 January 2021.
	YouView on Sony ITE provided in connection with ITE first made available on or after 01 January 2020.

Next steps

- 4.8 We welcome responses to this consultation by **16 September 2025**. We plan to finalise our report and give it to the Secretary of State in autumn this year. We will publish our final report.
- 4.9 As noted in paragraph 3.60, since we do not have a full breakdown of the usage of different TSS versions, during our consultation and before finalising our recommendations to the Secretary of State, we will gather additional we will gather additional information to confirm our estimates.
- 4.10 The Secretary of State will consider our final report when determining which TSS to designate. They will designate TSS by making secondary legislation (regulations).

A1. Legal Framework

Legal framework

- A1.1 This Annex sets out the statutory framework regarding the designation of television selection services (TSS) under Part 3A of the Communications Act 2003 (the Act), which was inserted into the Act by Part 2 of the Media Act 2024. This Annex is only a summary of the relevant provisions, it is not a substitute for reference to the statute.
- A1.2 Also relevant are Ofcom’s general duties in carrying out its functions, to further the interests of citizens in relation to communications matters and consumers in relevant markets, where appropriate, by promoting competition.⁹⁵ In doing so, Ofcom must have regard to a number of matters including the desirability of promoting the fulfilment of the purposes of public service television broadcasting in the UK, the desirability of encouraging investment and innovation in relevant markets and the needs of persons with disabilities.⁹⁶
- A1.3 In performing its general duties, Ofcom must have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice.⁹⁷
- A1.4 As explained further below, TSS that are designated by the Secretary of State (regulated TSS or RTSS) will have to comply with various statutory obligations related to making available and prominent the internet programme services (IPS)⁹⁸ of the UK public service broadcasters (PSB) which are designated by Ofcom (designated IPS or DIPS).⁹⁹
- A1.5 Each PSB has an individual remit which they are required to fulfil.¹⁰⁰ The BBC is required to fulfil its mission to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain.¹⁰¹ The individual remit for Channel 3 services, C4C and Channel 5 is to make

⁹⁵ Section 3(1) of the Act.

⁹⁶ Section 3(4)(a), (d) and (i) of the Act.

⁹⁷ Section 3(3) of the Act.

⁹⁸ An IPS is a reference to (a) an on-demand programme service where the programmes viewed by a user of the service are accessed by the user by means of the internet; (b) a non-UK on-demand programme service where the programmes viewed by a user of the service are accessed by the user by means of the internet; or (c) a service which satisfies the following requirements: (i) that the principal purpose of the service is the provision of programmes; (ii) that the programmes viewed by a user of the service are accessed by the user by means of the internet; and (iii) that the programmes it provides to a user of the service are contained in (1) such on-demand programme service as is described in part (a) of this footnote or such non-UK on-demand programme service as is described in part (b) of this footnote; and (2) another service which is, or two or more other services each of which is, such an on-demand programme service, such a non-UK on-demand programme service, or a service (other than those kinds of service) that consists of, or has as its principal purpose the provision of, programmes (section 362AA(10) and (11) of the Act).

⁹⁹ A DIPS is (a) an IPS provided by the BBC; (b) an IPS provided by a public service broadcaster other than the BBC and designated by Ofcom; or (c) an IPS provided by a person associated with a PSB and designated by Ofcom (section 362AA(1) of the Act).

¹⁰⁰ For each PSB, the programmes with which they fulfil their individual remits should be capable of being taken into account for the purposes of assessing the extent to which the UK TV remit is fulfilled and should constitute an adequate contribution to the fulfilment of the UK TV remit (section 264(4) of the Act).

¹⁰¹ Paragraph 5 of the Royal Charter for the continuance of the BBC, December 2016.

available a range of high quality and diverse programmes.¹⁰² The individual remit for S4C is to make available a broad range of high quality and diverse programmes, with a substantial proportion in Welsh.¹⁰³

Television selection services

A1.6 The services that may be designated are referred to as TSS. The Act defines a TSS as “a service or dissociable section of a service, provided by means of the internet and in connection with Internet Television Equipment (ITE), which consists of:

- a) the presentation of the IPS included in the service or the dissociable section of the service; and
- b) a facility that enables the user: (i) to make a selection between those IPS or programmes provided by those IPS or both; and (ii) to access the IPS or programme selected or both.¹⁰⁴

A1.7 As set out in Regulation 2 of the Internet Television Equipment Regulations 2024, ITE means smart TVs, set top boxes and streaming devices.¹⁰⁵

Regulated television selection services

A1.8 The Secretary of State has the power to designate TSS to be regulated and therefore subject to the statutory obligations set out in the Act. The Secretary of State may make regulations which:

- a) designate individual TSS (which we refer to as ‘individual designation’); or
- b) set out a description of TSS to be designated (which we refer to as ‘designation by description’).¹⁰⁶

A1.9 The Secretary of State may not designate a TSS by individual designation unless they consider that it is used by a significant number of members of the public in the UK.¹⁰⁷

A1.10 In regulations that designate by description, the Secretary of State may frame a description of TSS by reference to:

- a) a TSS being used by no fewer than such number of members of the public in the UK as may be specified in the regulations;
- b) the date on which a TSS is first made available to members of the public in the UK; and
- c) the functions that a TSS is capable of carrying out or may be made capable of carrying out.¹⁰⁸

¹⁰² Sections 265(2) and 265(3) of the Act. For C4C these programmes in particular must demonstrate innovation, experimentation, and creativity; appeal to the tastes and interests of a culturally diverse society include a significant amount of educational content; and have a distinctive character.

¹⁰³ Paragraph 3(2) of Part 2 of Schedule 12 to the Act.

¹⁰⁴ Section 362AE(1) of the Act. The Secretary of State may lay regulations to amend the definition of ‘television selection service’ or ‘internet television equipment’ (section 362AE(7)).

¹⁰⁵ [The Internet Television Equipment Regulations 2024](#) (2024/1056).

¹⁰⁶ Section 362AF(1) of the Act.

¹⁰⁷ Section 362AF(2) of the Act.

¹⁰⁸ Section 362AF(3) of the Act.

Ofcom's report to the Secretary of State

- A1.11 Before the Secretary of State can make designation regulations, the Secretary of State must have received a report from Ofcom, containing Ofcom's recommendations on the exercise by the Secretary of State of their powers to make regulations to individually designate or to designate by description.
- A1.12 Ofcom may decide on its own initiative to provide the Secretary of State with a report, and may make recommendations in relation to the exercise of either or both powers.¹⁰⁹ Alternatively, the Secretary of State may request a report from Ofcom, in which case we must provide one.¹¹⁰ When making such a request, the Secretary of State may provide Ofcom with a description of TSS they propose to designate and seek advice on that description.
- A1.13 When recommending individual designation, Ofcom's report must include our assessment of:
- a) the number of members of the public in the UK using the TSS in question and whether that number is significant;
 - b) the manner in which that TSS is used by such persons;
 - c) whether that TSS is capable of functioning as an RTSS and the modifications, if any, that are needed to make it so capable; and
 - d) such matters as Ofcom considers likely to affect the matters referred to above.¹¹¹
- A1.14 Ofcom's role in preparing reports for the Secretary of State is limited to recommendations on the Secretary of State's power to designate TSS. There is no statutory power for Ofcom itself to designate a TSS.¹¹²
- A1.15 Any TSS that is designated by individual designation regulations will become an RTSS.

Ofcom's statement of principles and methods

- A1.16 Ofcom must prepare and publish a statement about the principles and methods we will apply in preparing a report to the Secretary of State making recommendations about the exercise of their powers to make designation regulations.¹¹³ This statement was published on 23 April 2025.¹¹⁴
- A1.17 We may revise or replace that statement and must publish the revised or replaced statement.¹¹⁵

¹⁰⁹ Section 362AG(1) of the Act.

¹¹⁰ Section 362AG(2) and (3) of the Act.

¹¹¹ Section 362AG(4) of the Act.

¹¹² The position is different as regards the designation of IPS, where Ofcom has the power to designate IPS itself (section 362AA(2) of the Act).

¹¹³ Section 362AG(9) of the Act.

¹¹⁴ Ofcom, 2025, [Designation of Television Selection Services](#).

¹¹⁵ Section 362AG(10) of the Act.

Effect of designation

- A1.18 Where IPS and TSS are designated, the providers of those DIPS and RTSS must comply with the new regime. The provider of a DIPS will be the relevant PSB, or person associated with that PSB.¹¹⁶ The provider of an RTSS will be the person who has general control over the manner in which the TSS presents to its users the IPS that are included in the service.¹¹⁷
- A1.19 In order for an IPS offered by a PSB, other than the BBC, to be designated, Ofcom must be satisfied that it is appropriate to designate the service. Ofcom must also believe that the service makes, or would if designated, be capable of making a significant contribution to the fulfilment of the public service remit for the PSB channel; and that the public service remit content included is readily discoverable and is promoted by the IPS.¹¹⁸
- A1.20 Providers of DIPS will be subject to a “must-offer” obligation, and providers of RTSS will be subject to a “must-carry” obligation:
- A1.21 The “must-offer” obligation means that a DIPS provider must offer its DIPS to every RTSS provider.¹¹⁹ The DIPS provider must do its best to secure that, in relation to every RTSS, agreements are entered into and kept in force that ensure the service is included in the RTSS.¹²⁰
- A1.22 The “must-carry” obligation means that an RTSS provider must, in respect of each DIPS, enter into arrangements with the provider of the DIPS for the RTSS to include that DIPS and keep such arrangements in force.¹²¹ RTSS providers will also be required to ensure that the DIPS and, where appropriate, content on the DIPS that contributes to the delivery of the PSB’s remit are given an appropriate degree of prominence on their services.¹²² These services must also be accessible to those with disabilities (particularly those affecting sight or hearing).¹²³ The Act requires Ofcom to issue a code of practice recommending actions that RTSS providers should take when seeking to ensure that the presentation of IPS to its users are compliant with those accessibility obligations.¹²⁴
- A1.23 Providers of both DIPS and RTSS have a duty to act consistently with the “agreement objectives” when negotiating the arrangements required to meet the requirements of their “must carry” and “must offer” obligations.¹²⁵ The agreement objectives are that: (a) DIPS are given an appropriate degree of prominence within an RTSS (which includes public service remit content and any listed channel included in the DIPS);¹²⁶ (b) the arrangements between the providers do not adversely affect the ability of the provider of the PSB to fulfil the public service remit for its channel; and (c) arrangements do not disproportionately

¹¹⁶ Section 362AA(2) of the Act.

¹¹⁷ Section 362AE(5) of the Act. Section 362AE(6) of the Act says that the fact a TSS relies to any extent on algorithms to determine the prominence given to an IPS or any programme provided by the IPS does not prevent a person from having general control.

¹¹⁸ Section 362AA(2) - (5) of the Act.

¹¹⁹ Section 362AJ(1) of the Act. Section 362AJ(1) to (3) does not apply to the BBC.

¹²⁰ Section 362AJ(2) of the Act.

¹²¹ Section 362AK of the Act.

¹²² Section 362AO(1) and (3) of the Act.

¹²³ Section 362AO(4) of the Act.

¹²⁴ Section 362AP(1) of the Act.

¹²⁵ Sections 362AJ(3) and 362AK(2) of the Act.

¹²⁶ Section 362AM(2) of the Act.

restrict how the provider of an RTSS may make innovations in the ways that users may select and access IPS.¹²⁷ The Act requires Ofcom to prepare and publish guidance about how providers of DIPS and providers of RTSS may act consistently with the agreement objectives.¹²⁸

A1.24 The Act gives Ofcom a dispute resolution function¹²⁹ and enforcement powers.¹³⁰

Economic growth duty

A1.25 Section 108 of the Deregulation Act 2015 sets out Ofcom's duty to have regard to the desirability of promoting economic growth when exercising its regulatory functions. In order to consider the promotion of economic growth, Ofcom will exercise its regulatory functions in a way that ensures that:

- a) regulatory action is taken only when it is needed; and
- b) any action taken is proportionate.¹³¹

A1.26 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

Public sector equality duty

A1.27 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.

A1.28 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

Welsh language duty

A1.29 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language.

¹²⁷ Section 362AM(1) of the Act.

¹²⁸ Ofcom's guidance must also include how the BBC may act consistently with the agreement objectives in carrying out any of its duties under the BBC Charter and Agreement that are comparable to the requirement on other DIPS providers under section 362AJ(3) (section 362AL(2) of the Act).

¹²⁹ Sections 362AT to 362AY of the Act.

¹³⁰ Sections 362AZ to 362Z5 of the Act.

¹³¹ Section 108(2)(b) of the Deregulation Act 2015.

The standards issued to Ofcom are listed in Ofcom's compliance notice effective from 25 January 2017.¹³²

- A1.30 The Welsh Language Policy Making Standards require Ofcom to assess (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language, when formulating a new policy or reviewing or revising an existing policy.

¹³² Ofcom, 2017, [Compliance Notice – Section 44 Welsh Language \(Wales\) Measure 2011](#).

A2. Data sources and research

- A2.1 This section outlines the main data and research sources¹³³ and associated methodologies used to inform Ofcom's recommendations in this report, as well as our broader analysis of consumer and industry trends in the connected TV platforms market.

Data measuring the number of users of TSS

Omdia (industry data)

Data provider

- A2.2 Omdia, part of Informa Tech Target, is a research and consultancy company that specialises in tracking consumer and industry trends in technology markets, including the connected TV platforms market.

Methodology

- A2.3 Omdia estimates the active installed base of TSS in the UK, defining 'active' as having been used by a consumer at least once in the past 12 months. The ITE devices on which the TSS is installed must have an active internet connection and be capable of delivering programming over the internet. Omdia uses a three-stage methodology to calculate its active installed base figures:
- a) **Device shipment tracking**, i.e. the movement of ITE products from warehouses to retail and distribution centres and ultimately to the customer, over a certain period. This data is derived from tracking companies in the ITE/TSS supply chain, such as panel manufacturers and hardware brands (Samsung, Panasonic, etc.), with information sourced from a combination of publicly released data and direct interviews with the companies.
 - b) **Failure and replacement rate modelling**. The expected lifespan for smart TVs and streaming devices is established by Omdia on or around their release date, during the direct interviews carried out with the device brand owners. This initial information on anticipated lifecycle duration is used by Omdia to create failure-rate parameters, which are used to calculate an active installed base going forwards, beginning in the year in which the device was shipped. While the initial failure-rate parameters focus on the lifespan information provided at the outset by brand owners, thereafter Omdia monitors market developments on an ongoing basis, through desk research, the ongoing direct interviews with the device brand owners, and Omdia's own consumer surveys. Its consumer surveys are carried out across key territories – including the UK – using a sample size of at least 2,400 respondents per market to ensure statistical significance. New information gained from these processes that shows replacement rates for those devices are higher or lower than initially anticipated is used to adjust the failure-rate parameters, and the active installed base will change accordingly.

¹³³ This Annex covers only data sources cited in this report; we have also evaluated and analysed some additional relevant data sources, which have not been listed here.

- c) **Installed base modelling.** Once the number of retired devices is calculated, the shipment data is incorporated to establish the new active installed base. The difference between the number of shipped and retired devices constitutes the net additions, which may grow or contract depending on the device or market.

How Ofcom has used this data

- A2.4 Omdia's active installed base data is consistent with our metric for 'number of TSS installed ITE in UK homes', which has been used as a proxy for 'the number of members of public in the UK who use a TSS'. Omdia data has been used as one source for this proxy metric, along with TSS data (see below). It has been cross-checked with first-party data from the TSS providers.
- A2.5 Where we did not issue statutory information requests to providers because we believed them to be highly likely below any threshold we would consider, Omdia data is used to estimate the number of actively used TSS that these smaller providers have in the UK.

Limitations

- A2.6 As with any quantitative research estimates based on modelled inputs, data accuracy cannot be guaranteed. As such, we collected data for our chosen proxy metric (number of TSS installed on ITE in UK homes) from TSS providers, as outlined below, and compared the data against Omdia's data. This allowed us to compare the data sources and ensure that the data we rely on is sufficiently robust. The data received from TSS providers showed a broadly consistent picture of the market. While there were some differences between the first-party data and third-party data, using the third-party data would not have affected our proposed recommendations on TSS with a significant level of use. We therefore relied primarily on the first-party data for our analysis, as we expect this to be more accurate.

TSS provider data

Data providers

- A2.7 Based on our analysis of the market (including Omdia's data) and stakeholder engagement, we identified relevant TSS providers and issued information requests to them using our statutory powers.¹³⁴ We issued these requests to, and received data in response from, 14 TSS providers (each of which operates one or more TSS): Amazon, Apple, BT, Google, Everyone TV, LG, Panasonic, Roku, Samsung, Sky, TalkTalk, Titan OS, VIDAA, and Virgin Media.
- A2.8 There are other TSS providers in the UK but, based on the third-party market data we analysed and informal stakeholder engagement, we determined them to have relatively low numbers of users (according to our proxy metric). We therefore did not consider it appropriate, relevant and proportionate to issue requests for information to such providers.

Methodology

- A2.9 Each TSS provider was requested to provide information on the number of active users of their TSS. We asked them to list all relevant TSS that they provide to UK viewers as of the end of 2024 and, for each one, provide information on the number of ITE devices with the

¹³⁴ Using information gathering powers under section 362AS of the Act.

TSS installed and actively used for the specific periods. For 2022, 2023 and 2024, we asked for annual active usage figures (the number of devices that have been used to access the TSS at least once during the year) and average monthly active usage (the number of devices that have been used to access the TSS at least once in the past month, averaged across all months in the year).

- A2.10 The specific method by which TSS providers collect this data themselves can vary but, broadly speaking, they track usage of their TSS via individual devices that are in use in UK households, for the purpose of supporting their business operations, e.g. for monitoring, monetisation, and back-office management, etc.

How Ofcom has used this data

- A2.11 TSS data for the metric ‘number of TSS installed on ITE in UK homes’ has been used as a proxy for ‘the number of members of public in the UK who use a TSS’. It has been used as one source for this proxy metric, along with third-party industry data from Omdia (see above).
- A2.12 TSS data has been used to measure active usage across all versions of TSS providers’ respective TSS, and as the basis for further analysis through which we have sought to quantify the proportion of currently available versions of TSS within the base (to exclude any older versions of TSS).
- A2.13 TSS data has, in turn, also informed our assessment of where to set the threshold for a significant level of active use, by giving us an understanding of not just individual TSS’ usage but also the size of the total market that we have been able to measure, i.e. the total number of actively used TSS installed on ITE across all the providers we have measured.

Limitations

- A2.14 The TSS data we have used to assess whether a TSS is used by a significant number of people measures *total* TSS in active use rather than only the *currently available* TSS in active use. This means that this data – which we have used to assess whether the TSS is used by a significant number of people – will include older TSS versions in some cases. For those cases, our data might overstate the number of users of the service we recommend should be designated. As set out in paragraphs 3.47-3.48 above we consider that the number of people using relevant versions of TSS that we are recommending for designation would still be above our proposed the threshold for significant use.

Other sources of evidence for our market analysis

Omdia (consumer research)

- A2.15 Omdia, in addition to providing industry data (see above), also conducts consumer research, which we have used to inform several areas of analysis. In particular, Omdia’s consumer survey was used as the main source of data for our equality impact assessment (see **Annex 3**). The survey – which focuses on take-up of, and media usage on, connected TV and video devices in the UK (and other markets) – is conducted in partnership with market research company Ipsos, using a UK sample of 2,400 adults aged 18-64. Controls are placed on age interlocked with gender, region, and working status to ensure that the survey results are nationally representative.

- A2.16 Omdia's consumer survey has also been used to analyse levels of TSS multihoming in the UK, i.e. proportions of UK consumers that use one or more different connected TV platforms.

3 Reasons / MTM

- A2.17 3 Reasons, part of market research and strategy company MTM, provides data-driven analysis of the UK media landscape. This includes segmentation of UK households based on the type of ITE they use on their primary (main) TV set, as well as those that do not use ITE at all. We have used 3 Reasons' estimates of connected TV households to inform our understanding of TSS multihoming in the UK, by estimating the average number of ITE devices used in ITE households.

Barb

- A2.18 Contextual viewing data referenced in this report is sourced from Barb Audiences Ltd (Barb), the industry's standard for measuring broadcast TV, as well as understanding what people watch on online services in the home. Barb uses a hybrid approach, integrating people-based panel data with census-level online viewing data to provide the official broadcast TV measurement for the industry. Barb's panel consists of a nationally representative panel that completed an expansion to approximately 7,000 homes (approximately 16,000 individuals) in 2024.
- A2.19 The data that Barb collects includes viewing of broadcast TV through TV sets and via any devices attached to TV sets, such as computers, streaming devices, or set-top boxes. Barb also captures device-based 'big data' whenever anyone in the UK watches a broadcaster IPS service on a connected device, as well as some viewing data for online streaming services (video-sharing platforms and IPS) on TV sets and for devices not connected to the TV being watched at home via WiFi. Barb does not capture out-of-home viewing.
- A2.20 Most figures show viewing averages for all viewers aged 4+, the standard universe for the Barb currency; where other age breakdowns have been used, this is clearly stated. Barb analysis has been analysed using the AdvantEdge TV analysis software.

A3. Impact assessments

Assessing the impacts of our proposals

- A3.1 Section 7 of the Communications Act 2003 (the Act) requires us to carry out and publish an assessment of the envisioned impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities. Impact assessments help us to understand the policy decisions we have decided to take and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way.¹³⁵
- A3.2 Section 3 of this document presents the impact assessment carried out for this consultation where we have considered the potential impacts of our proposed recommendations. The recommendations in our report are prepared for the purposes of an advisory function where the decision on how the recommendations in our report will be implemented will be taken by the Secretary of State.

Equality impact assessment

- A3.3 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimization and other prohibited conduct related to protected characteristics under the 2010 Act. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A3.4 Ofcom has separate but complementary duties under Northern Ireland's equality legislation. This requires Ofcom to screen policies for their impact on equality of opportunity and/or good relations in each of the nine equality categories identified for Northern Ireland.
- A3.5 We have given careful consideration to whether the proposals in this document will have a particular impact on persons sharing protected characteristics (including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.
- A3.6 As part of our assessment, we have examined whether persons sharing protected characteristics may be disproportionately impacted by the proposed approach to designation. Using consumer survey data from Omdia, we analysed device usage and brand penetration across different age and income demographics, and by UK nation. By identifying device brands, we inferred the popularity of specific TSS. Our analysis focused on smart TVs and streaming devices, providing a structured view of how audiences engage with different platforms.

¹³⁵ Ofcom, 2023, [Impact assessment guidance](#).

- A3.7 Our findings indicate that brand popularity is largely uniform across age groups, income brackets, and nation. No single brand demonstrated particular popularity among a specific age group, socio-economic demographic or nation, suggesting that designation does not need to account for demographic-driven platform preferences. Similarly, analysis of TSS usage across different UK audience segments showed no significant variations between age groups, income levels, or across the nations. Consequently, we believe that there is no need to designate platforms based on their appeal to particular groups nor that our proposed approach to designation unduly impacts certain demographic groups.

Welsh language

- A3.8 The Welsh language has official status in Wales.¹³⁶ To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards in relation to the use of Welsh, including the general principle that Welsh should not be treated less favourably than English in Wales.¹³⁷ Accordingly, we have considered the potential impact of our review on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language.
- A3.9 Informed by our analysis of demographic factors outlined in paragraphs 3.74-3.76 and in the Equality Impact Assessment above, we consider that the proposed recommendations do not treat the Welsh language differently to the English language or have any impact on opportunities for persons to use the Welsh language. We expect that for Welsh language speakers, the new regime will benefit them by ensuring they have access to PSB content catering to Welsh speaking audiences.

¹³⁶ Section 1(1), Welsh Language (Wales) Measure 2011.

¹³⁷ The Welsh language standards with which Ofcom is required to comply are available on our website.

A4. Responding to this consultation

How to respond

- A4.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 16 September 2025.
- A4.2 You can download a response form from [here](#). You can return this by email or post to the address provided in the response form.
- A4.3 If your response is a large file, or has supporting charts, tables or other data, please email it to mediaact.part2@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address will be used for this consultation and subsequent consultations concerning the implementation of Part 3A of the Communications Act 2003 (the Act), which was inserted into the Act by Part 2 of the Media Act 2024.
- A4.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Content Policy Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A4.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A4.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A4.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A4.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A4.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at **Annex 7**. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom’s proposals would be.
- A4.10 If you want to discuss the issues and questions raised in this consultation, please contact the team by email to mediaact.part2@ofcom.org.uk.

Confidentiality

- A4.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A4.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A4.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A4.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A4.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A4.16 Following this consultation period, Ofcom plans to publish the final report in autumn this year.
- A4.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A4.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in **Annex 5**.
- A4.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A4.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A5. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

1. Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

2. We will be clear about whom we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
4. When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
5. A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
6. If we are not able to follow any of these principles, we will explain why.

After the consultation

7. We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A6. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- > Nothing ☐
- > Name/contact details/job title ☐
- > Whole response ☐
- > Organisation ☐
- > Part of the response ☐

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes ☐ No ☐

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A7. Consultation questions

Please tell us how you came across about this consultation.

- ☐ Email from Ofcom
- ☐ Saw it on social media
- ☐ Found it on Ofcom's website
- ☐ Found it on another website
- ☐ Heard about it on TV or radio
- ☐ Read about it in a newspaper or magazine
- ☐ Heard about it at an event
- ☐ Somebody told me or shared it with me
- ☐ Other (please specify)

A7.1 The box below presents the questions that we posed in this consultation document.

Question 1:

Do you agree with our proposed approach to measure the number of people using a TSS in the UK and the manner in which such services are used? Please provide evidence to support your views.

Question 2:

Do you agree with our proposals in relation to TSS available in multiple versions, as set out above? Please provide evidence to support your views

Question 3:

Do you agree with our assessment and the threshold we are recommending? Please provide evidence to support your views

Question 4:

Do you agree with our assessment of technical functionality? Please provide evidence to support your views.

Question 5:

Do you agree with our assessment of additional matters, and the conclusion we reached? Please provide evidence to support your views.