

Cristina Nicolotti Squires
Group Director for Broadcasting and Media
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

10th March 2025

Objections to Proposals in Ofcom's Consultation on Revised PSB Commissioning Codes of Practice

Dear Ms Nicolotti Squires,

We are writing to express our deep concern regarding the proposals set out in Ofcom's current consultation on the Revised Guidance for Public Service Broadcasters on Commissioning Codes of Practice. We believe that the proposed removal of prohibitions on 'matching rights' and linking conditional offers to the bundling of primary and secondary rights will pose a significant threat to the financial health and sustainability of the UK's independent production sector, and ultimately, to the diversity and quality of UK public service broadcasting.

[§<]

The result will be a decline in diverse supply and reduced working capital for SMEs, stifling innovation in the UK content market and ultimately restricting the range of content available to PSB commissioners and viewers.

[§<]

[§<]

[§<]

[§<] PSB licence fees are not increasing in line with inflation and more and more PSBs are looking to producers to source their own deficit financing.

We strongly believe that these changes would have a severe detrimental impact on the UK television production sector, both in terms of securing finance for productions and in terms of the diversity of content produced. With rising production costs, we need to be able to leverage our rights to source deficit funding. If we lose this ability, it will become even harder to get projects financed and the industry will suffer as a result.

Bundling

On the issue of bundling, producers are already pressured to acquiesce to broadcaster's demands for additional UK rights, often left with little choice but to grant a broader package of rights over and above the primary rights to the broadcaster or potentially lose the commission. Producers already grant PSBs broad rights across multiple platforms in the UK in recognition of the need for the PSBs to compete with streamers. If this permittance of bundling is extended to ex UK rights, this would essentially allow the PSBs to obtain both primary and secondary rights for the same and/or similar price to the primary rights now. [§<]

[§<]

Last matching rights:

We are extremely concerned that if PSBs are given matching rights to acquire UK and international secondary rights, that this will inevitably dissuade distributors [§<] and other potential funding sources from making offers to deficit fund which will have a significant detrimental effect on our ability to seek deficit funding and make programmes. The ability for us to be able to exploit UK secondary and international rights in order to raise deficit finance is vital and if broadcasters are granted last matching rights to acquire such rights, this would inevitably mean we would not get the required funding for our productions.

[§<]

[§<]

We strongly urge Ofcom to maintain the existing safeguards that protect independent producers that also ensure a fair and competitive market. We believe that a strong and vibrant independent production sector is essential for the continued success of public service broadcasting in the UK.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Amelia Brown', with a stylized, flowing script.

Amelia Brown
CEO Fremantle UK