BBC RESPONSE TO CMA'S STRATEGIC REVIEW OF MARKET REMEDIES PROVISIONAL DECISION RE TELEVISION BROADCASTING SERVICES UNDERTAKINGS 1992

Executive Summary

The BBC welcomes the CMA's Provisional Decision that by reason of a change of circumstances, the Television Broadcasting Services Undertakings 1992 (the "**Undertakings**") are no longer appropriate and should be released. The BBC agrees with the CMA's analysis at section 4 of the Provisional Decision and supports the CMA's notice of intention to release the Undertakings.[1] In particular, the BBC endorses the CMA's findings on market developments and agrees with the CMA's analysis of the enhanced regulatory landscape.

Agreement with the CMA's Analysis

The BBC agrees with the CMA's provisional finding that there has been a material change of circumstances since the Undertakings were introduced in 1992 and since they were last reviewed by the Competition Commission in 2013, such that the Undertakings are no longer appropriate and should be removed.

Market Developments

The BBC endorses the CMA's findings on market developments at paragraphs 4.9 to 4.13 of the Provisional Decision and reiterates that:

- the BBC's channels face significant competition from a wide array of public service and commercial broadcasters, in addition to well-funded on-demand services such as Netflix, Disney+ and Amazon Prime;
- the BBC's share of total video viewing has declined materially, consistent with the Ofcom data cited by the CMA showing that share at 19% in 2024, down from around 33% in 2011 and 43.3% at the time the Undertakings were introduced[2];
- the magazine market — the focus of the original concern — is in long-term decline in both sales volume and value, and is markedly less dependent on promotion via broadcast channels; and
- the BBC's own involvement in magazines has changed fundamentally, moving away from title ownership towards licensing arrangements, removing any real ability or incentive to distort competition through cross-promotion.

Regulatory Landscape

The BBC agrees with the CMA's analysis of the enhanced regulatory landscape at paragraph 4.14 of the Provisional Decision and reiterates that:

[1] Section 4 of the CMA Provisional Decision, pages 24-27.
[2] Paragraph 4.11 of the CMA Provisional Decision.

- Article 11(1) of the BBC Charter requires the BBC to have particular regard to the effects of its activities on competition in the UK;
- Under the BBC Charter and Framework Agreement, Ofcom now provides independent regulatory oversight of the BBC, including of cross-promotion and the relationship between the BBC's public service and commercial activities; and
- this external regulation is reinforced by the BBC's robust internal controls, including the Commercial Cross-Promotion Guidance and the Editorial Guidelines.[3]

These modern protections comprehensively address the concerns the Undertakings were designed to meet, which are now duplicated by targeted, ongoing regulation.

Conclusion

For these reasons, the BBC welcomes and supports the CMA's Provisional Decision to release the Undertakings. Removing the Undertakings will reduce an unnecessary and duplicative regulatory burden without any risk to fair and effective competition, consistent with the CMA's and the Government's regulatory and growth agenda. The BBC would be pleased to discuss any of the points raised in this response with the CMA should further information be required.

BBC Legal
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[3] See Section 15 of the Editorial Guidelines on independence from commercial and other external interests.