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Concerns with the UK's Efforts to Institute Preferences for Public Broadcasters on Streaming Platforms

Background

Over the past several years, the UK has embarked on a multifaceted effort to bolster the fortunes of its public service broadcasters (PSBs), responding to challenges they have faced in navigating technological changes to the media landscape.¹ As viewers have increasingly turned to streaming platforms for news and entertainment, some media advocates argue that the traditional advantages PSBs enjoy (e.g., free access to spectrum and mandatory fees) should be supplemented with new interventions. Notwithstanding calls for policy changes, PSBs have already successfully engaged with streaming and social platforms, building tens of millions of followers across different channels, suggesting that the policy goal is less one of discoverability than of regulatory leverage over the platforms now driving viewership. In response, legislators and regulators are increasingly turning to prescriptive mandates to maintain the prominence of these services. This marks a potentially significant shift in regulatory approach, moving from ensuring access to PSB services at the device level toward intervening directly in how private digital platforms organize, rank, and recommend content to users.

While initial prominence mandates targeted hardware and operating systems (smart TVs, and internet-enabled streaming devices like Roku and AppleTV), UK regulators are now pivoting toward requirements within specific streaming services. Ofcom's July 2025 Public Service Media Review² raised the possibility of legislation to extend prominence obligations beyond device-level interfaces to include online video services and other platforms hosting PSB content (with YouTube cited as the leading example). Ofcom's accompanying report, *Transmission Critical: The Future of Public Service Media*,³ suggested that "the Government may wish to explore prominence for news on social media and other platforms, even though implementation would be complex and would need to reflect the different ways that platforms promote content to users." The scope of "other platforms" is conspicuously undefined and there is a risk that it extends well beyond video-sharing services to encompass, for example, social media, news aggregators, podcast platforms, smart-speaker assistants, and any other interface through which UK users discover news content.

¹ The UK's Media Act 2024 establishes a public service broadcasting ("PSB") "prominence" regime designed to ensure the visibility of designated UK broadcaster services on certain connected TV environments. The regime applies to "Regulated Television Selection Services" (RTSSs), which are primarily connected TV operating systems and device-level interfaces (e.g., smart TV platforms and streaming device operating systems), requiring them to carry and give prominence to UK public service broadcaster apps, "Designated Internet Programme Services" (DIPS), including BBC iPlayer, ITVX, and Channel 4 Stream.

² <https://www.ofcom.org.uk/tv-radio-and-on-demand/public-service-broadcasting/public-service-media-review>

³ <https://www.ofcom.org.uk/siteassets/resources/documents/public-service-broadcasting/public-service-media-review/transmission-critical-the-future-of-public-service-media.pdf?v=400631>

The UK Government has made clear it is prepared to legislate if voluntary arrangements do not materialize, irrespective of Ofcom's review.⁴ Such intervention is strongly supported by politically-influential public broadcasters, who argue (often without robust public evidence) that enhanced prominence is necessary to sustain public service media and address concerns such as misinformation. A consultation to consider further options, including legislation to mandate such outcomes, is expected in the next several months.

This shift represents a markedly more intrusive approach to streaming services, directly affecting the design and operation of these services and risking fragmentation of globally standardized services to accommodate localized compliance demands. Instituting preferential treatment for domestic media is not unique to the UK, but the degree of intervention currently proposed is striking for a nation traditionally defined by open market policies. France's recent pursuit of higher local content quotas and Russia's 2021 mandate for local app pre-installation⁵ might be unsurprising, if unwelcome, and the EU's broad endorsement of national-level preferences (now being revised) is a longstanding position, but the UK's shift is an unexpected departure from its market-oriented precedent. The proposed mandates for PSBs represent a similarly interventionist stance, a heavy-handed attempt to direct consumer behavior. This intervention carries troubling implications, not only for equitable trade relations but also for the integrity of internet-enabled services as a vital check against state-favored discourse.

This policy trajectory could further undermine efforts to strengthen economic ties with the U.S. The discriminatory nature of these mandates, which disproportionately impact U.S.-based service providers and the U.S. content they distribute, would represent a significant friction point in trade relations. It could also jeopardize access to the largest and most lucrative international market for UK PSBs, a major source of their long-term growth.⁶ Penalizing U.S. digital platforms while UK PSBs simultaneously rely on American consumers for growth is a strategic contradiction that seems particularly ill-considered.

Key Concerns

The Qualitative Difference Between Device-Level and Algorithmic Prominence

Static, device-level prominence on a connected TV operating system is categorically different from algorithmic prominence within an online video service. Device-level prominence governs placement on a finite, static surface—a remote, a home-screen tile, or a row of apps. In effect, it is a regulated shelf space. The platform's underlying logic is not implicated, and the user's individual preferences are not overridden.

⁴ Speaking at the Society of Editors conference in 2026, Culture Secretary Lisa Nandy stated that "if action doesn't accelerate, we will introduce prominence requirements for public service media content on Video Sharing Platforms as we have done on televisions."

<https://www.gov.uk/government/speeches/culture-secretary-speech-at-society-of-editors-conference-2026>

⁵ See:

https://tadviser.com/index.php/Article:Pre-installation_of_Russian_software_on_smartphones_and_computers

⁶ <https://www.pact.co.uk/resource/pact-uk-tv-exports-report-2025.html>

Algorithmic prominence within an online video service is fundamentally different. Recommendation, search, and ranking systems are interactive, personalized, and continuously responsive to user behavior. Thus, extending Media Act “must carry” and “appropriate prominence” mandates for connected TV operating systems (ensuring, for instance, the visibility of the BBC iPlayer app on specific devices) to online video services would require re-engineering the service and overriding the very preference signals that make the product useful to both consumers and content developers. Framing algorithmic prominence as a natural successor to device-level rules obscures the qualitative shift in regulatory ambition the proposal represents and the disproportionate burden it would impose on platforms and creators.

What Compelled Promotion Within Online Video Services Could Mean

Ofcom’s framing that public service media (PSM) content “should be findable on YouTube,”⁷ is an unfortunate slogan that obscures regulatory overreach. PSM content is already highly accessible and not difficult to find. In fact, UK PSBs are among the most followed and most watched accounts on the very platforms these mandates would target. The BBC has built an audience of more than 10 million followers on Facebook, and Channel 4 has accumulated nearly 8 million. PSBs maintain similarly large subscriber bases on YouTube and routinely rank among the top-performing UK accounts across major video and social platforms. These figures are not the profile of broadcasters struggling for discoverability; they are the profile of broadcasters that have successfully adapted to, and thrived on, the open architecture of these services. The case for a statutory remedy collapses when the supposed problem—audiences unable to find PSB content—is not borne out by the data. In practice, this recommendation demands that PSM content be prioritized over competing material, introducing a system of de facto discrimination in favor of officially sanctioned providers. Emerging discussions suggest that such promotional measures could include adjustments to search results, recommendation systems, or curated content displays within platforms, representing a shift from device-level app placement to in-service content prioritization.

Ofcom’s Draft Code of Practice,⁸ published in early 2026, provides an example of how prominence obligations may be operationalized in practice, including detailed requirements related to app placement, navigation menus, and prioritization within curated content rows (“rails”) and search functions. These frameworks are formally structured around commercial negotiations between device makers and public service broadcasters, operating within defined regulatory parameters, including the possibility of regulatory intervention where agreement cannot be reached. While these requirements currently apply only at the device level, the same level of specificity could plausibly be extended to stand-alone video services and other platforms hosting PSB content, setting a precedent for governments to re-engineer global products to favor politically-influential broadcasters in their own markets.

⁷<https://www.ofcom.org.uk/tv-radio-and-on-demand/public-service-broadcasting/public-service-content-should-be-findable-on-youtube>

⁸<https://cms.law/en/gbr/legal-updates/prominence-and-accessibility-on-connected-tv-platforms-draft-code-and-guidance>

Platforms Already Reward Trusted Content

The premise behind prominence mandates that PSB content is being drowned out by misinformation and engagement bait does not reflect how modern recommendation systems operate. Major video and social platforms already invest heavily in algorithmic and policy measures that elevate authoritative sources and downrank misinformation, clickbait, and low-quality engagement-driven content. Established broadcasters and trusted news outlets are routinely surfaced more aggressively than raw engagement metrics alone would justify. PSB content therefore does not need a statutory intervention to outcompete misinformation; it already benefits from platform-level systems designed to favor authoritative sources. Mandating additional prominence on top of this is not a remedy for a market failure but a redundant intervention that crowds out the independent journalists, civic creators, and expert voices those same quality signals are designed to elevate alongside PSBs.

Scope: Who Qualifies, and Which Services Are Covered?

Two intertwined definitional questions sit unresolved at the core of the proposal: which broadcasters qualify for prominence, and which platforms are obligated to deliver it. Neither has a defensible answer.

The favored list assumes a self-evident category of PSBs, but that category is an artifact of historical spectrum allocation, not a substantive judgment about where high-quality journalism originates in 2026. If the objective is genuinely to help audiences find trusted content, the list's exclusion of other independent investigative outlets reflects licensing accident, not editorial quality. Broadening the list on quality grounds, however, would force the Government to articulate defensible, viewpoint-neutral criteria and police that boundary over time. Neither option is satisfactory: the legacy list is arbitrary, and any alternative invites permanent contestation over who counts as a trusted voice.

The scope of covered services is left similarly undefined. Ofcom's *Transmission Critical* report invites the Government to "explore prominence for news on social media and other platforms," while conceding that implementation would be complex given the very different ways services surface content. "Other platforms" is left open and could plausibly sweep in news aggregators such as Apple News and Google News, podcast platforms, social networks, and smart-speaker assistants well beyond the video-sharing services contemplated in the Culture Secretary's public remarks. For the companies operating those services, this creates a particularly unwelcome form of regulatory risk: a poorly-defined demand to prioritize a specified set of news sources, with no clear boundary on which products are in scope and no clear specification of what "prominence" would mean across such heterogeneous surfaces. These are not drafting details to be resolved at the consultation stage but the central governance flaws of the scheme, and they quietly normalize the principle that the state is competent to designate both which media voices the public should be steered toward and which products must do the steering.

Zero-Sum Displacement of Independent and Civic Content

Content prominence inherently operates as a zero-sum dynamic: elevating certain content necessarily reduces the visibility of other content. Extending prominence requirements to

online video services could therefore reshape content discovery outcomes across the platform, not just for public service media but for all creators competing for user attention. The category of content that gets displaced is not, as is sometimes implied, simply commercial entertainment or low-value material. It includes independent journalists and educational creators, podcasters, civil society organizations and NGOs, local community groups, faith organizations, charities, universities, museums, and even other public-interest bodies and government departments that have built audiences on these platforms. Many of these voices contribute directly to the same democratic and informational objectives that PSB prominence is ostensibly meant to advance, and many of them are British. A regulatory regime that hard-codes preference for a designated set of incumbent broadcasters does not merely re-weight the algorithm in favor of "public-interest" content; it re-weights it in favor of a narrow, government-defined subset of public-interest content, at the direct expense of the rest. The relevant policy question is therefore not whether PSB content deserves an audience—it plainly does, and already has one—but whether the state should be in the business of deciding which civic voices are amplified and which are demoted to make room for them.

Disproportionate Impact on U.S. Suppliers

Within the broader pool of content that would be displaced, the bulk of affected material on the platforms in question originates outside of the UK, much of it from U.S. media companies, independent producers, and creators. The practical effect of an algorithmic prominence mandate is to reduce the reach of U.S. audiovisual content in the UK market, with corresponding reductions in audience and advertising revenue. In this respect, algorithmic prominence mandates function as a non-tariff barrier on U.S. content.

Mandated Prominence May Not Achieve Its Stated Goals

There is a growing body of industry evidence that artificially elevating news and public service content within consumer-facing surfaces does not, in practice, drive sustained engagement. Dedicated news tabs, curated news rails, and "trusted source" prominence features deployed across a range of platforms have repeatedly underperformed expectations, with users defaulting to entertainment, personal-interest, and creator-driven content even when public service material is given premium placement. The pattern is consistent: prominence is a necessary but not a sufficient condition for engagement, and audiences cannot be compelled into consuming content they have not chosen to seek out.

If statutory prominence mandates simply move PSB content closer to the top of a feed or carousel that users scroll past, the policy will not deliver the audience uplift its proponents anticipate; it will merely impose the costs (re-engineered services, displaced creators, distorted markets, strained trade relationships) without securing the benefits. Before legislating, the UK Government and Ofcom should be required to demonstrate, with platform-derived evidence, that prominence interventions of the kind contemplated actually change viewing behavior at scale. The track record to date suggests they do not.

User Experience and Trust Considerations

Users typically expect that content recommendations and search results reflect their preferences and viewing behavior. Intervention in how content is surfaced, particularly within recommendation systems, may affect user perceptions of platform neutrality and relevance. If prominence requirements are perceived as prioritizing policy objectives over user choice, this could influence user trust in both platforms and the broader content ecosystem.

Inconsistency with Core Trade Principles

The transition from device-level to service-level mandates represents a textbook case of rent-seeking by domestic constituents, creating an artificial advantage for local interests at the expense of global competitors. While the UK has avoided the broad national-content quotas seen in France, Australia, or Canada, its specific focus on PSBs is no less distortionary. By mandating that PSB content (inherently domestic) receive preferential placement, the state effectively downgrades access to foreign alternatives. This mechanism relies on imposing asymmetric regulatory burdens on global distributors. Because these mandates target specific "designated" services while exempting others, they create a significant competitive disadvantage for the former. Ultimately, while the policy avoids *de jure* discrimination based on nationality, its *de facto* impact is undeniably protectionist, as the beneficiaries are, by definition, British entities.

This form of discrimination—discrimination on the basis of government affiliation—has been disciplined in trade agreements, including one to which the UK is a party: the Trans-Pacific Partnership (CP-TPP). There, the unfair advantages enjoyed by government-controlled telecommunications operators were subject to a rule, Article 13.16.3 of the Telecom chapter, (replicated in USMCA, 18.18), prohibiting preferences on the basis of government affiliation.

Other key trade provisions of CP-TPP are even more clear cut: any effort to provide preferences for public broadcasters would be inconsistent with Articles 9.4 (National Treatment for Investment); Article 10.3 (National Treatment for Services); and Article 14.4 (Non-Discriminatory Treatment of Digital Products).

Given the U.S. interest in extending such trade rules in agreements with other trade partners, the UK's efforts to disadvantage one of the United States' key export priorities will inevitably undermine prospects for a successful negotiation. The UK is currently successful in attracting international investment in its domestic film industry, contributing to the success of global entertainment platforms, and any trade dispute would pose unnecessary risks to that successful ecosystem.

Recommendations

- Policymakers should closely monitor the development of the UK's PSB prominence framework, including any potential extension to online video services such as YouTube and other platforms hosting PSB content, for which early engagement and opposition should be a priority. In light of the Culture Secretary's explicit warning that the



Government will legislate absent voluntary progress, engagement should be calibrated to a near-term legislative timeline rather than a purely regulatory one.

- Policymakers should emphasize the potential impacts of prominence requirements on broader digital ecosystems, including media companies, creators, small businesses, and cross-border content flows.
- Engagement should resist efforts to characterize algorithmic prominence within services as a natural extension of device-level prominence rules; the two are qualitatively distinct regimes.
- Given the UK's PSBs' great success in the U.S. market, the discriminatory and non-reciprocal nature of proposals under consideration should be stressed.
- Policymakers should be cognizant of setting a precedent for instituting mandates in favor of government-affiliated media services, which has troubling implications for legitimizing practices of authoritarian regimes. The mechanism by which the state designates a roster of preferred outlets, whatever the stated criteria, is precisely the mechanism authoritarian governments use to entrench aligned voices and marginalize independent ones. A liberal democracy committed to media pluralism should be especially reluctant to construct and normalize that mechanism, even when the initial beneficiaries appear benign.
- Finally, policymakers may wish to assess how similar approaches, if adopted across multiple jurisdictions, could contribute to fragmentation in global digital markets and affect the ability of platforms and creators to operate across borders.