

Freely Content Provider App Placement Policy

The Freely Content Provider App Placement Policy has been designed to meet the following objectives:

- Make it easy for viewers to discover content through simple navigation
- Ensure the ongoing prominence of public service content
- Allocate and manage app slots fairly and efficiently

In the formulation and application of the Policy, Everyone TV will comply with any legal or regulatory requirements that may apply.

There will be four different listings, one for each of the four nations of the UK:

- England (plus Scottish Borders, Isle of Man, and Channel Islands)
- Northern Ireland
- Scotland
- Wales

In each nation, Freely CP apps will be ordered as follows:

1. **First, all apps that are associated with a public service TV channel** (identified in accordance with section 310 of the Communications Act 2003). Each such app will be ordered according to the Freely LCN position, within the relevant nation, of the TV channel with which it is associated, subject to the TV channel being available across the relevant nation.

Where more than one public service channel operates on the same LCN across the whole of a nation (e.g. in Scotland, where ITV Breakfast occupies LCN 3 from 06.00 to 09.25, and STV occupies the LCN for the rest of the day) then the TV channel that occupies the LCN for the majority of the time will be allocated the corresponding app slot; the TV channel that occupies the LCN for the minority of the time will be allocated a slot after the other apps that are associated with a public service TV channel that is available across the nation. Local TV services (holders of L-DTPS licences) are not available across the whole of any nation. However, should they launch a single app covering all such services, it will be placed immediately after the public service TV stations that are available across the relevant nation.

2. **Next, BBC Sounds will appear.** In recognition of the nature of the content on BBC Sounds, which is exclusively publicly-funded public service content, Everyone TV considers that it is reasonable to give BBC Sounds an appropriate degree of prominence. At present, given the layout of the Freely interface at launch, Everyone TV considers that an appropriate degree of prominence can

reasonably be achieved by placing BBC Sounds at the end of the PSB VOD apps and before non-PSB VOD apps. However, this is an interim position. The position of BBC Sounds, and the treatment of audio apps generally, will be reviewed, and a new version of the Policy will be issued, no later than three months after the date when a new audio app notifies Everyone TV in writing of its intention to launch.

In any case, BBC Sounds will appear ahead of other audio apps, in recognition of the public service nature of its content.

3. **Next, we will determine the order of non-PSB video apps** according to the Freely LCN position, within the relevant nation, of the channel with which it is associated, subject to the channel being available across the relevant nation.

An app will be considered to be 'associated' with a channel if:

- The app contains content that has been broadcast on the channel, and
- Both the app and the channel are under 'common control' (i.e. they are owned or controlled by companies in the same corporate group. The corporate group consists of a holding company and all its subsidiaries, the terms 'holding company' and 'subsidiary' having the meanings given in section 1159 of the Companies Act 2006. In addition, where a holding company directly or indirectly holds 50% of the voting rights in a channel or app which does not otherwise fall within the definition of 'subsidiary' in section 1159 of the Companies Act 2006, that channel or app will be treated as under common control with any of the holding company's subsidiaries with which the channel or app in question has common branding).

For the purpose of the App Placement Policy, no more than one app may be associated with any particular channel. If a CP has two or more Freely apps, each containing content from a particular channel under common control with the apps, then the CP must specify which one app should be treated as being associated with the channel. The CP's other Freely apps may be treated as being associated with a different channel in the CP's portfolio if they meet the above criteria – in which case, each app will each be allocated a slot according to its relevant associated channel's LCN; otherwise, they will be treated as apps that do not have an associated channel.

If an app is associated with an LCN that is not available across the whole of the relevant nation, it will be placed behind the apps that are associated with an LCN that is available across the whole of the relevant nation, on a first come, first served basis.

If an app is not associated with a Freely channel at all, then it will be placed behind all apps that are associated with a Freely channel. At first, such apps will be allocated on a first come, first served basis; however, Everyone TV reserves the right to allocate such apps according to audience expectations. The methodology for assessing audience expectations will be communicated to all Freely CPs before it is used.

Each Freely Channel Provider app will be assigned a position at the point that it launches, and will retain that position until either:

- (a) Another Channel Provider app launches ahead of it, in accordance with the methodology above; or
- (b) The Freely App Placement Policy is amended in such a way as to change the order of apps. Upon publication of the revised Policy, we will give effect to the new app ordering as soon as technically practicable; or
- (c) We reach a Periodic Reordering point for Freely LCNs (as defined in the Freely LCN Policy). Once the new LCN order is in place, we will re-apply the App Ordering Policy on the basis of the new LCN order, and change the position of apps as soon as technically practicable.

For the avoidance of doubt, if a channel changes its LCN between amendments to the App Placement Policy or between Periodic Reordering points, that will not change the position of its associated app.