

Business Impact Target: Ofcom list of non-qualifying regulatory provisions

Under the Small Business, Enterprise and Employment Act 2015 ('the SBEE Act'), we have a statutory obligation to produce an assessment of the economic impact on business of every qualifying regulatory provision we make during the relevant period. A qualifying regulatory provision is one that does not fall under any of the exclusions prescribed in the SBEE Act.1. We are still in the process of considering one measures introduced during the relevant period that may be qualifying. We will update our website in due course once our analysis is complete.

Under the SBEE Act, we are also required to publish a list of 'non-qualifying regulatory provisions', which are those that fall under one of the exclusions set out in the SBEE Act. This document sets out our non-qualifying regulatory provisions for the relevant reporting period. Ofcom's list of non-qualifying regulatory provisions has been submitted to, but not yet validated by, the Regulatory Policy Committee.

Regulator: Ofcom

Business Impact Target Reporting Period Covered: 9 June 2017 to 20 June 2018

Excluded Category	Summary of measure(s), including any impact data where available
Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)	<ul style="list-style-type: none">• Decided to make the Wireless Telegraphy Exemption Regulation 2017 to allow Wi-Fi access to additional spectrum in the 5.8Ghz band.• Published enforcement guidelines for regulatory investigations setting out how Ofcom will investigate, and enforce compliance with, regulatory requirements applying to stakeholders.• Published the Electronic Communications Code –a Code of Practice, template notices and standard terms for operators, as required under the Digital Economy Act.• Published guidance on our enforcement approach to Government legislation requiring mobile providers to offer bill limits to customers.• Increased range of geographic telephone numbers in relation to which communications providers must pay charges for blocks of telephone numbers allocated to them, in order to promote efficient use.• Updated the General Conditions of entitlement that apply to all communications providers.• Improving consumer access to mobile services at 3.6 GHz to 3.8 GHz.
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	<ul style="list-style-type: none">• Decided to make the Wireless Telegraphy (Mobile Communication Services on Ships) (Exemption) Regulations 2017 to enable passengers to connect their mobile devices to a system providing mobile communication on board ships without the need for a licence.• Decided to make the Wireless Telegraphy (Ultrawideband equipment) (Exemption) (Amendment) Regulations 2018 to amend licence exemption criteria for ultrawideband devices.

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Excluded Category	Summary of measure(s), including any impact data where available
	<ul style="list-style-type: none"> • Decided to make the Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2018 to amend licence exemption criteria for short range devices.
Measures certified as concerning EU Withdrawal Bill operability measures	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Pro-competition	<ul style="list-style-type: none"> • Released BT from its 2005 undertakings once new commitments to reform Openreach to make it more independent are in place. • Published a decision on non-domestic rates and the price for regulated dark fibre, amending the calculation of the price that BT charges for dark fibre. • Reviewed regulatory financial reporting for Royal Mail. • Carried out market reviews in communications markets to identify where providers have significant market power and impose appropriate conditions. Such reviews covered <ul style="list-style-type: none"> ○ standalone landline telephone services; ○ the wholesale local access market; ○ the wholesale broadband access market; and ○ mobile call termination markets. • Reviewed mobile donor conveyance charges for the period 2018-2021. • Set quality of service obligations arising from the narrowband market review (reported in a previous period) as well as the wholesale local access market review (above)
Systemic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Civil Emergencies	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Fines and Penalties	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Misuse of Drugs	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Casework	Ofcom carried out a significant level of casework during the period, for example resolving broadcast standards cases, awarding spectrum licences, reviewing requests from individual radio stations to change the format of their output, and applying Code Power to persons providing an electronic communications network and/or system of conduits.
Education, communications and promotion	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Activity related to policy development	Ofcom undertook several formal and informal consultations, and issued ad hoc information requests during the period for the purposes of general policy development.

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Changes to management of regulator	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
s27 of the SBEE Act: Controlled by a public authority	Published four measures relating to the BBC's competition, performance and operating licence. 'Regulatory provisions' relating to the activities of the BBC do not fall within the scope of 'business activities' under s27 of the SBEE Act.
S22(4)(a) of the SBEE Act: Tax, duty, levy or other charge	Extended the number of postal operators who would be liable to contribute towards our administrative costs.