

Daniel Maher  
Content Standards, Licensing & Enforcement Operations Manager  
Riverside House  
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London  
SE1 9HA

Dear Mr Maher,

The Advertising Association, the body representing the whole of the advertising industry - advertisers, agencies and media - wishes to take the opportunity to respond to Ofcom's consultation regarding the renewal of the co-regulatory arrangements for the regulation of broadcast advertising.

The Advertising Association played a crucial role, a decade ago, in coordinating discussions between the advertising industry, Ofcom and the ASA, and in developing the initial industry proposal to Ofcom to contract out broadcast advertising to the ASA. We are proud that the ASA has made such a success of the contracting out arrangements which were the first to be entered into by Ofcom under powers given by the 2003 Communications Act.

The industry supports the proposed renewal of the co-regulatory arrangements for broadcast advertising, as described in your letter dated 1 May to Lord Smith. We note and support the minor changes proposed to the MOU, in order to reflect the current situation, including in particular:

- The need to continue having an MOU, which is useful to an agreed understanding of how the arrangements work.
- Ofcom retaining approval of Code changes - however, we would emphasise the backstop role Ofcom should continue to play in this regard as envisaged by the original MOU.
- Continued reference to the ASA(B) and BCAP's adherence to international obligations.
- Retention of responsibility in law by Ofcom for political advertising, with information being given to ASA(B) on Ofcom decisions in this respect.
- Retention of responsibility for approving policy changes as regards scheduling restrictions.
- Retention of the ability for Ofcom to make representations on Code changes - however, as originally agreed in the MOU, this power should be used minimally, as Ofcom has demonstrated its trust in BCAP and the co-regulatory system as being responsible partners.
- Reflecting better through revisions to paragraphs 41-50 of the MOU Ofcom's non-interventionist approach to the AAC.
- A move to six-monthly reporting intervals instead of three.
- A more generic reference to arrangements for a recovery programme in the event of significant problems.

Yours sincerely,

Sue Eustace