

## 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 prescribed administrative exclusions.<sup>1</sup>

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 prescribed exclusions. This document sets out our non-qualifying regulatory provisions for the relevant reporting period.

**Regulator:** Ofcom

**Business Impact Target Reporting Period Covered:** 17<sup>th</sup> December 2020 - 16<sup>th</sup> December 2021

Excluded Category*	Summary of measure(s), including any impact data where available
Measures certified as being below <i>de minimis</i> (measures with an EANDCB below +/- £5 million)	<ul style="list-style-type: none"><li>• Amendments to the Broadcasting Code to include new provisions to ensure that broadcasters take due care of people who may be at risk of significant harm due to their participation in television and radio programmes.</li><li>• Introduction of a new licence condition requiring Wireless Telegraphy Act licensees to comply with limits on electromagnetic field (EMF) exposure.</li></ul>
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"><li>• Updating the TV Access Code to reflect new statutory requirements implementing the revised Audiovisual Media Services Directive (AVMSD).</li><li>• Making changes to our General Conditions (and associated guidance documents) as a result of implementing the European Electronic Communications Code (EECC).</li></ul>
Measures certified as concerning EU Withdrawal Bill operability measures	<ul style="list-style-type: none"><li>• Making minor amendments to the General Conditions (GCs) and the Numbering Plan, to ensure that the relevant GCs and Numbering Plan continued to have the same scope and effect immediately after the UK left the EU as they did immediately before.</li><li>• Updating the definition of 'non-domestic broadcasters' to now only cover providers of television services which broadcast to countries party to the European Convention of Transfrontier Television (ECTT) other than the United Kingdom. This reflects changes under the Broadcasting (Amendment) (EU Exit) Regulations 2019 to Ofcom's jurisdiction over TV services.</li></ul>
Pro-competition	<ul style="list-style-type: none"><li>• Wholesale Fixed Telecoms Market Review 2021-26: setting out how Ofcom has decided to regulate the fixed</li></ul>

<sup>1</sup> These were published in a [written ministerial statement](#) on 20th June 2018.

Excluded Category*	Summary of measure(s), including any impact data where available
	<p>telecoms that underpin broadband, mobile and business connections markets from April 2021 until March 2026.</p> <ul style="list-style-type: none"> <li>• Hull Area Wholesale Fixed Telecoms Market Review: setting out our decisions regarding the regulation of KCOM to 2026.</li> <li>• Wholesale Voice Markets Review 2021-26: setting out our decisions for the regulation of wholesale voice markets that underpin landline and mobile telephone calls in the UK from April 2021 until 2026.</li> <li>• Existing Openreach FTTP offers with geographic pricing: granting consent in relation to the three existing Openreach offers with geographic prices, permitting the existing geographic pricing to continue until the current offer periods end.</li> </ul>
Fines and Penalties	<p>Ofcom has imposed a number of fines and penalties associated with a specific enforcement decisions. These are classed as a non-qualifying regulatory provision under the case work exclusion and are not recorded separately here.</p>
Casework	<p>Ofcom carried out a significant level of casework during the Period including:</p> <ul style="list-style-type: none"> <li>• Investigation and enforcement activity in relation to broadcast standards<sup>2</sup> and competition and consumer enforcement<sup>3</sup>.</li> <li>• Licence awards.</li> <li>• Updates to licence terms.</li> <li>• Granting Code powers to persons providing an electronic communications network and/or system of infrastructure.</li> </ul>
Activity related to policy development	<p>Ofcom have published various consultations and calls for inputs over the period to further develop our policy and regulatory decisions, including:</p> <ul style="list-style-type: none"> <li>• Call for inputs: Review of postal regulation.</li> <li>• Call for inputs: Review of measures to protect people in debt or at risk of disconnection.</li> <li>• Consultation: VSPs - Risk of harms and protection measures guidance.</li> <li>• Consultation: Licensing updates for non-geostationary satellite earth stations.</li> <li>• Consultation: Opening up the mobile repeaters market</li> <li>• Consultation: Proposal for the regulation of advertising on video sharing platforms.</li> <li>• Consultation: Review of Media Ownership rules.</li> </ul>

<sup>2</sup> These are published in the [Broadcast and On Demand Bulletin](#)

<sup>3</sup> These are ordinarily published in the [Competition and Consumer Enforcement Bulletin](#)

\* For full, legal definitions of these exclusion categories, please see

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-20/HCWS776/>