

## Business Impact Target: Ofcom list of non-qualifying regulatory provisions 9 June 2017 – 14 November 2019

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. This document is also [available on our website](#).

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 of the Parliament which lasted from June 2017 to November 2019.

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>• Enabling Shared Access to Spectrum</li> <li>• Making of regulations in connection with the award of 700 MHz and 3.6-3.8 GHz spectrum</li> <li>• Global Radio publications (statement on approved areas, and 53 approved format changes)</li> <li>• Further consultation on approved areas for local radio to be produced in Scotland and Wales</li> <li>• Review of the Premium Rate Services Condition</li> <li>• Changes to the ODPS Rule 11</li> <li>• Making new licence exempt 60GHz regulations</li> <li>• List of channels required to provide access services in 2019</li> <li>• Statement: Review of Second Class stamp safeguard cap</li> <li>• Review of mandatory daytime protection rules</li> <li>• Recovering consumer advocacy costs</li> <li>• Minor changes to General Conditions</li> <li>• Opening of SRSL window for Ramadan licences</li> <li>• Directory enquiries (118) review</li> <li>• Wireless Telegraphy Exemption Regulation 2017 to allow Wi-Fi access to additional spectrum in the 5.8Ghz band.</li> </ul>

Excluded Category	Summary of measure(s), including any impact data where available
	<ul style="list-style-type: none"> <li>• Enforcement guidelines for regulatory investigations setting out how Ofcom will investigate, and enforce compliance with, regulatory requirements applying to stakeholders.</li> <li>• Electronic Communications Code –a Code of Practice, template notices and standard terms for operators, as required under the Digital Economy Act.</li> <li>• Guidance on our enforcement approach to Government legislation requiring mobile providers to offer bill limits to customers.</li> <li>• 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.</li> <li>• Updated the General Conditions of entitlement that apply to all communications providers.</li> <li>• Improving consumer access to mobile services at 3.6 GHz to 3.8 GHz.</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>• Statement: Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations - preparing for potential no deal Brexit</li> <li>• Changes to the licence exemption criteria for short range devices</li> <li>• 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.</li> <li>• Wireless Telegraphy (Ultrawideband equipment) (Exemption) (Amendment) Regulations 2018 to amend licence exemption criteria for ultrawideband devices.</li> </ul>
Pro-competition	<ul style="list-style-type: none"> <li>• Statement: Physical Infrastructure Market Review</li> <li>• Statement: Business Connectivity Market Review</li> <li>• Statement: Leased line charge control (part of the BCMR)</li> <li>• Statement: BT regulatory financial reporting (technical adjustments to BT's regulatory financial reporting as an SMP provider).</li> <li>• Statement: Review of regulatory financial reporting for Royal Mail: Cost allocation and transfer pricing.</li> <li>• Consent to defer KCOM 2018/19 regulatory financial statements</li> <li>• Statement: BBC iPlayer Competition Assessment</li> <li>• Statement: Britbox Competition Assessment</li> </ul>

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	<ul style="list-style-type: none"> <li>• Statement: Measures to support Openreach's full fibre trial in Salisbury (relating to SMP conditions)</li> <li>• Review of the 070 number range</li> <li>• Review of regulatory financial reporting for Royal Mail - margin squeeze</li> <li>• KCOM regulatory financial reporting</li> <li>• BT's regulatory financial reporting</li> <li>• Wholesale Broadband Access Market Review - 10am RNS</li> <li>• BBC Commercial and Trading Activities - updates to Ofcom's requirements and guidance</li> <li>• BBC's commissioning activity</li> </ul>
Fines and Penalties	<ul style="list-style-type: none"> <li>• JML Media Limited sanction decision</li> </ul>
Regulator casework	<p>Ofcom has made a variety of decisions relating to the granting and administration of broadcasting, radio and spectrum licences. These included the following examples:</p> <ul style="list-style-type: none"> <li>• Listed events - Rugby World Cup 2019. Request for Ofcom's consent for event coverage by ITV</li> <li>• Local and Community Radio: various statements setting out our decisions on requested programming commitment changes, and on granting of licences.</li> <li>• Statement: Decision of proposal to vary a radio spectrum licence in the 3.4GHz-3.6GHz band.</li> <li>• Statement setting out what television channels will be required to provide access services in 2020</li> <li>• Commercial radio licence awards for Bristol (106.5FM) and Ceredigion</li> <li>• Announce the award of new community radio licences</li> <li>• Variation of UK Broadband's spectrum access licence for 3.6 GHz spectrum</li> </ul>
Activity related to policy development	<p>Ofcom have published various consultations and calls for input over the period to further develop our policy and regulatory decisions. In addition, the following conclusions were drawn on industry proposals and future policy frameworks:</p> <ul style="list-style-type: none"> <li>• Statement: Children's Content Review - responding to industry plans.</li> <li>• Statement: Ensuring public service broadcasting delivers for viewers.</li> <li>• Statement: EPG code review and the future of PSB prominence.</li> <li>• Statement &amp; consultation: Mobile handsets (including industry voluntary proposals). Statement: EPG code review and the future of PSB prominence</li> <li>• Statement introducing an updated methodology for assessing which services are available to view live and for free by the widest possible audience for the purposes of Listed Events</li> </ul>

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	<ul style="list-style-type: none"> <li>• Fixed Wireless Spectrum Strategy</li> <li>• Local TV re-advertisement of further locations</li> <li>• Review of media ownership rules</li> <li>• 700 MHz clearance programme timescale review</li> <li>• Accessibility of on-demand programme services</li> </ul>
Changes to management of regulator	<ul style="list-style-type: none"> <li>• Extension of the remit of the Advertising Advisory Committee</li> </ul>
Imposing a tax, duty, levy or other charge – 22(4)(a)	<ul style="list-style-type: none"> <li>• Statement: Recovering consumer advocacy costs</li> </ul>
Grants (Exclusion under section 22 of the SBEE Act 2015) - 22(4)(c)	<ul style="list-style-type: none"> <li>• PMSE clearing the 700 MHz band: Support for PMSE equipment holders</li> <li>• PMSE clearing the 700 MHz band: funding for PMSE equipment owners</li> </ul>
Charges (Exclusion under section 22 of the SBEE Act 2015) -22(4)(a)	<ul style="list-style-type: none"> <li>• Annual licence fees for 900 MHz and 1800 MHz - 7am RNS</li> <li>• Satellite filings cost recovery</li> <li>• 2019/20 Tariff Tables: Ofcom's licence fees and administrative charges</li> </ul>
Control by a public body (Exclusion under section 27 of the SBEE Act 2015) - 27(3)(a)	<ul style="list-style-type: none"> <li>• New BBC Scotland channel. Decision on varying Ofcom's Operating Licence for the BBC's public services</li> </ul>