

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.¹

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: 17th December 2021 - 16th December 2022

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">• Amendments to the National Telephone Numbering Plan to remove the requirement to provide local dialling• Emergency video relay• Extending the range of static indoor mobile phone repeaters available for people to self-install without a licence• Strengthened rules to ensure that public call boxes that are still needed are protected from removal• Ensuring that public call boxes continue to work in the event of a power cut
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">• Updating the TV Access Code to reflect new statutory requirements implementing the revised Audiovisual Media Services Directive (AVMSD).• Making changes to our General Conditions (and associated guidance documents) as a result of implementing the European Electronic Communications Code (EECC).
Measures certified as concerning EU Withdrawal Bill operability measures	<ul style="list-style-type: none">• On-demand programme services (ODPS) guidance: decisions on how we will implement new quotas for 'European works' content on regulated video on-demand services. These changes result from the UK's transposition of the revised Audiovisual Media Services Directive 2018 into UK law, as required under the terms of the EU Withdrawal Agreement.
Pro-competition	<ul style="list-style-type: none">• Review of the interaction between BBC Studios and the BBC public service. It found that two significant areas (secondary content sales and supply and pricing of goods and services) where we were not satisfied that the BBC was operating in line with our regulation.

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

Excluded Category*	Summary of measure(s), including any impact data where available
Fines and Penalties	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.
Casework	<p>Ofcom carried out a significant level of casework during the Period, including:</p> <ul style="list-style-type: none"> • Investigation and enforcement activity in relation to broadcast standards² and competition and consumer enforcement³. • Licence awards. • Updates to licence terms. • Granting Code powers to persons providing an electronic communications network and/or system of infrastructure.
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"> • Consultation: Changes to BBC iPlayer • Consultation: Aligning licence terms in the 3.4-3.8 GHz band • Consultation: Review of postal regulatory reporting • Call for evidence: Mobile strategy discussion document • Call for inputs: Diversity in Broadcasting: Reviewing our data collection practices for promoting equality of opportunity in TV and Radio • Call for inputs: To review Ofcom's Broadcasting Code Guidance

* 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/>

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

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