

BT response to Ofcom consultation on the Proposed Code on the Prevention of Undue Discrimination between Broadcast Advertisers.

BT Position

BT welcomes Ofcom's consultation and supports the proposed Code. We believe it will help correct unfair discrimination.

We are also pleased to see Ofcom's desire to conclude the consultation, issue a statement and, most importantly, implement the proposed code before the end of 2011. We would support Ofcom in this and can see no reason why this timetable cannot be achieved.

Code Guidance

There is one point on media buyers (paragraph 5.7) we would like Ofcom to consider clarifying in the Code Guidance.

We appreciate Ofcom's understanding of the widespread use of intermediaries such as media buyers in the commercial relationship between broadcasters and advertisers. We also understand that broadcasters can use media sellers rather than selling direct, adding to the number of parties involved.

It would therefore be preferable if Ofcom specified how the Code actually works in such a situation in addition to the current statement that "The Code does not cover commercial relationships between media buyers and advertisers." In particular it would seem logical to ensure that the responsibilities of the broadcaster with regard to the code are made absolutely clear whether media buyers and/or media sellers are involved or not.

Consultation Questions

*Question 1 Do you agree with Ofcom's proposal for the Rules to be contained in the proposed Code? If not, please explain why?*

BT agrees with Ofcom's proposed method, via a code and guidance, of implementing the standards objective that "there is no undue discrimination between advertisers who seek to have advertisements included in television and radio services".

BT also agrees with the separate rules for television and radio reflecting the different way Ofcom regulates these services.

*Question 2 Do you agree with the proposed Rules and guidance in the proposed Code? If not, please explain why?*

BT agrees with the proposed Code and accompanying Guidance. The scope and content of the Code falls clearly within the remit of Ofcom's powers under s.319 of the Communications Act 2003. In addition, the definitions used by Ofcom are

aligned to the terminology used in the Audiovisual Media Services Directive (as implemented by the Communications Act 2003).

*British Telecommunications*  
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