

Title:

Ms

Forename:

Miranda

Surname:

Roberts

Representing:

Organisation

Organisation (if applicable):

MEF

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What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

Introduction

MEF is the global trade body of the mobile media and entertainment industry. It represents the leading companies throughout the entire mobile entertainment value chain, and works on behalf of its diverse membership to facilitate industry growth, shape regulation and deliver

competitive advantage to its members.

With global headquarters in London and operational chapters in Asia, EMEA, LATAM and North America, along with a local office in the Middle East, MEF is a member network with a global reach, strong local representation and the ability to drive market change. Established in 2000, MEF provides a consistent and powerful voice for the foremost mobile media businesses and entrepreneurs. For further information and a full list of members please visit: www.m-e-f.org

Summary response to the consultation

MEF welcomes the opportunity to respond to this Ofcom consultation on behalf of its members. The MEF membership reflects all parties in the premium rate value chain, including those to whom the new PhonepayPlus ("PpP") 12th Code of Practice (the "Code") will extend from 1 September 2011.

We agree that the PRS Condition should be extended as proposed to mirror the extended regulatory remit of the new Code, which has itself been the subject of extensive industry consultation and endorsed by Ofcom.

The new Code establishes a direct relationship between PpP and all parties in the value chain who are engaged in the provision and/or promotion of premium rate content and services. This will include those parties not previously subject to PpP directions and sanctions, other than through individual commercial contracts along the value chain.

An extension to the PRS Condition to incorporate those parties not currently required to comply with PpP directions and sanctions will ensure that the regulatory framework is transparent and consistent and no longer reliant on a sequence of contractual obligations enforced at the mobile network operator level. It will also ensure that Ofcom remains the necessary backstop enforcement body in the event that all avenues available to PpP to discharge its regulatory and enforcement duties in particular cases are unsuccessful.

We would also support a proposal whereby further clarification of the regulatory framework may assist PpP in the collection of fines, as these sums will be offset against the cost of regulation in the long run.

We note that an extension to the PRS Condition should not adversely affect any party within the extended premium rate value chain, in light of the considerable work and consultation already undertaken to date to deliver a new Code, and we trust that it will not result in any additional or unnecessary administrative burden on the premium rate industry.

We would welcome a review of the impact of the change to the PRS Condition in due course, alongside a full assessment of the implementation of the new Code.

If you need any more information or have any questions, please do not hesitate to contact Miranda Roberts at miranda@m-e-f.org.

MEF
22 June 2011

Question 1: Do you agree the PRS Condition should be amended to require all Controlled PRS Providers to comply with directions made by PhonepayPlus for the purpose of enforcing its Code of Practice?:

We agree that the PRS Condition should be amended to require that all Controlled PRS Providers comply with directions made by PhonepayPlus for the purposes of effectively enforcing the 12th Code of Practice.

Question 2: Do you agree that the proposed amendment to the PRS Condition (see Annex 4) gives effect to this intention?:

We agree that the proposed amendment to the PRS Condition would enable PpP to effectively enforce the 12th Code of Practice along the extended value chain, beyond the mobile network operators.