[GB] Regulator Sets Out Procedures for Competition Issues and Public Consultation

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The Independent Television Commission (ITC) which regulates broadcasting in the UK (except for the BBC) has issued revised codes on its competition procedures and on public consultation.

The competition code sets out the statutory basis for the ITC's competition duties, which include securing fair and effective competition between broadcasters and ensuring that a wide range of services is available (the Broadcasting Act 1990, s. 2(2)(a)). It is closely linked with the responsibilities of other regulators and competition authorities, and to avoid overlap, the ITC is a member of the Standing Committee on Competition in Communications which also includes the telecommunications regulator (the Office of Telecommunications - Oftel) and the Office of Fair Trading. The ITC will proceed by either ex ante policies, rules and guidelines, or by imposing sanctions on licensed broadcasters. In doing so it will have regard to the definition of relevant markets and the extent to which licensees enjoy market power, and will have regard to general competition law principles, including Articles 81 and 82 of the EC Treaty.

The ITC is undertaking an increasing number of public consultations (twelve in 2001), for example, in relation to revisions of its codes. In future, for major consultations it will provide a period of not less than twelve weeks for responses to be made, though a shorter period may be specified for a more focussed issue. It will not normally consult more than once, and, in addition to publishing a general invitation to respond on its website, the ITC will contact directly those likely to be significantly affected. Each consultation document will commence with a summary and will refer to the legal powers relied on. The full text of responses will be published on the website unless respondents have requested that a response is in confidence, and a further period of fourteen days will be allowed for comments on those responses.

ITC Guidance on Competition Procedures

ITC Guidance on Public Consultation

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