[GB] Regulator Announces Arrangements for the Regulation of Video on Demand Services

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Ofcom, the UK communications regulator, has announced after consultation the arrangements to be made for regulating video on demand services under the Audiovisual Media Services Directive and implementing the requirements of the UK Audiovisual Media Services Regulations 2009 (see IRIS 2010-1: 1/24).

In earlier consultation the UK Government had made it clear that it intended to limit the scope of UK regulation to the narrow range of services falling within the scope of the AVMS Directive and only to include services which include programmes similar to those available on television broadcast services. Ofcom will now finalise guidance on the scope of regulation to provide clarity for the public and service providers as to who will be subject to regulation; the guidance includes an illustrative list of services likely to be within the scope of regulation.

The regulations provide for the designation of co-regulatory bodies to secure compliance with the regulatory requirements. In relation to editorial content, the Association for Television on Demand (ATVOD) put forward a proposal for its designation as the new body and undertook a range of activities in preparation for designation, including recruitment of new independent members. Ofcom intends to designate ATVOD and give it broad functions to enforce standards requirements, to encourage service providers to ensure that services are gradually made accessible to people with sight or hearing disabilities and to ensure that providers promote the production of and access to European works. Ofcom retains these powers in parallel with the co-regulator and will exercise powers to determine decisions on the scope of regulation and on some statutory sanctions.

The Advertising Standards Authority (ASA), already the co-regulator for broadcast advertising, put itself forward for designation for regulation of video on demand advertising. Ofcom is satisfied that it complies with the requirements for designation and is now determining the detailed terms on which this will be made.

Explanatory Memorandum to the Audiovisual Media Services Regulations 2009, 2009 No.2979

http://www.opsi.gov.uk/si/si2009/em/uksiem_20092979_en.pdf

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