[GB] Co-Regulatory Approach to Television on Demand Services to Continue

IRIS 2012-9:1/26

Tony Prosser
University of Bristol Law School

Ofcom, the UK communications regulator, has decided after consultation to continue the arrangements by which the Authority for Television on Demand (ATVOD) is the co-regulatory authority for television on demand services under the Audiovisual Media Services Directive and the Communications Act 2003. ATVOD had asked to assume this role, and was designated to do so under the Act in 2010.

The designation authorised ATVOD to carry out a range of functions, including those to administer procedures relating to notification of on-demand services, to determine whether providers had notified their services to the regulator, to require the payment of a regulatory fee, and to ensure compliance with statutory content rules and promote European works. It was given the powers necessary to carry out these functions and made subject to a number of obligations, for example to issue guidance. Ofcom acted as a concurrent regulator and as a backstop, with the power to hear appeals from ATVOD's decisions and to exercise enforcement powers. The arrangements were to be reviewed after two years.

After receiving responses to its review, Ofcom decided to maintain the co-regulatory model. The responses suggested that ATVOD has adequately performed its functions and carried out its duties. Ofcom considered that industry incentives and consumers' interests are sufficiently aligned to support co-regulation and that the designation provides for an effective and efficient co-regulatory model.

Ofcom did however decide to amend the designation in a number of respects. It will remove the obligation for ATVOD to refer to Ofcom any particular case to decide whether a service is an on-demand programme services or whether a programme is included in such a service; remove the obligation for Ofcom's approval before it issues guidance, and remove the requirement to consult Ofcom about the complaints handling process and before issuing enforcement notices. Ofcom has also published new procedures for the handling of appeals from ATVOD decisions and for imposing sanctions.

Ofcom, 'Review of the Ofcom Designation of the Authority for Television on Demand', 15 August 2012

© European Audiovisual Observatory (Council of Europe) 2026

http://stakeholders.ofcom.org.uk/consultations/on-demand-programme-services/statement?utm_source=updates&utm_medium=email&utm_campaign=atvod-statement

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026