[GB] Final proposal for regulation of conditional access

IRIS 1997-1:1/29

Stefaan Verhulst
PCMLP University of Oxford

Final proposals on the provision of conditional access services for digital television were published by President of the Board of Trade, Ian Lang, at the end of November 1996. Previous plans were published on 26 June 1996 (see IRIS 1996-8: 15), and have been the subject of intensive consultation with broadcasters, manufacturers and other interested parties. The current proposals have been developed by the Department of Trade & Industry (DTI), the Department of National Heritage (DNH), the Office of Telecommunications (Oftel) and the Independent Television Commission (ITC). They are made under the European Communities Act and The Telecommunications Act in implementation of Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals (see IRIS 1996-2: 5).

The Consultation Paper contains requirements which have three main objectives. First, ensuring that the licensing of Industrial Property Rights for the use of conditional access technology is carried out in a way which is fair and non-discriminatory. Second, ensuring that conditional access operators offer broadcasters technical conditional access services on a fair reasonable and non-discriminatory basis. And third, ensuring that cable operators have the ability to use their own conditional access systems and associated services such as Electronic Programme Guides. The proposals have two main elements: the draft Class Licence and the Statutory Instrument, which creates duties owed to broadcasters to provide CA services; to cable operators to make provision for cost-effective transcontrol; and to manufacturers and broadcasters on industrial property rights for consumer equipment. The Consultation period closed on 11 December. A few days later on 17 December the final regulations were laid down in Parliament including a new provision requiring information and co-operation to be provided to broadcasters - before services are offered - by any entrant in the digital conditional access market. The Advanced Television Standards Regulations came into force on 7 January 1997.

Finally on 19 December the Office of Telecommunications (Oftel) published a Consultative Document on the practical regulation of conditional access. Specific issues raised for discussion include: subsidy for set-top boxes, access to Electronic Programme Guides, smart cards, intellectual property, pricing, etc. Comments were to reach Oftel by 24 January 1997. Regulations governing the licensing of proprietary conditional access technology to manufacturers have already been in

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force since 23 August 1996. (SI 1996/2185, available from HMSO)

The Advanced Television Standards Regulations (SI 1996/3151), 23 August 1996.

Conditional Access: Consultative Document on Draft Oftel Guidelines.Oftel, 19 December 1996.

http://www.open.gov.uk/oftel/condacc/condacc.htm

The Regulation of Conditional Access Services for Digital Television. Final Consultation Paper on Detailed Implementation Proposals. Department of Trade and Industry, 27 November 1996.

http://dtiinfo1.dti.gov.uk/digital/

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