

Annex A: Questions on Implementation

Questions on implementation - Protection of Minors

1. Do you agree with our proposed approach to amend s368E of the Communications Act 2003 to align the protection of minor requirements for linear and on-demand?
 - a. Yes
 - b. No
 - c. If No, please give details.

2. Noting that Recital 19 envisages that a system of that viewers should be provided with sufficient information regarding the nature of the content, should be equally applicable to both video-on-demand and linear services. Do you consider that Ofcom updating the relevant sections of the Broadcasting Code would be enough to sufficiently meet this requirement?
 - a. Yes
 - b. No
 - c. If no, please give details

3. If no, what would be your preferred way of introducing a new requirement for ensuring that viewers have sufficient information about the nature of content on video-on-demand catalogues? Could you indicate from the following:
 - a. Using acoustic warning
 - b. Content descriptors
 - c. Visual symbols
 - d. Age-ratings
 - e. Other means (please specify)

4. Should the measures above use standardised system of content descriptors or age-ratings used for broadcast and/or video-on-demand?

5. What would the benefits/obstacles be for introducing a standardised system to such content?

6. Should the government consider a self or co-regulatory model for provision of sufficient information to protect minors?

Questions on implementation - Advertising

7. The government invites views on how best to implement the requirement to ensure that VSPs comply with the relevant advertising provisions, noting that the Directive encourages the use of co-regulation by Member States to meet its aims, and that there already exists a co-regulatory framework for advertising on linear broadcast and VoD in the UK.

8. The government's preferred approach is not to make legislative change with regard to the change of advertising minutes. Do you agree with this approach?

- a. Yes
- b. No
- c. If no, please explain why

9. Do you consider that a review of the advertising minutes in the UK market should take place in relation to the liberalisation of scheduling of minutes set out in paragraphs 46-48?

- a. Yes
- b. No
- c. Please provide evidence that supports your view.

Questions on implementation - Accessibility

10. The government's preferred approach is to consider the recommendations set out in Ofcom's report on accessibility for on-demand regarding the design and implementation of accessibility for on-demand; in the event that time-scales do not align with the implementation deadline of 19 September 2020 that copy-out is used to update the wording s368BC for video-on-demand of the Communications Act 2003. Do you agree with this approach?

- a. Yes
- b. No
- c. If no, please explain why

11. Do you agree with the government's preferred approach to ensure that the accessibility of emergency communications is made through existing provisions in Section 336 of the Communications Act?

- a. Yes
- b. No
- c. If no, please explain why

Questions on implementation - European Works

12. We propose that government amends the Communications Act 2003 to ensure that Ofcom produces a report every two years on the European Works quotas and prominence obligations, via copy-out. Do you agree?

- a. Yes
- b. No
- c. If no, please explain why

13. We propose that government amends the Communications Act 2003 to ensure that Ofcom has to produce guidance on prominence of European Works in video-on-demand catalogues. Do you agree?

- a. Yes
- b. No
- c. If no, please explain why

14. Are there core framework elements that should be included in this requirement to produce guidance?

15. Noting that prominence in on-line catalogues could encompass a wide range of practices (e.g separate section, dedicated search, information on home page), please indicate which would consider would be appropriate:

- a. Separate section
- b. Dedicated search
- c. Information on home page
- d. Other (please specify)

16. What would be your preferred way of introducing a new prominence requirement for European works content on video-on-demand catalogues?

17. Noting that the Commission is due to publish guidance in relation to low turnover and low audience, do you agree with the proposed approach that we allow for exemptions for quota and prominence obligations by amendment to section 368C(3) and 368Q (3) for the Welsh Authority of the Communications Act 2003

- a. Yes
- b. No
- c. If no, please explain why

18. Do you consider that the current level of funding for European Works in the UK is sufficient? Please provide evidence.

19. The government currently has no plans to introduce a levy, however, do you think a levy scheme to fund European Works could be an effective way to provide funding? Please explain why.

20. Are there alternative methods of funding European Works that you wish to provide views on?

Questions on implementation - Video Sharing Platforms

21. Do you agree with the proposed approach of implementing the provisions pertaining to VSPs in the 2018 Directive through the regulatory framework outlined in the Online Harms White Paper?

- a. Yes
- b. No
- c. Don't know

22. If not, please explain why you deem this approach to be deficient and what alternative approach you would advocate.

23. Do you agree with the approach set out in paragraph 82 to appoint Ofcom as an interim regulator in the appoint Ofcom as the National Regulatory Authority as an interim measure if required?

- a. Yes
- b. No
- c. If no, please explain why

24. Which VSPs, if any, do you expect would fall under the UK's jurisdiction under the Country of Origin principle? Please explain your answer.

Please refer to the Online Harms White Paper Consultation for other questions related to the implementation of 2018 Directive, including:

- the scope of the proposed regulatory framework and measures;
- the appointment of an independent regulator; and
- the funding and enforcement powers of said regulator.

Questions on implementation - Signal Integrity

25. What would be your preferred way of introducing a new requirement for ensuring that appropriate and proportionate measures to ensure that audiovisual media services provided by media service providers are not, without the explicit consent of those providers, overlaid for commercial purposes or modified?

Questions on implementation - Media Literacy

26. In addition to the measures described in the section on Media Literacy, are there any other legislative and non-legislative measures government should be taking to fulfill the obligations of promoting the development of media literacy skills set out in Article 33a(1)?

Questions on implementation - Transparency of ownership of audiovisual media Service providers

27. Are you in favour of introducing additional measures which would require audiovisual media services providers under the UK jurisdiction to make information concerning their ownership structure, including the beneficial owners, accessible?

- a. Yes (please explain why)
- b. No