



Virgin Media's response to DCMS' Audiovisual Media Services Consultation Document and Consultation on the Interim Approach to Implementing Requirements for Video-Sharing Platforms in the Audiovisual Media Services Directive 2018

Introduction

Virgin media welcomes the opportunity to respond to DCMS' consultation on implementation of the revised 2018 Audiovisual Media Services Directive into UK law (*"the AVMSD Consultation"*). This piece of legislation is considered as the cornerstone of EU media law, with the objective of providing a harmonised regulatory regime for content across the EU Member States and ensures that EU content can flourish throughout the single market. As the Directive is largely harmonised at EU level, it is important that DCMS uses this opportunity, regardless of the Brexit outcome, to consider what provisions of the Directive are vital for the UK market to ensure that consumers continue to have confidence in the content they view and providers have confidence in an easily understood, fair and proportionate regulatory regime. The Government should also consider what steps it can take to try and prevent, as a result of Brexit, the retreat of content and service providers from the UK so that the UK maintains its role as a centre of innovation and the chosen base for the vast majority of pan-European AVMS providers.

Virgin Media's core TV business is based on aggregation and integration of content delivered via a range of basic and premium TV channels, Video on Demand (*'VoD'*) services and Apps into a seamless customer facing proposition. We therefore have only a limited number of linear 'barker channels' on our service and a small library of VoD content for which we have editorial responsibility. However, the rules and obligations in the AVMSD have a broad impact and consequences across the sector: we want, therefore, to ensure that any change to the current legislative and regulatory position is implemented in a proportionate, practicable and fair way, which reflects the dynamic nature of the industry and the different types of content and platform providers. In particular, parity in the regulatory obligations applying to the different types of

platform, including new, internet based offerings as well as traditional Pay TV services, is vital to ensure a level playing field and to realise the full benefits of competition.

Virgin Media has been a key contributor to the development of co- and self-regulatory initiatives in the UK. We played a role in the establishment of the BCAP co-regulatory system for broadcast advertising. Virgin Media was also a founding member of the Association for Television On-Demand (“**ATVOD**”) and subsequently has contributed to the industry initiatives to increase the availability of access services on VoD. Therefore we support, as much as possible, industry’s engagement and involvement with developing and maintaining the regulatory landscape.

In recent years, Virgin Media has focused on supporting the protection of the most vulnerable in society: children and young people. We have helped to build awareness of online risks for parents through our partnership with Internet Matters. Founded in 2014 alongside the other three major ISPs (BT, Sky, TalkTalk), Internet Matters provides parents and guardians with research, resources and expert advice to help children benefit from connected technology smartly and safely. We also provide parents with the tools to limit children’s access to sites with inappropriate content via our family-friendly broadband filters and pin protection options to view our VoD and TV content. Our internet filters are default-on for all new customers, and Ofcom research identifies that 92% of parents claim that network-level content filters are highly useful.¹

The pace of technological change and dynamic growth in audio-visual content has allowed for greater quantities of content to be delivered and consumers have never had more options to watch and control the content they want to view. Consequently, it is right that the AVMSD puts into place a regulatory framework which will ensure minimum content standards regardless of the method of viewing. However, any regulatory framework and guidance which is introduced must take into account that not all viewing experiences are equivalent and there are different harms associated with the nature of whether a customer chooses to watch a linear schedule, an on-demand asset or engage with a social media platform.

We set out below our combined response to both DCMS’ AVMSD Consultation and its further consultation on the UK’s interim approach to implementing the requirements for Video Sharing Platforms (‘the **VSP Consultation**’). Given that most of the Directive leaves little scope for a vastly different approach across Member States, and that we agree with the overall Government approach

¹ <https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens/children-parents-2017>

to transposition of the Directive into UK law, we propose only to respond to those questions which we consider most relevant and we are able to contribute to.

Executive Summary

- Virgin Media broadly supports DCMS's proposed approach to implementation of the revised Audiovisual Media Services Directive ("***the Directive***") which will closely follow the Guiding Principles for transposing Directives. This approach will ensure that: the UK does not go beyond the minimum requirements; UK businesses are not put at a competitive disadvantage compared to their European counterparts, (which is particularly important in a post Brexit world); and a 'copy-out' approach for transposition will be used, except where this would adversely impact UK business.
- We welcome DCMS' approach to regulate Video Sharing Platforms ('***VSPs***') through a similar regulatory structure to the current regulatory arrangements for VoD services. This will likely see VSPs regulated through a co-regulatory structure with Ofcom and the ASA respectively appointed as the co-regulatory bodies for editorial and advertising content. In a rapidly evolving sector, comprising of both new and legacy providers and various technologies, a common, consistent regulatory approach is vital to achieving good outcomes. Regulation of VSPs in the manner proposed by DCMS will ensure a consistent set of minimum content standards for consumers and a level playing field amongst competing providers regardless of the method or platform by which consumers choose to consume content. To have the maximum effect, this consistency of approach must extend to all aspects of regulation including enforcement, redress and sanctions.
- DCMS needs to consider further the interplay between the future developments in domestic policy in light of Ofcom's recommendations on the prominence of the PSB VoD services and the requirements under the Directive for the prominence of European Works. How will these requirements work in practice on converged platforms such as Virgin Media?

Virgin Media's Response

Questions on implementation – Protection of Minors

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

The Directive aims to align the protection of minors across linear and on-demand services. In practice, this will impact the current regulatory approach whereby the regulation of on-demand content is 'light-touch' compared to linear. However, in implementing the Directive and Ofcom's subsequent guidance it should be 'factored in' that the active consumption of VOD content, in contrast with the passive consumption of linear content, unavoidably shifts responsibility towards the consumer to decide what content to view. This is a trade-off consumers appear happy to embrace (as evidenced by the very low numbers of complaints about VoD content compared to linear content), and is vital to ensuring that VOD services can satisfy the so-called 'long tail' demand for diverse and niche content. For example, Virgin Media has over 100 VoD providers on its platform which in aggregate provide our customers with an extensive library of current and archive content. We therefore consider that any additional obligations with regard to content protection placed on VoD providers should be as minimal as possible, except to fulfil the exact requirements of the Directive. For example, although recital 20 states that '*the minimum harmonisation approach allows Member States to develop a higher degree of protection for content which may impair the physical, mental or moral development of minors*', we do not consider that for VoD content a higher degree of protection needs to be mandated.

The Directive is concerned with ensuring that:

- (i) Audiovisual media services that may impair the physical, mental or moral development of minors are only made available in such a way as to ensure they will not normally hear or see them;
- (ii) The most harmful content is subject to the strictest measures; and
- (iii) Sufficient information is provided to viewers about content which may impair the physical, mental or moral development of minors.

In terms of the categories of content covered under the Directive which may cause harm, we consider this is likely to be fairly limited on most mainstream platforms and would not cover programmes that would usually be scheduled for day-time and early evening. It has been established since the implementation of the 2010 AVMS Directive that content with a 12 or 15 age rating (or even mainstream 18 rated content), for example, does not impair the development of minors. This is reflected in Article 6(a) which states that any measures adopted to protect minors *‘shall be proportionate to the potential harm of the programme’*.

We agree that information should be given to parents, as a matter of good practice, on the content they may select for their children to view regardless of whether this ‘may impair’. Virgin Media already provides the opportunity for content providers, i.e. regulated On-Demand Programme Services (**‘ODPS’**), the ability to provide meta-data to accompany their VoD assets and this forms part of their contractual obligations. In choosing on-demand content for themselves and their families, Virgin Media consumers utilise the metadata attached to each piece of content, which can take the form of a narrative description of the programme (“this programme contains scenes of violence”), BBFC age-ratings, or – in the case of content from the BBC – a “G” for Guidance symbol. Where an age rating is specified in the metadata, we operate a pin protection system based on the age classification. This is an easy ‘short-hand’ way to describe to the consumer the appropriateness of the content for their family.

This approach has worked well to date as it means that content providers can give accurate warnings to viewers but at the same time also describe the editorial content of their service accurately. There are a limited number of characters which can be permitted within the meta-data so we have adopted functionality which allows a balance between providing a narrative around the content and giving ODPS’ the ability to give viewer warnings.

The fact that customers of VoD services clearly do accept the responsibility actively to seek information about content and act upon it should be reflected in the approach to implementing the Directive. We would therefore strongly urge the UK Government to implement the Directive in light of existing business custom and practice. A failure to do so is likely to place additional unquantifiable obligations on content providers and potentially distribution platforms, significantly stifle the development of the VoD industry and confuse consumers. It is our view that regulation in this policy area should offer the flexibility to support investment in and the innovation of future services to the benefit of both industry and the consumer.

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?

With reference to the question as to whether there is a preferred way of introducing a new requirement to ensure that viewers have sufficient information about the nature of content on VoD catalogues, we suggest that for platforms, such as Virgin Media, which integrate a number of third party services, an age-rating based system aligned with a pin-protection regime is likely to be the most easily understood and implementable by platforms and ODPS. This is well established and consumers are used to understanding the implications of an age-rating based pin-protection system.

Acoustic warnings and visual symbols are practicable but only if embedded into the programme by the content provider and this remains the sole responsibility of the ODPS. We consider this is practicable as the content provider already has the option to add symbols (e.g. to inform viewers there is product placement) and acoustic warnings into the introduction to the programme. This could then be delivered to the platform as part of the asset. This information would need to be consistent with any information provided to a platform such as age ratings or metadata.

With regard to a standardised set of age ratings, or content descriptors, the issue has always been to ensure consistency. Whilst large UK broadcasters offering catch-up and archive VoD content will

understand the appropriate age ratings for their asset – usually based on time of day scheduling and depending on the channel brand (for example, Channel 4 has argued that their audience is used to and expects different categorisations than a more mainstream channel such as ITV which might choose to be less risk averse given their broader audience appeal), this puts smaller and non-UK providers at a disadvantage, especially if there are additional costs to get all programmes compliance checked and age-rated by the BBFC. Furthermore, from a resourcing perspective, we do not see how a regime run by the BBFC to rate every VoD asset would be feasible for the BBFC or cost effective for providers.

As stated above, given the limited amount of content which is likely to impair minors on mainstream platforms and that cooperation will likely be required by platforms and regulated ODPS to provide information to viewers, we consider that self-regulation may be appropriate to ensure consistency of approach and ensure that the views and technical capabilities of non-broadcast VoD providers are taken into account.

Questions on implementation – European Works

By way of overview, Virgin Media has always argued that investment in original European and UK TV and VoD content should be driven by viewer demand and the freedom of businesses to meet that demand. It is consumer demand which drives EU content production and not quotas. The UK approach to implementation must recognise the characteristics of the market - in particular the fact that UK content and distribution companies face fierce competition from global tech and multimedia corporations. This means that the new requirements of the Directive for 30% European Works quotas and to ensure the prominence of these works should be implemented and enforced (including the guidance which will subsequently be produced by Ofcom) in as light-touch a way as possible. This is the approach that has been adopted to date under the application and enforcement of the existing 2010 AVMSD.

The 2010 AVMSD requires that VoD services must promote, where practicable and by appropriate means, production of and access to European Works. This is explained further in the 2010 Directive that *“such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service”*.

Ofcom has taken a flexible approach to implementation of the 2010 Directive in relation to European Works. It has not specifically required on-demand programme providers to take additional steps to meet the requirement that VoD providers must ensure 'access to' European Works. This flexibility of approach in implementing and regulating the requirements of the 2010 AVMSD has supported the production of European Works whilst at the same time allowing investment in popular content.

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?

The requirements set out in the 2018 Directive to mandate 'prominence' of European Works will be a significant adjustment for many providers depending on the nature of these obligations. We see no need to make the requirements any more onerous on providers and this includes having to provide regular data on fulfilment of quotas and prominence requirements. We therefore consider that once every 2 years is an appropriate timeframe for providers to have to report to Ofcom on how they have met their obligations.

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?

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 Audiovisual Media Services: A Consultation 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?

The 2010 Directive extended the scope of regulation to ODPS. Ofcom has already issued extensive guidelines regarding which VoD providers fall into scope based on whether the service offered is 'TV like' and who has 'editorial responsibility'. Significant discussions were had at the time of the 2010 Directive and thereafter about which services are in scope but these issues have since been resolved and industry now has some certainty over which providers are subject to the regulation and therefore required to notify their services to Ofcom.

Subject to contractual provisions to the contrary, the vast majority of content providers on the Virgin Media platform are 'editorially responsible' for their content as they have (i) general control over the selection of individual programmes included in the range of programmes offered; and (ii) effective control over the organisation of those programmes. However, Virgin Media acknowledges that the decision of which entity has 'editorial responsibility' may not always be clear-cut, especially when there is a blurring of responsibility between the platform that integrates the content into its service and the on-demand programme provider. In such cases, it is an established commercial and regulatory practice to look to the contractual provisions agreed between the parties to understand the relationship between a platform and a content provider to determine who is the regulated entity. Regulatory responsibility should only sit with a platform where it has aggregated programmes under its own brand and therefore has, in accordance with the 2010 Directive, exercised effective control both over the selection of the programmes and over their organisation in a catalogue.

This distinction is important as, under DCMS' proposals to implement the Directive, Ofcom will have a duty to produce guidance on how VoD works should be made prominent. Any guidance needs to acknowledge specifically, and carve out from regulation, platforms who integrate into their functionality (such as search and recommendations) a number of third party ODPS.

Based on the methods described in the Directive to provide prominence for European Works, we think there could be some confusion about the role of the regulated ODPS' obligations regarding prominence and of the platform (which is not regulated). This could lead to a number of unintended consequences which could mean that platforms have to develop functionality to promote European Works on behalf of the regulated ODPS they host. This would be technically extremely complex with

overlapping requirements and costly. Recital 35 lists a number of means through which European Works can be made prominent. This includes a *‘dedicated section for European works that is accessible from the service homepage, the possibility to search for European works in the search tool available as part of that service, the use of European works in the search tool available as part of that service, the use of European works in campaigns of that service or a minimum percentage of European works in campaigns of that service...’*

The vast majority of third party ODPS do not sit in a walled garden separate from the platform’s user interface and functionality. Virgin Media is investing heavily in search, recommendation and personalisation technologies to allow consumers to easily navigate the vast array of content available on its platform. Integration of third party ODPS on Virgin Media takes place within the search functionality, recommendations or highlights and/or list of top programmes. To require Virgin Media to make adjustments to its functionality to highlight European Works would not be permitted under the Directive (as the Directive is about regulation of ODPS and not platforms) and would undermine innovation to allow platforms to tailor its functionality to meet viewers personal preferences. It should not be the case that across all services, regardless of the viewing platform, the same content is always promoted and ensured prominence. In addition, some of the prominence options recommended in Recital 35 are not practicable to be implemented on an integrated platform – for example, we could not have a platform-wide function which could search for European Works within each separate ODPS on the Virgin Media platform; for example Netflix provides very limited data (if any) to third parties on its content.

Therefore the guidance which Ofcom will produce needs to take into account the role of integrators of third party content. Any guidance should also be subject to consultation to ensure flexibility and pragmatism of approach and should not seek to protect the market position of specific content providers, discriminating against content that is not granted preferred visibility. This will not serve the consumer well and allow them to choose and have promoted content they want to watch.

Likewise, it will be important to ensure that the methodology used to calculate any quota percentages incentivises the production of high-budget European Works, rather than establishing a regime that encourages a ‘race to the bottom’ – for example by encouraging investment in low quality content just to meet the quota thresholds. VSPs and other global content players will not be subject to these requirements under the Directive and therefore additional regulation regarding

European Works imposed on (mostly UK) regulated ODPS should be considered in light of the global competitive dynamics.

Finally, DCMS is currently considering Ofcom's recommendations to ensure the prominence of the Public Service Broadcasters' VoD services. These obligations will likely apply to platforms such as Virgin Media and other connected TV platforms. We suggest that if Ofcom's recommendations are adopted (and we have made a number of comments outlining our concerns to Government on the extension of the PSB prominence regime), the interplay between these two prominence regimes – one for European Works and the other for PSB content should be considered in parallel to avoid duplication and confusion for consumers with overlapping requirements. The simplest way to do this is to keep distinct the prominence regulatory regimes so that any PSB obligations apply to platforms and connected TV devices (as set out in Ofcom's recommendations to Government on this issue), with European Works prominence obligations applying only to the regulated ODPS itself.

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

We agree that exemptions from the quota and prominence requirements under the Directive should be permitted for services with a low turnover and a low audience share. This will allow nascent services to enter the market and ensure fairness for those providers who do not have a high audience share/revenue, allowing them to avoid unnecessary costs and having to devote resources to meet these requirements. This is particularly important given that many of the current regulated ODPS are large and in some cases publicly listed corporates, for example ITV. It would seem disproportionate to apply these same rules to smaller providers. Ofcom already has precedent in establishing for the purpose of VoD fees a scale, applying a staggered approach to providers with different amount of revenues, whereby for the smallest providers there are no fees, so a threshold for compliance with European Works and prominence requirements should be easily implementable.

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?

We consider that the UK content industry is vibrant and flourishing with a wide range of UK and EU produced content available to customers. In the absence of any identified problem in the UK, we therefore fully support the Government's plan not to introduce a levy on an ODPS' regulated in another MS but targeting a UK audience. We see no benefit to the UK in a post Brexit environment on deterring investment into the UK without clearly defined benefits. We consider that a levy would detract from investment the content sector is making in the UK economy and would add unnecessary transaction costs.

Questions on Video Sharing Platforms (as set out in the AVMSD Consultation)

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?

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

In general, Virgin Media supports the regulation of VSPs to ensure minimum content standards for consumers regardless of how they choose to access content and a competitive level playing field for traditional providers vis-a-vis those providers which make revenue from users uploading large numbers of programmes or user generated content.

Under the Directive, a VSP will fall into scope if '.....principal purpose...or an essential functionality... is devoted to providing programmes and/or user-generated videos to the general public, for which the video-sharing platform provider does not have editorial responsibility.....where the content is organised in a way determined by the provider of the service...' The Commission will be producing guidance later this year to determine whether a service is categorised as a VSP.

In terms of scope, we note that the definition of a VSP in the Directive is narrower than the providers which are likely to fall into scope under the Online Harms White Paper proposals. The proposals for a statutory 'duty of care' will apply to any company that *"allows users to share or discover user-generated content"* or *"interact with each other online"*. However, we consider that the definition of which providers are likely to fall into scope is too broad under both the Directive and the Online Harms White Paper. We consider this is disproportionate given the low levels of potential harm associated with some types of service. If the Commission guidance allows some flexibility, DCMS should refine the scope of who is caught by the Directive and the Online Harms White Paper to apply only to those types of service where it is reasonable to assume online harm is, or may become, an issue. As set out in the Directive, the focus should be on capturing social media sites, video sharing sites, pornography and live streaming services.

If the scope of the services covered by the Directive is too broad, the unintended harm is that Virgin Media, for example, in its role as an integrator of third party services for which it does not have editorial control, may inadvertently fall into the definition of a VSP. In transposition, DCMS needs to make sure that aggregators of regulated third party video sharing services do not fall into scope. We understand this is the intention as there is no consumer benefit to 'double regulation' of the same service. We therefore suggest that DCMS makes it clear that the Video Sharing provisions in the Directive are designed to capture those services where no UK (or EU, if relevant) body has already a regulatory responsibility and where there is a clear potential for consumer harm. This should ensure that the scope of services covered will only apply to currently unregulated services where harm is likely or could likely occur.

We think it is paramount that Ofcom issues clear guidance on who is in scope to help providers plan for and cost out any implementation and on-going regulatory costs.

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

We note that an interim solution may be necessary to implement the Directive as the transposition deadline is September 2020. This date may be ahead of the legislative timetable of the Online Harms White Paper.

In principle we support Ofcom being appointed as the National Regulatory Authority to regulate VSPs under the Directive, and for VSP services to be regulated in the same manner as VoD services. We also consider that the aims of the Directive would be met by a co-regulatory model whereby Ofcom is appointed as the regulator for content on the VSP and then it can appoint one or more bodies such as the ASA as a co-regulator for advertising. We think this would best align with the existing expertise within the regulatory bodies in the UK. This will also accord with consumer expectations whereby it is likely to be perceived as inconsistent for the same VoD asset (i.e. a programme chosen to be viewed at a specific time) is regulated differently and potentially by different regulators depending on the platform over which it is viewed. Although Ofcom has considerable expertise in regulating and enforcing content standards, any co-regulatory bodies appointed must be seen as effective co-regulators in their own right.

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.

As stated above, we consider that VSPs should fall into the scope of regulation if (i) there is likely to be harm associated with their service; and (ii) the content on their service is currently unregulated. We do not consider that Virgin Media will fall into scope.

Questions on implementation – (VSP) consultation

Q6. Should regulation of commercial communications on VSPs arising from AVMSD apply to:

- a) Advertising which appears anywhere on a service as a result of the user visiting that service e.g. in the margins or across the top of a webpage.***
- b) Advertising which can only be viewed as a result of the user selecting a programme or user generated video to view.***

As stated above, Virgin Media considers that the rules for VSPs should mirror, as far as possible, the rules for VoD. This means that only advertising which can be viewed as a result of the user selecting a programme or user generated video to view should be regulated through the co-regulatory system for advertising. To create a disparate scheme between VSPs and VOD providers would not be justifiable from a competition standpoint and would create consumer confusion regarding which adverts are subject to which regulatory regime.

Q7. Do you agree that there should be a role for Ofcom in providing guidance to video sharing platforms about what appropriate measures are required to ensure compliance?

We note that Article 28(b)(3) of the Directive provides a number of measures to ensure that VSPs can ensure that they meet their compliance obligations. This list is non-exhaustive and ‘includes’ a number of suggestions. It is important to note in any Ofcom guidance that VSPs do not need to comply with all of the listed measures and it should not be presented through the regulatory guidance as an absolute set of requirements, without reference to the individual nature of the VSP. For example, a site a child/young adult may be able to access to share videos should apply different criteria to a site which is accessed and used exclusively by adults.

Q8. How should Ofcom determine what measures are practicable and proportionate for different types of content, users and services?

We do not consider that Ofcom should be overly prescriptive in its guidance about which types of service need to provide what type of protection to viewers. Rather, its approach should be one where it sets out by way of example how different types of providers can comply. Ofcom should follow the approach set out in the Online Harms White Paper, which acknowledges that a regulatory response that seeks to address every individual piece of content will likely be unworkable in practice. Ofcom should therefore set a clear regulatory standard for the expectations and responsibilities on VSP platforms to keep their users safe online. An overly prescriptive approach will undermine innovation and the significant benefits digital technology can offer, and the self-regulatory initiatives already undertaken by some VSPs to help protect users from a range of online harms.

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