

Chapter 6: Questions

6.1 This chapter summarises the questions posed in the earlier analysis.

1. What major developments do you anticipate in the media and telecommunications markets in the short to medium term?
2. In view of the economic, social and cultural aims of Government policy towards these sectors for the future, in the light of convergence:
 - a) What are the advantages and disadvantages of the present UK systems for the regulation of the telecommunications, broadcasting and IT industries?
 - b) What is the impact of current regulation on the development of new services?
3. a) The Government aims to secure coherent regulation in a converging environment. Our view is that distinctive regulation of the communications and media industry is likely to remain justified to address economic and social issues in these sectors, which have economic significance and a pivotal role in shaping attitudes. Do you agree? If so, is there a need for more coherent economic regulation across the convergent sectors and how should the field of distinctive regulation be defined? What should be the common set of rules for economic regulation in that field, taking account of the powers available under the Competition Bill?
 - b) How far, and on what basis, can controls on the content of material communicated be more coherently formulated and distinguished?
4. Is any adjustment needed to the scope of concurrent powers to be exercised by the DGT under the Competition Bill?
5. What digital services should be available to all at an affordable price?
6. While spectrum will always remain a finite resource, digital will allow it to be used more effectively. Increasingly, consumers and suppliers may wish to choose between wired and wireless technologies, and broadcast and on-demand techniques. In view of this,
 - a) Should the statutory basis for licensing telecommunications, broadcasting and spectrum usage be brought more into alignment?
 - b) If a closer alignment of licensing is desirable or necessary, should the prime basis of licensing be according to the services involved (as now in some aspects of broadcast licensing), the systems/apparatus employed (as now in telecoms), or some other basis (including possible variants of these approaches which have tended to define regulatory approaches according to method of delivery)?

7. As to the future of positive programming requirements, the Government's view is that, while competition can contribute to the achievement of quality, plurality and diversity, it is not sufficient by itself. In particular, public service broadcasting will be required to secure these aims. What positive programming requirements will be needed in future? How should their scope be determined? Should they be confined to public service broadcasting corporations?
8. Given the Government's aim of consistent regulation of content in the telecommunications, broadcasting and IT sectors:
 - a) The Government believes as a general principle that similar material should be subject to similar standards. What is your view? Should the enforcement of those standards nevertheless differ according to the basis on which content is accessed by the public? What circumstances warrant which special consumer protection measures against offensive material?
 - b) Is some consolidation of the present UK regulatory regimes in this area therefore necessary?
 - c) How, in the future, do you see the balance between statutory regulation, self-regulation by the industry, and increased control by the end user as means of achieving consumer protection?
 - d) In relation to content transmitted by extraterritorial means, eg Internet, what are the essential parameters to be dealt with through international concordats? In securing adherence to UK law, what essential parameters should be dealt with through ex-ante/ex-post monitoring and action by industry bodies such as the Internet Watch Foundation (described at annex C)?
9. In taking forward changes to the present regulatory systems and institutions, views are invited as to:
 - a) What further arrangements would help the regulators to deal effectively with the challenges in the short term
 - b) Whether there would be merit in imposing a duty to co-operate on the regulators
 - c) How long the present regime can be sustained in this way.
10. Can the necessary changes to regulatory systems and institutions be achieved in a step-by-step manner or is a comprehensive approach necessary?
11. What institutional models seem most likely to be appropriate as convergence advances?
12. In order to ensure future regulatory systems are robust and flexible enough to adapt to changes in the market and technology in the future, what else may be needed adequately to future-proof any new UK regulatory systems?