

EXPLANATORY MEMORANDUM TO
THE BROADCASTING AND COMMUNICATIONS (AMENDMENT) REGULATIONS
2013

2013 No. 2217

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend legislation relating to broadcasting and communications by substituting new definitions of “EEA State” and “EEA Agreement” to ensure correct implementation of the EEA Agreement, and by substituting references relating to Council Directive 89/552/EEC with references relating to the Audiovisual Media Services Directive to reflect the codification of the EU Directive in the field of audiovisual media services.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations substitute new definitions of “EEA State” and “EEA Agreement” in specified legislation relating to broadcasting and communications. The amendments are made so that the legislation does not exclude states which have become parties to the EEA Agreement on their accession to the European Union (for instance Croatia, which acceded on 1 July 2013). The new definition refers to the definitions of “EEA State” and “EEA Agreement” inserted into the Interpretation Act 1978 (c. 30) by the Legislative and Regulatory Reform Act 2006 (c. 51); it therefore includes all European Union Member States.

4.2 The Regulations also substitute references relating to Council Directive 89/552/EEC with references relating to the Audiovisual Media Services Directive (Directive 2010/13/EU) in specified legislation relating to broadcasting and communications. Council Directive 89/552/EEC was amended by Directive 97/36/EC and Directive 2007/65/EC. The Audiovisual Media Services Directive was a codifying instrument which consolidated Directive 89/552/EEC with the subsequent amending Directives, in order to make the European legislation more readable. It revoked these Directives subject to the provision in Article 34 of the codified Directive that references to the repealed Directive shall be construed as references to the codified Directive. The Directive entered into force on 5 May 2010.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Parliamentary Under Secretary of State for Culture, Communications and Creative Industries has made the following statement regarding Human Rights:

“In my view the provisions of the Broadcasting and Communications (Amendment) Regulations 2013 are compatible with the Convention rights.”

7. Policy background

7.1 The instrument makes only minor and technical amendments to ensure the UK’s correct implementation of the Agreement on the European Economic Area and EU law in the field of audiovisual media services. In the latter case, references in UK law were previously updated by the Audiovisual Media Services (Codification) Regulations 2010 (S.I. 2010/1883). There has been no deficiency in implementation in respect of those references that were not updated by that instrument as Article 34 of the codified Directive provided that references to the repealed Directive should be construed as references to the codified Directive.

7.2 The codified Audiovisual Media Services Directive is part of the European Commission’s programme to consolidate measures and their amendments in order to make European legislation more readable and more accessible as the text is contained in a single coherent document. It preserves the content of the measures being codified and makes only such formal changes as required by the codification process itself.

8. Consultation outcome

8.1 No consultation has been undertaken as these Regulations make only minor and technical amendments.

9. Guidance

9.1 None is needed as these Regulations make only minor and technical amendments.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities, voluntary bodies or the public sector.

11. Regulating small business

11.1 This instrument has no particular impact on small business.

12. Monitoring & review

12.1 There is no need to monitor or review this instrument as it makes only minor and technical amendments.

13. Contact

Katharina Ribbe at the Department for Culture, Media and Sport (tel: 020 7211 2161 or email: katharina.ribbe@culture.gsi.gov.uk) can answer any queries regarding the instrument.