

THE ADVANCED TELEVISION SERVICES REGULATIONS 2003 - COMPLIANCE GUIDANCE**Introduction****Enforcement Requirements****Differences from the Advanced Television Services Regulations 1996****Trading Standards Departments****If Something Goes Wrong****Enforcement Co-ordination and Consistency****Further Information****Introduction**

The Advanced Television Services Regulations 2003 (SI No.) implement Article 4(2) of Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities (O.J. No. L 108, 24.4.2002, p.7, “the Access Directive”) and Article 24 of and Annex VI to Directive 2002/22/EC of the European Parliament and of the Council on universal service and users’ rights relating to electronic communications networks and services (O.J. No. L 108, 24.4.2002, p.51, “the Universal Service Directive”).

These regulations replace the earlier standards provided for in the Advanced Television Services Regulations 1996, which implemented Directive 95/47/EC of the European Parliament and of the Council on the use of standards for the transmission of television signals (O.J. No. L281, 23.11.95, p. 51). This Directive has now been revoked, and the 1996 Regulations have now been revoked likewise.

Authoritative interpretation in a particular case would be a matter for the courts and ultimately for the European Court of Justice. In the absence of any cases giving rise to such an interpretation, this guidance sets out the DTI’s interpretation of the Regulations which enforcement authorities, broadcasters, manufacturers, retailers and importers may find helpful.

Enforcement Requirements

The enforcement responsibility for regulation 4 will fall to OFCOM and the local authorities will enforce regulations 5, 6 and 7 relating to the performance and capability of television and receiver equipment. Each of these Regulations applies to any item falling within the product categories described for each Regulation put on the market since 25 July 2003.

Regulation 5-All consumer electronic equipment intended for the reception of digital television *and* capable of descrambling digital television signals must have the capability to descramble digital television signals, which have been scrambled using the DVB Common Scrambling Algorithm (see ETR289) and to display signals that have been transmitted in clear. Note that this covers all consumer equipment, including, for example computer peripherals, not just televisions and set top decoders. The second requirement means that a conditional access operator should not interfere with the viewer’s ability to watch ‘in-clear’ (or non-scrambled) programming provided the viewer has paid the relevant sale price for the equipment, or is complying with his rental agreement. A simple way to meet this requirement would be to ensure that the equipment always passed through signals transmitted in-clear.

Regulation 6 – All television sets with an analogue tuner and an integral viewing screen of visible diagonal greater than 42cm shall be fitted with at least one open interface socket, as standardised by a recognised European Standards Organisation e.g. as given in the CENELEC EN 50049-1:1997 standard (also known as Peritelevision or SCART) permitting simple connection of peripherals including additional decoders and digital receivers.

Regulation 7 – All television sets with an integrated decoder of digital television signals and an integral viewing screen of visible diagonal greater than 30 cm shall possess at least one open interface socket (conforming to an industry wide specification) e.g. the DVB common interface connector permitting both the simple connection of peripherals and able to pass all the elements of a digital television signal, including information relating to interactive and conditionally accessed services.

Regulations 6 and 7 only apply to televisions placed on the market after the 25th July 2003. If the equipment was placed on the market before that date, it must comply with the requirements set out in the 1996 regulations, as provided for in Regulation 2.2 of the 2003 regulations.

Wide-Screen Television

Regulation 4 – All digital television networks must be able to transmit television programmes in the wide-screen format. Furthermore, any digital television signal that is received for re-transmission in wide-screen format must be re-transmitted in the same format.

Unlike the other regulations this regulation will be enforced by OFCOM as if it were a general condition under the Communications Act 2003.

Differences from the Advanced Television Services Regulations 1996

Regulation 4 of the 2003 regulations is very similar to regulation 4 of the 1996 regulations. However, the new regulation also applies to re-transmission networks as well as the digital transmission networks. Under the 1996 regulations this provision was enforced as if it were a condition of a telecommunications licence. Now that telecommunications licences have been abolished, the obligation is imposed as a general condition.

Regulation 5 of the 2003 regulations places the same requirements on descramblers of digital television signals as Regulation 9 of the 1996 regulations. However the new Regulation 5 is now narrower in scope and covers only consumer equipment which is *intended* for the reception of digital television signals rather than equipment which is capable of such reception but not so intended.

Regulations 6 and 7. The new regulations make a distinction between the requirements of analogue and digital sets. Regulation 6 of the 2003 regulations applies only to sets, which can receive and display analogue television signals (including integrated digital televisions (iDTVs) that also have this capability) and have a viewing screen of visible diagonal greater than 42cm. Regulation 7 applies only to sets, which have an integrated decoder of digital television signals (iDTVs) and a viewing screen of visible diagonal greater than 30 cm.

General Details

Trading Standards Departments

The controls include a role for local trading standards authorities (and the Department of Economic Development in Northern Ireland). All of these authorities support the 'LACOTS Home Authority Principle'. This means that every business can turn to one authority for advice on regulation, remedial action and good practice. In most circumstances the home authority will be the local authority in whose area the decision-making offices of your business are based.

If Something Goes Wrong

There is a need for manufacturers and importers (and enforcement authorities) to work closely to ensure compliance. Retailers are also liable to enforcement action so it is in their interests to

ensure their equipment conforms with the regulations. As well as acting as a source of advice on the new obligations, trading standards departments have a specific enforcement responsibility. Where equipment does not conform, local authorities are able to investigate using powers which enable them to inspect equipment, relevant documents and records, and examine the production process. Where merited by the circumstances, they can detain equipment and apply to the courts for forfeiture.

Enforcement Co-ordination and Consistency

LACOTS, the Local Authorities Co-ordinating Body on Food and Trading Standards, is a central body established by the local authority Associations to help in securing enforcement co-ordination and consistency. It provides regular advice and guidance to authorities, promotes good practice, and liases regularly with trade associations, government departments, consumer organisations and European enforcement agencies.

Further Information

Local trading standards authority - see phone book for details.