

**Statement in response to consultation
on the PSA regulatory framework**

30/11/2016

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Executive Summary

The Phone-paid Services Authority (PSA) is the UK regulator for content, goods and services charged to a phone bill. The PSA's primary function as a regulator is consumer protection. Our vision is a healthy and innovative market in which consumers can charge for content, goods and services to their phone bill with confidence. Where it is possible to enhance consumer choice, and enable market growth by removing or reducing barriers to innovation without diminishing consumer protection, then that is our aim.

The overall phone-paid market in the UK has declined in recent years from £816m to £678.1m in the last financial year. However although a number of sectors have seen decline, others have seen significant growth – such as gaming, giving, gambling and music and video content. A number of sources suggest there is further significant potential for growth - especially around the development of the “charge to phone bill” payment model as an alternative to credit/debit cards or other e-commerce models when paying for digital goods and services. Mobile operators, payment aggregators, and indeed all other commercial participants in the market, have a shared interest in developing new products to maximise this potential and halt the decline.

As we prepare to enter our thirtieth year as the regulator of this market, the PSA has sought to explore whether our regulatory framework and approach remains fit for purpose. That is, that it continues to support the interest of consumers by supporting sustainable market growth based on consumer confidence, and keeping pace with market and technological evolution.

We have worked with a range of stakeholders to discuss and develop proposals as to what we could do differently. In particular to address the complex, multi-level compliance framework which encompasses both the PSA Code and the requirements set for the rest of the mobile value chain by mobile operators.

We produced a consultation - “*PRS development through outcomes-focussed regulation: A Review of PhonepayPlus’ regulatory framework*” (issued under the PSA’s former name) which was published in August 2016. The consultation set out proposals which the PSA considered realistic and achievable within the current financial year, in the following areas:

Adapting the current framework to embed a risk-based approach

- 1. Higher Risk Services** - Develop a Risk Assessment Framework against which PhonepayPlus can assess whether a service type or mechanic is Higher Risk, and a process to explore mitigations or appropriate controls (including Special Conditions) if necessary
- 2. Exemptions** – Clarify the process by which Exemptions from specific Code provisions or Special Conditions will be considered, and identify areas for potential exemption

Being clear and collaborative where legislative requirements overlap

3. **Regulatory Landscape** – Consider whether a ‘regulatory map’, setting out the overlapping interests of regulators in relation to telecoms and digital retail, would be of use to stakeholders

4. **Regulatory Relationships** - Seek to gain the support of relevant regulators to convene an ad hoc working group where it is necessary to consider joint regulatory handling of new business plans, mechanics, and service proposals

Achieving consistency and economies of scale through joint monitoring

5. **Monitoring** – Examine the scope for a joint monitoring capability where intelligence is available to both regulator and industry

Responses to these proposals were generally positive. However not all parties agreed with each single proposal. The majority of comments related to the details of the first two proposals - around the adaptation of our current framework to embed a risk-based approach.

As a result of the feedback we received, we have made some alterations to our proposed Risk Assessment Framework, in particular we have revised the risk characteristic “Uninformed Consent” to instead be “Unsatisfactory Consent”. This reflects comments on whether Uninformed Consent can ever be mitigated (the perception being that it is illegal), and better reflects our actual concern – that any weakness in a consent mechanic would then facilitate unauthorised or faked consent.

In addition, and at the request of several respondents including all mobile networks, we have produced a table of characteristics which would usually warrant the granting of permission by the PSA to meet relevant Code objectives without the need to comply with specific Code provisions (such permitted non-compliance is referred to in this Statement as “exemptions”)¹ on the grounds of controlled or lowered risk. For reasons which are set out in more detail elsewhere in this Statement, we do not consider that a formal definition of “Low” or “Lower Risk” would add anything to the Code. Such a definition may even cause confusion given that all services which fall under our remit have been identified by Ofcom as “Controlled PRS”, and so therefore carry a level of risk which is deemed high enough to be regulated through the Code.

So whilst we do not consider the table to constitute a definition of low risk, and would not use it as such, it could be used by MNOs to assess how their rules should be interpreted when applying higher or lower levels of prescription to services using the Payforit secure payment scheme. Others in the value chain may also wish to use it in any risk assessment of their clients’ services.

Both the revised Risk Assessment Framework and the table mentioned above are attached at Annex A. We have also attached at Annex A an updated table of potential exemptions which we would consider in the near future. Once again this is in response to feedback.

¹ See paragraph 3.10.4 of the PSA Code of Practice

We will also continue to develop proposals 3 to 5, and will involve and update industry stakeholders as appropriate.

Section One – Background

- 1.1 The phone-paid services market has adapted over the past 30 years, reflecting the increasing pace of change in the network and handset technology around it. A convergence of telecom and broadcast technologies means that fixed-line, voice-based services and text-based services are being overtaken by video-rich online services. In addition the convergence of mobile and payment technology offers consumers a range of payment options for the same or essentially similar types of digital products and services.
- 1.2 Longstanding market areas such as voice-based services, adult, and directory enquiries have faced increased competition from alternatives which are either free (e.g. smartphones offer the ability to look up numbers) or paid via credit-debit cards. As a result the overall market in the UK has declined in recent years from £816m to £678.1m in 2015-16.
- 1.3 However the size of the market has stabilized – £678.1m was 0.26% down from the previous year – and the outlook is by no means gloomy. As some market areas have declined, others enjoy strong growth. Our 2015-16 Annual Market Review (AMR) records that mobile operator billing grew by 55%, with a further 51% of growth projected for 2016-17. Specific areas of the market – giving, gaming, gambling and music and video content – are either beginning or continue to grow. All participants in the market have a shared interest in developing new products to maximise this potential.
- 1.4 An increasing number of indicators point to as yet untapped potential for the growth of operator billing. We set these out in more detail in a public consultation which was issued in August 2016 under the PSA’s former name, and to which this final statement relates. However in general the indicators centre around four themes:
 - Increased capability of handsets and other smart devices, leading to more consumers using them to access the internet
 - Proliferation of digital goods and “virtual” goods and services – with the introduction of the new EU Payment Services’ Directive 2 (PSD2) expected to facilitate operator billing for lower-priced quasi-physical goods and services²
 - Convenience of operator billing - in particular for certain types of purchase such as add-ons or extensions to digital content which a consumer is already using, or purchases which need to be completed in a hurry such as train or tram tickets
 - Higher conversion rates for operator billing – a whitepaper produced by Dimoco Europe and Juniper Research in 2016³ cites conversion rates as high as 77% for some first-time purchases, as opposed to 10-12% for card-based transactions.

² PSD2 exempts network operator billing facilitated purchases of digital and virtual goods below certain price thresholds (€50 for individual purchases and €300 cumulatively over a month) from compliance with some of the requirements contained within it

³ “The Future of Carrier Billing in Europe 3.0”

- 1.5 This does not mean that there are no obstacles to continued growth and development in the phone-paid market. The UK has a well-established payment culture based on credit and debit cards, with PayPal also a latterly well-established payment mechanic for e-commerce. Consumers who are accustomed to digital payment via these methods are unlikely to change to phone-payment unless there is a strong case for them to do so.
- 1.6 The PSA is about to enter our thirtieth year as the regulator of this evolving market. Over the last year as we lead up to this point, we have set out to ensure that our approach promotes the interests of consumers including by remaining capable of supporting sustainable growth and keeping pace with market and technological developments.
- 1.7 To this end we have worked with key stakeholders to understand what we could do differently in order to best support growth through innovation and consumer confidence. In particular discussions with industry stakeholders grouped the obstacles to growth which they had identified into four categories:
- (i) Low consumer awareness and engagement – branding is weak
 - (ii) Complex payment experience – which has been driven by riskier service types
 - (iii) No standard payment product across the market – making integration costs high
 - (iv) Complex, multi-level compliance and regulatory framework – Both the PSA and the requirements set by mobile operators
- 1.8 With respect to the first three categories, these are commercial considerations which belong within the remit of industry stakeholders. However the fourth, in addition to industry complexity and compliance considerations, also challenges the PSA to ensure our regulatory approach continues to work effectively and efficiently to prevent consumer detriment whilst also supporting sustainable market growth.
- 1.9 To this end, the PSA produced a discussion document – *“How to encourage PRS development with effective, outcomes-focused regulation”*⁴, which was used as the basis for further discussion. Following these further discussions and workshops, the PSA (then PhonepayPlus) arrived at the following five proposals:

Adapting the current framework to embed a risk-based approach

1. **Higher Risk Services** - Develop a Risk Assessment Framework against which PhonepayPlus can assess whether a service type or mechanic is Higher Risk, and a process to explore mitigations or appropriate controls (including Special Conditions) if necessary

2. **Exemptions** – Clarify the process by which Exemptions from specific Code provisions or Special Conditions will be considered, and identify areas for potential exemption

⁴ This document was attached at Annex D of the August 2016 consultation

Being clear and collaborative where legislative requirements overlap

3. **Regulatory Landscape** – Consider whether a ‘regulatory map’, setting out the overlapping interests of regulators in relation to telecoms and digital retail, would be of use to stakeholders

4. **Regulatory Relationships** - Seek to gain the support of relevant regulators to convene an ad hoc working group where it is necessary to consider joint regulatory handling of new business plans, mechanics, and service proposals

Achieving consistency and economies of scale through joint monitoring

5. **Monitoring** – Examine the scope for a joint monitoring capability where intelligence is available to both regulator and industry

- 1.10 These proposals were consulted from August to October 2016 in the public consultation “*PRS development through outcomes-focussed regulation: A Review of PhonepayPlus’ regulatory framework*” (issued under the PSA’s former name). This document stressed that in putting forward these proposals, we had identified what we believed could be realistically achieved within this financial year. This meant we act as a source of momentum rather than delay, and align with the timing of work which industry, led by the mobile operators, were doing to address their part in regulatory complexity and the other three obstacles to growth.
- 1.11 At the same time, the PSA also consulted on proposed Special Conditions for online adult and online competition services, using the Risk Assessment Framework which was proposed in the consultation referred to in the previous paragraph.

Section Two – Consultation Responses and Determination

- 2.1. We received a total of 11 responses, from industry stakeholders and from two other regulatory bodies – The Office of the Information Commissioner (ICO), and the Gambling Commission – whose remits intersect with ours to a degree. Three respondents, an aggregator and two networks, asked that their responses be kept confidential. As a result our consideration as presented takes these responses into account but does not name the respondents involved. The other six respondents were the trade associations the Association of Interactive Media and Entertainment (AIME) and Action4, the aggregator Docomo Digital, the merchant R&D Media, the mobile network Vodafone, and WMC Global, a company which provides third party monitoring services to two mobile operators in respect of phone-paid services.
- 2.2. Whilst responses were generally supportive of the proposals, not all parties agreed with each single proposal. The majority of comments related to the details of the first two proposals around the adaptation of our current framework to embed a risk-based approach.

General Comments

- 2.3. Two respondents, both networks, made overarching comments as to whether the proposals around Higher Risk Services and Exemptions required an upgrade to the PSA's current Registration Scheme, in order that they could be properly implemented. The first of these referred to whether the Scheme could and should be adapted in order that merchants are able to register each website/brand which is using operator billing, and the dates when those are active. The second referred to whether networks and providers classed as Level 1 within our Code of Practice should be able to access more information, and to a greater granularity, from our Registration Scheme than at present, in order that they are able to carry out the best possible risk control on clients.
- 2.4. We recognise both these points, and will consider them as part of a separate review of the Registration Scheme which is currently underway. This will allow us to consider any resource, or in the case of access to information any legal, issues appropriately.

Barriers to growth and innovation

- 2.5. The consultation set out that the PSA, at this stage, had deliberately sought to work with the current edition of our Code (the 14th). This was because we believed the current Code to offer the flexibility to address market issues, and that any change to the Code would be a lengthier process and could act as a barrier at this stage. However the consultation expressed our interest in identifying whether barriers existed within the current Code, or in wider legislation and regulation beyond our framework. This was with a view to separately considering what change may be required, and the opportunities and prospects for that change.
- 2.6. The related questions which we asked were as follows:

Q1: Do you agree with our view that the current Code of Practice offers sufficient flexibility to address barriers to growth in the PRS market, without reducing consumer protection?

- 2.7. A number of respondents, in particular networks, raised the parallel work they are doing (Project Slimline) to simplify their contractual rules around the Payforit-branded secure operator billing scheme which all mobile networks operate. They commented that the creation of low-risk definitions, as well as the high-risk ones which already exist in the Code, and from which the Risk Assessment Framework of high-risk characteristics which the consultation proposed was derived, would in their view make it easier for them to apply higher or lower levels of prescription to services using Payforit.
- 2.8. We have since discussed this further with the mobile networks and AIME. We cannot provide a definition (or assessment) of low-risk services, as this would create a potential for conflict with Ofcom’s risk assessment framework for deciding what phone-paid services should be regulated, and in any event would necessitate a Code change that would cause considerable delay to this wider work. However we can provide characteristics that, in our view, would usually warrant consideration for an exemption on the grounds of controlled risk. This could then be used by MNOs to assess how Project Slimline rules should be interpreted when applying higher or lower levels of prescription to services using Payforit.
- 2.9. These characteristics which would warrant consideration of an exemption are set out later in this document, in response to proposals made around adapting the current framework to embed a risk-based approach.
- 2.10. Two respondents suggested that in their view the current requirement for networks to withhold outpayments in respect of transactions for 30 days could be a barrier to market entry. Especially for established brands used to quicker payouts from card transactions.
- 2.11. We acknowledge this issue. Our current exemptions process provides for an exemption to any requirement of the Code – including the 30 day withhold requirement – where an applicant can evidence that the requirement can be met by other means. Exemptions can be provided to individual providers (or following consultation to providers whose services fall into a defined category of service, and applications in respect of the 30-day requirement are welcome.
- 2.12. One respondent asked if the flexibility which the PSA Code allows for could be extended to the requirements MNOs set in terms of Payforit. Whilst our Code is outcomes-based, and therefore less prescriptive wherever possible, MNOs and Level 1 providers may choose to impose more prescriptive requirements on their clients through contractual obligations, in order to satisfy themselves they have met their own responsibilities under the Code around Due Diligence and Risk Control.
- 2.13. One respondent, a network, asked if we would consider introducing a rule to require subscription services to either end charging after 120 days, or confirm with the consumer that they wished to continue. We will further consider whether such a rule would be helpful in managing “dormant” subscriptions – i.e. where a consumer has forgotten the initial consent and no longer engages. Whilst some subscriptions with low or no engagement may well have been forgotten by consumers, others such as

magazine subscriptions or recurring donations may need to have different criteria applied.

- 2.14. Lastly one respondent pointed out that Special Conditions can only be effective if they are underpinned by timely and robust enforcement. We can confirm that we are also keen to ensure our Code and Special Conditions are underlined by a swift response to any infractions. We will continue to monitor all services subject to Special Conditions, especially where Special Conditions have been recently introduced, and act swiftly, in line with our stated and published procedures against any service found to have breached them.

Q2: Are there barriers to growth which exist in legislation and regulation other than the Code? Please identify them along with any arguments or evidence you have as to why a change would be desirable.

- 2.15. Two respondents, a trade association and an aggregator, asked if the PSA could provide greater clarity about the overlap between the Code and the requirements within the Consumer Contract Regulations (2014) (CCRs), which are enforced by Trading Standards⁵. AIME, who have recently produced guidance for members in relation to compliance with the CCRs, further suggested that we work with other regulators to ensure that our interpretations and sanctions align where there is overlap.
- 2.16. With regards to phone-paid services the scope of our Code is broader than the requirements of the CCRs, which relate mainly to informed contractual consent to any purchase. As such CCR compliance does not equate to Code compliance, in that a service could be compliant with the CCRs whilst still breaching expectations around transparency and fairness within the Code. We would always seek to avoid a situation where the requirements of our Code conflict with the requirements of other legislation and, we are always willing to work with other regulatory authorities to clarify issues where there are overlapping requirements.
- 2.17. More broadly, whilst we will always work with other regulators to provide consistency, we must aim to have robust requirements and sanctions in place which protect consumers and enable them to be confident in using phone payment. We will never look to over-regulate, but neither would we look to reduce existing standards only because another regulator does not set the same requirement, or have the same powers of sanction.
- 2.18. Three respondents, a network and two aggregators, highlighted the potential benefits that the revised EU Payment Services Directive (PSD2) could facilitate in opening up the current market to innovative new products. They asked if there was anything further the PSA could do to ensure the quickest possible start to e-ticketing, and other PSD2 opportunities. We are already working with industry stakeholders to advise on their efforts with HM Treasury and the Financial Conduct Authority (FCA) in this area. We will continue to provide all appropriate assistance within the context of our remit.

⁵ Along with Surrey TSO as the lead authority

- 2.19. One respondent asked if a pre-clearance model for promotions could be provided by the PSA. We do provide free compliance advice for all providers or those looking to enter the market. However this advice cannot provide general advice on compliance with the CCRs or any form of clearance which would be binding on any future Code Adjudication Tribunal (CAT) in the event of an investigation.
- 2.20. Lastly one respondent, a network, commented that we have proposed elsewhere to remove the existing Special Conditions regime for Remote Gambling Services, but not the £30 per day spending cap for these services which exists elsewhere in our framework. They questioned why we are retaining this cap given that the Gambling Commission do not themselves impose any similar requirement.
- 2.21. Until recently, this cap was in line with a similar daily limit which MNOs themselves imposed on these services, in order to cover the risk of bad debt. Should mobile operators now wish to remove, raise or vary this cap, we are open to considering this as part of a separate workstream. However we will need to be mindful of the effect that removing or raising such a cap could have on vulnerable consumers, particularly those for whom gambling is an addiction. One potential option is that the cap could instead be more flexible – so that consumers could spend more in any given day as long as they do not exceed a monthly cap which continues to equate to an average spend of £30 per day. Such an exemption was historically granted to one provider.

Higher Risk Services

- 2.22. Within an outcomes-based framework such as the PSA's, it is important that we are able to apply a level of regulation proportionate to the risk of harm posed by individual service types. Particular categories of service defined by specified content, a set of promotional practices, payment, or other promotional or operational mechanic may present a higher level of risk than normal. In such cases we aim to set clear expectations which specifically target the risk, and ensure they are met through monitoring and enforcement as necessary.
- 2.23. We are keen to ensure as consistent an approach as possible. Whilst emergent high-risk services may not need immediate intervention, it is right to identify the risk and keep a watching brief. We also expect a risk-based approach to allow industry stakeholders to streamline their own self-regulation. In particular the self-regulation carried out by MNOs in respect of the Payforit scheme.
- 2.24. In line with this approach, the consultation presented a proposed taxonomy of risk, containing six separate risk characteristics which would be used to test whether a service category would be considered to be higher-risk in respect of any of the six. For ease of reference, a diagram of the proposed taxonomy is set out directly below:

Risk Characteristic	Examples
Financial Harm	<ul style="list-style-type: none"> • High one-off cost • High cumulative cost
Passing Off	<ul style="list-style-type: none"> • Unauthorised use of trusted brands or marks • Misleading representation of trusted brands or marks • Lack of Professional Qualifications or Membership
Uninformed Consent	<ul style="list-style-type: none"> • Confusing consumer journey • Complexity of proposition • Overall presentation lacks clarity
Unauthorised Consent ⁶	<ul style="list-style-type: none"> • Lack of appropriately robust consent to charge • Lack of appropriately robust consent to data use • Inadequate technical systems lead to charge without consent
Vulnerable Groups	<ul style="list-style-type: none"> • Underage access • Lack of allowance for needs of vulnerable • Targeting of vulnerable
Unreasonable Offence	<ul style="list-style-type: none"> • Indecent – e.g. sexual • Offensive or menacing – e.g. disability, gender, race, religion, sexuality • General – e.g. pro-anorexia

2.25. The assessment against this taxonomy would form the first stage of a proposed risk assessment process, with any service category which had been identified as higher risk then being further tested to identify if that risk could be mitigated without recourse to Special Conditions. For example, via a market-based solution or another solution acceptable to the regulator.

2.26. Having proposed this Risk Assessment Framework and process, we then tested existing Special Conditions regimes against it, to review whether the designation of higher risk was still warranted. This review was set out at Annex B of the consultation, and recommended the removal of two of the existing regimes – Consumer Credit and Remote Gambling services – on the grounds that conditions within these regimes now duplicate expectations set out by the FCA and the Gambling Commission respectively.

2.27. The related questions which we asked were as follows:

Q3 – Do you agree with the Taxonomy of Risk Characteristics proposed above as objective assessment criteria? Please give reasons, including for any changes or additions you would like to propose.

⁶ See paragraphs 2.29 & 2.30 below for commentary on this risk label and finalised tables at Annex A.

- 2.28. In general, respondents welcomed the taxonomy. However a number of individual respondents had comments either on the six proposed risk characteristics, or with regards to other characteristics which might be included.
- 2.29. Two respondents questioned whether “Unauthorised Consent” should be included within the taxonomy, as they considered that this would always be illegal and so should not form part of the design of a service in the first place. Their view was that this gave the impression the PSA regarded unauthorised consent as being able to be mitigated by Special Conditions.
- 2.30. We recognise this point, and this is not the impression we wish to give. However, we note that, unauthorised consent may not always be the result of illegal actions by the service provider, an example being where a child is able to obtain the password for and access a parent’s smartphone and make purchases. Nevertheless, we accept that the risk characteristic which we wish to assess is not actually unauthorised consent, but rather any weakness in a consent mechanic which then facilitates unauthorised or faked consent. As such we have renamed this characteristic “Unsatisfactory Consent” to reflect this.
- 2.31. One respondent, a merchant, questioned whether the PSA was going beyond the definition of “informed consent” in law, in particular the Consumer Contract Regulations (CCRs). Whilst we recognise that the CCRs set out expectations around informed consent, these apply generally and do not specifically define informed consent in relation to phone paid services. Research carried out for us by Craft Realities indicates it is possible for a consumer journey to be arranged in such a way that they are unlikely to be fully informed, even if all the requisite information is presented at some stage. As such we reserve the right to consider this in relation to whether consent for a phone-paid transaction has been fully informed.
- 2.32. One respondent, a network, asked that we add “complexity of consumer journey” – in particular the number of steps between the start of the journey and the pricing being displayed – to the taxonomy as they did not believe this was captured within Uninformed Consent. We can confirm we intended such a scenario to be captured within the examples of Uninformed Consent, and will add it to those examples accordingly.
- 2.33. Another respondent asked that “Impact of subscriptions vs. one-off purchases”, “Impact of considered vs. spontaneous purchases”, and “Use of affiliate marketing” be added to the taxonomy. We would consider each of these criteria more as characteristics which might show that risk is suitably controlled in relation to any exemption requests. We have included a list of such characteristics further on in the document, as characteristics which in our view might warrant an exemption on the grounds of controlled or lowered risk.
- 2.34. Various respondents asked if we could further clarify some of the more subjective characteristics within the taxonomy. We can confirm that we have commenced scoping on a review of our current guidance and regulations around robust consent. In addition we have acknowledged that some other characteristics are subjective in

nature, and may need more clarification as to how the PSA would reach a decision on higher risk.

- 2.35. However we are unlikely to introduce specific KPIs or thresholds, after which a characteristic is considered higher risk or not, in most cases as we carry out this work. To routinely use KPIs to set thresholds would be inconsistent with the approach set out in our published Supporting Procedures (Section 7), which sets out the criteria we would use to assess whether there is a need to investigate a service in greater depth but does not use absolute thresholds. This in turn is because the Code requires that we investigate where there appears to be breaches of the Code (and therefore regardless of any previous thresholds within a risk assessment) and as such we do not generally consider such thresholds to be useful.
- 2.36. Lastly the PSA does not have oversight of the same range of KPI data which some market entities, especially networks, can access. We would welcome discussions about how we might be able to access a greater range of data going forward.
- 2.37. Whilst we are unlikely to use KPIs or thresholds, others within the phone-paid value chain are free to do so in their assessment of client risk.
- 2.38. Lastly one respondent asked if the taxonomy would be adaptable in response to any market or technical developments. We confirm this is our intent, and we will review the taxonomy at intervals to ensure it remains fit for purpose.

Q4 – Do you agree with our proposed Risk Assessment Process? Please give reasons, including for any changes or additions you would like to propose.

- 2.39. Generally the process was welcomed by respondents. However a significant number asked whether a taxonomy for low risk could also be provided. All MNOs who responded stated this would be a significant help to them as they consider how to assign either more prescriptive or more principles-based versions of the Payforit scheme to different categories of service. Additionally other respondents suggested this would help map the categories of service which might be eligible for some kind of exemption.
- 2.40. Where service types are not subject to Special Conditions, but do fall within PSA regulation, the Code of Practice applies. Since the PSA is an outcomes-based regulator, the Code provides for specific objectives of the Code being met by means other than strict adherence to the Code (para 3.10.4). However this ability to dis-apply specific Code provisions, or to exempt providers from meeting them, is not contingent on a risk assessment. Rather it is a case of considering how the risk inherent in the service is controlled and therefore whether the Code objective can be met without compromising consumer protection. As a result we have not considered that a further category of “Lower Risk” services would add anything to the effectiveness of the Code.
- 2.41. In addition Ofcom defines the subset of PRS that is subject to PSA regulation as inherently involving a level of risk that is more than ‘low’ and therefore needing to be defined and regulated as “controlled PRS” (cPRS). In light of this we consider that introducing a category of “Low” or “Lower Risk” services has the potential to cause

confusion and inconsistency between the risk categorisation of those PRS which are not regulated by the PSA, and those that are cPRS and subject to the Code.

- 2.42. Lastly, and as we have previously stated in this document, providing a definition of low-risk services would necessitate a Code change that would cause considerable delay to the wider work which we and the MNOs look to undertake.
- 2.43. So whilst we cannot provide an assessment that categorically states something is low risk, we can provide characteristics which, in our view, would usually warrant consideration for an exemption on the grounds of controlled or lowered risk. These have been discussed with the MNOs and representatives from AIME, and are set out below in a table:

	Characteristics	Current exemptions as relate to characteristics
Cost	<ul style="list-style-type: none"> • Single purchase – e.g. no multiple or recurring charges • Significantly low one-off or cumulative cost 	<p>Services operating on 087x range</p> <p>Services operating on Voice Shortcodes (<20ppm)</p>
Prior Confidence	<ul style="list-style-type: none"> • Generally recognised brand • Service/product is specifically searched for 	<p>Services operating on Voice Shortcodes (<20ppm)</p> <p>App stores</p> <p>Recurring Donation by Registered Charities</p>
Clear Journey	<ul style="list-style-type: none"> • No or tightly controlled use of marketing affiliates • Simple browsing journey – e.g. few steps between discovery and payment • Simple proposition 	<p>App stores</p> <p>Recurring Donation by Registered Charities</p>
Authorised Consent	<ul style="list-style-type: none"> • Requirement for consumer to register a password protected account • Two step or other robust process for consent to charge or use of data • Robust technical systems for consent verification 	<p>App stores</p>

- 2.44. The above table takes account of various suggestions and comments which respondents made as to characteristics which might suggest a controlled or lower risk exemption is warranted. Whilst we do not consider this to constitute a definition of low risk, and would not use it as such, the above table could be used by MNOs to assess how their rules should be interpreted when applying higher or lower levels of

prescription to services using Payforit. Others in the value chain may also wish to use it in any risk assessment of their clients' services.

- 2.45. We would also remind stakeholders that where a provider can mitigate an existing higher risk which warrants Special Conditions, then either they will have no difficulty in complying with the conditions, or they may be able to argue that their mitigation creates a new sub-category of service which should be removed from the definition within the relevant Special Conditions regime. Exemptions from Special Conditions can only be by category in this way described, and not for individual services or providers.
- 2.46. Lastly two respondents, both aggregators, suggested that the process for Risk Assessment could potentially be slow if all services were to be assessed. Could the PSA set a timeline for this to be done?
- 2.47. In considering this, there may be an assumption on the part of these respondents that we would assess all individual services rather than "service categories" which group a considerable number of services with the same definition together, and which have given us cause for concern. Given this, assessment of any service category is likely to take considerably less time than the respondents believed.

Q5 – Do you agree with the conclusions of our application of the new Risk Assessment Process to existing Special Conditions regimes, and the proposals to remove the current regimes around Consumer Credit and Remote Gambling regimes? Please give reasons, including for any changes or additions you would like to propose.

- 2.48. One respondent asked whether we had considered if our duplication of other regulators' requirements within our Special Conditions regimes served to reinforce compliance. We are keen not to have gaps between ourselves and other regulators in relation to consumer protection, and also to inform industry of related rules and expectations which they will have to follow. However we do not wish to duplicate regimes which, in reality, others would enforce. In these cases Gambling and Consumer Credit are licensed by the relevant authorities, and as such they can revoke licences quickly if those rules are violated.
- 2.49. However the Gambling Commission provided a helpful response to this question, which pointed out that one of the four conditions in the current Remote Gambling regime is not duplicated within their rules. As such we will retain an abridged version of the current Remote Gambling Special Conditions regime, which will retain the current RG4 condition and be clear about the requirements which other regulators will expect providers to follow.
- 2.50. One respondent asked that where duplicate requirements are set out by both the PSA and another regulator – e.g. the Consumer Contract Regulations enforced by the Trading Standards Offices – could it be made clear who the primary authority is with regards to a breach? In response we would say that there is no singular breach in cases such as these. Different rules apply and regulators must meet their individual statutory responsibilities, and with reference to the example given we do not see that there is a primary authority.

- 2.51. One respondent, a trade association, asked whether “dormant” Special Conditions regimes – i.e. those where no services meeting the definition are currently active – should be removed. We considered this as part of our review prior to consultation, and identified only one regime – Call Quiz TV – which as far as we know currently has no services operational in the UK. However as we set out in the consultation, the risks which the service category presents have not changed. So we will currently retain the regime and review this position over the next 12 months.
- 2.52. Lastly one mobile operator asked us to consider whether there was a need for Special Conditions within the adult sector, as many of the issues seen in the summer of 2015 – in relation to adult services promoted online – have been resolved by changing consumer journeys and payment flows.
- 2.53. Current complaint levels in relation to online adult services continue to be significantly higher than the level that would be expected based on the share of the overall market that these services represent. In the last quarter where data is available (July to September 2016), 74% of complaints continue to relate to either online adult or online competitions. We recognise complaints about adult services have fallen significantly since the start of the calendar year, but they remain significantly disproportionate to market share.
- 2.54. The proposed Special Conditions regime in relation to adult services has been consulted separately from this paper, and so similar comments around the proposed regime will be addressed within the Statement in response to that consultation. However with reference to the wider adult sector, some of which is not online and is subject to different Special Conditions regimes, we would point out that adult continues to carry higher risks of offence, underage access, and a general reputational risk. Coupled with the continuing high level of complaints and the number of cases which have been brought in relation to these service types, we have concluded that the imposition of Special Conditions is justified and proportionate to the risk of harm that they represent.

Exemptions⁷

- 2.55. Just as some categories of service present a higher level of risk, so some categories of service may present a controlled level of risk, either because they have intrinsically low risk or because the risk can be effectively controlled. In these cases it is right to consider adapting the expectations in the Code if the same outcomes can be achieved by alternative means, and paragraph 3.10.4 of the Code sets out the terms on which such exemptions might be sought.
- 2.56. Where an emerging service is assessed as having lowered or controlled risk, we would look to collaborate with industry to determine the level of regulatory controls required. In taking such an approach our goal is that we make the best use of the

⁷ The granting of permission by the PSA to meet relevant Code objectives without the need to comply with specific Code provisions (such permitted non-compliance is referred to in this Statement as “exemptions”) – see paragraph 3.10.4 of the PSA Code of Practice.

flexibility within our current framework, and make our exemptions more targeted and incisive.

- 2.57. The consultation set out that exemptions have rarely been sought. However the majority of exemptions, or requests for exemption, have been granted or made in the last two years, which points to a growing appetite for innovation in achieving Code outcomes by alternative means.
- 2.58. The consultation set out our view that the current wording in the Code around exemptions is suitable to achieve the aim of facilitating a greater number of exemptions in response to market developments. And that our current process for exemptions is not necessarily understood by industry stakeholders or market entrants who might seek to use it. To this end the consultation set out the process clearly, and asked for any feedback respondents had.
- 2.59. In addition, and to assist with widening the current reach of exemptions within the market, the consultation also set out our consideration of where exemptions might be applied in the near future. Once again, we sought feedback as to our assessment, and list of potential areas for exemption.
- 2.60. Lastly the consultation confirmed that, going forward, we would generally look to make exemptions available to those providing a categories of services, rather than an individual provider unless there were good reasons (such as commercial confidentiality) to restrict the exemption to an individual party.
- 2.61. The related questions which we asked were as follows:
Q6 – Do you agree with our proposed exemptions process? Please give reasons, including for any changes or additions you would like to propose.
- 2.62. One respondent, an aggregator, requested that PSA create primary advice which would allow providers to be confident they will meet other regulators' requirements if they are compliant with the Code. We are keen to avoid confusion and reduce regulatory overlaps where possible, but the PSA would be acting outside of its powers (and areas of specialism) if it were to produce advice or guidance on areas under the jurisdiction of other regulators and bodies, and in any event such advice or guidance would not be binding on such regulators and bodies. We have instead proposed to establish an ad hoc working group of relevant regulatory bodies to discuss emerging issues with the objective of providing as much clarity as possible.
- 2.63. One respondent questioned whether the Special Conditions' sections of the Code (paragraph 3.11.1 and Annex 2) could be simplified. In response we would point out that there is a need to qualify the types of conditions which we can apply to high-risk services, so that the PSA's powers to introduce requirements beyond the Code are not infinite. This is why 24 types of condition are set out in an Annex to the Code, from which the actual conditions which we consult and then implement are derived.
- 2.64. We consulted on such an approach as part of our development of the 13th edition of our Code, and at that time it was widely welcomed as having the flexibility to meet the risks arising from market evolution. We will however continue to review individual Special

Conditions regimes, and the generic types of conditions within the Code, to ensure they remain fit for purpose.

- 2.65. Two respondents, a network and an aggregator, suggested that innovation would be more encouraged if exclusive, rather than general, exemptions were granted. They argued that this would incentivise providers to innovate, as others that had not contributed to the innovation would not benefit. Another respondent, a trade association, took the opposite view and asked that measures are taken to prevent any one provider gaining a competitive edge through an individual exemption.
- 2.66. We have already set out in the consultation that we believe it to be better in general that exemptions are granted for the whole eligible market. However where it is clear that such an approach would result in the commercial confidentiality of a provider being compromised - for example, where a new technology they have developed is unique to them and not easily replicable by others - then we may take a different view. Each exemption request will be weighed up on a case-by-case basis, but with a bias towards exemption that is available generally unless there are specific reasons why not.
- 2.67. Lastly one respondent asked if the PSA could outline timeframes for any exemption application. This would help facilitate “blue-chip” exemption requests as such merchants enter the market.
- 2.68. We will always look to process any requests as quickly as possible, and provide clear timelines for applicants. However there may be a need for review and possibly consultation, especially if we were minded to make exemptions available based on a service category. In such circumstances we will clearly communicate this, and update applicants as to progress.

Q7 - Do you have any comments on, or suggested additions to, our list of areas where we might consider exemptions in the near future?

- 2.69. Two respondents, both aggregators, asked if services wishing to be exempted from the 30-day withhold requirements could be assessed, and the withhold requirement shortened if the risk could be properly controlled? We would first of all remind all aggregators that the requirement to withhold (set out at paragraph 3.5.1 of the Code) applies only to networks and not to aggregators or any other body usually classed as a Level 1 provider. So assuming that a Level 1 is prepared to take the risk of paying out early, in the knowledge that their outpayment could subsequently be retained by the network in the event of a PSA instruction, they are free to do so. We are prepared to consider and further discuss any requests from networks for such an exemption.
- 2.70. In a similar vein, one network asked if an aggregator or other provider classed as Level 1 within our Code could apply for a similar exemption to that already granted to app stores. This could allow a process whereby a merchant would switch only between Level 1 providers who had evidenced a higher standard of control to obtain such an exemption, providing greater confidence to consumers and the regulator.
- 2.71. After further consideration we will look to outline the potential for such an exemption, where a Level 1 provider has sufficient controls in place in respect of its Level 2 clients.

It should be noted that the exemption granted in respect of app stores was that where a Level 1 provider's clients could demonstrate sufficient controls in respect of their Level 2 clients those clients could be exempted from complying with specific Code obligations (particularly the requirement to register with the PSA). Further, we note that where an Level 1 provider actually provides any part of a service impacting directly on consumers the Code already places the obligation for compliance squarely on the Level 1 and therefore, in such circumstances, no exemption for the Level 2 clients is required.

- 2.72. The same network also asked if exemptions for providers providing e-ticketing services could be considered. We note this, and in line with the above paragraph are happy to consider such an exemption going forward. To achieve this we will discuss further with interested parties, to ascertain exactly what they want from an exemption.
- 2.73. One respondent questioned whether the Special Conditions' sections of the Code (paragraph 3.11.1 and Annex 2) could be simplified. In response we would point out that there is a need to set out the types of conditions which we can apply to high-risk services, so that the PSA's powers to introduce requirements beyond the Code are not infinite. This is why 24 types of condition are set out in an Annex to the Code, from which the actual conditions which we consult and then implement are derived.
- 2.74. We consulted on such an approach as part of our development of the 13th edition of our Code, and at that time it was widely welcomed as having the flexibility to meet the risks arising from market evolution. We will however continue to review individual Special Conditions regimes, and the generic types of conditions within the Code, to ensure they remain fit for purpose.
- 2.75. Lastly two respondents, an aggregator and a trade association, asked that we consider relaxing current Special Conditions requirements around Recurring Donation Services, which require a reminder of the STOP command every three months (as opposed to every month for all other subscription-based services). We are already examining this separately with the AIME Charities Group, which brings together all those involved in phone-paid charitable donation.

Regulatory Landscape and Relationships

- 2.76. Since different payment mechanisms have developed at different times, and independently of each other, the basis for regulating them is often different and will usually derive from a mixture of UK and EU law. As digital payment has converged, the regulatory landscape has become increasingly variegated and fragmented, with a number of different regulators having different remits and objectives which can intersect as the market innovates or changes.
- 2.77. In looking at these issues our approach is informed by our commitment to proportionate regulation. Consumers must be adequately protected in relation to any phone-bill transaction, and our goal as far as possible is to see consistent standards of consumer protection applied. We seek to consult and work in tandem with other regulators to ensure that regulation is carried out by the organisation best placed to do so. Additionally we would look to facilitate joint meetings with other regulators and industry where there are issues of common interest. A recent example of this is a series

of meetings with the FCA and HM Treasury in relation to implementation of the revised EU Payment Services Directive.

- 2.78. As operator billing moves into new areas such as quasi-physical goods – e.g. ticketing – and physical goods there will be increasing questions as to the consumer risks and appropriate controls for them. It was clear from our pre-consultation discussions with industry that they would welcome greater clarity on the boundaries between the remits of different regulators and where they overlap. Equally industry would welcome a proactive approach where regulators clarify who will take the lead where new service categories or mechanics lead to overlapping jurisdiction.
- 2.79. As a result, the consultation set out two proposals. The first for an “at a glance” map which gives industry as much clarity as possible in terms of the intersecting remits and scope of regulators. We had previously received mixed viewpoints on whether such a map is necessary, and the additional value it could deliver.
- 2.80. The second was to seek other regulators’ support to convene an ad hoc working group to jointly consider and agree a response to new business models, plans, and proposals. This would provide a clear route for industry to make such proposals or ask more general questions, and in response provide industry with timely, joined-up advice on regulatory requirements.
- 2.81. Whilst we did not have a definitive list of other regulators whom we proposed to invite into this working group, we proposed various regulators whose remits overlap in some way with phone-charged payment, and invited feedback.
- 2.82. The related questions which we asked were as follows:
- Q8 – Would a map of the digital payments regulatory landscape, setting out the intersecting remits and scope of different regulators, be of value? Please provide the rationale behind your answer.*
- 2.83. Whilst one respondent questioned whether such a map would add value, the overall response was generally positive.
- 2.84. Other respondents variously asked:
- whether the map could include other organisations – such as the Advertising Standards Authority (ASA) or the British Board of Film Classification (BBFC) – which are not necessarily related to payments but nevertheless have some overlap in terms of regulation
 - whether an objective third party could be employed to ensure it is clearly presented and regularly updated
- 2.85. The balance of responses seems to be in favour of taking forward some sort of regulatory mapping exercise and we will take into account the other points raised as we now progress this work.

Q9 – Would a joint working group of regulators, to consider and provide a joint response to questions of regulatory overlap, be of value?

- 2.86. Once again, one respondent questioned the value of such a group, but responses were generally positive, including those received from other regulators, the ICO and the Gambling Commission.
- 2.87. Various industry respondents asked whether the group could be managed by an objective third party, and whether such a group could be joined by representatives from industry. The participation of third parties in such a group would necessarily change the nature of the discussions that regulators would be able to have and we do not think this would be appropriate. We can discuss the outcome of any discussions separately with industry stakeholders either ad hoc as issues arise or in one of our regular consultative meetings with industry. .
- 2.88. One respondent asked if all participants in such working groups would be prepared to enter discussions open to the possibility of relaxing their established expectations. The key consideration for PSA is that we need to ensure that regulation ensures strong consumer protection. In keeping with principles of better regulation we would work with other regulators to achieve this objective with the minimum regulation, but we also need to be mindful that other regulators have to work within their own remits which includes their statutory duties and obligations. .
- 2.89. Lastly, two respondents asked whether the PSA would be prepared to enter into a working arrangement to forward complaints relating to promotional flows to the ASA for adjudication? Whilst we liaise with the ASA under a Memorandum of Understanding, and so forward cases to them as appropriate, we do not consider it appropriate to forward any case involving promotions to them as a matter of course. Our Code and the ASA's do not set the same expectations and standards, as our Code addresses specific risks and issues within the phone-paid services market which the ASA's does not.

Q10 – Which regulators should we invite to take part in such a group, and why?

- 2.90. We had already outlined a list of regulators who, in our view, should be included in any ad hoc working group. Respondents also suggested Trading Standards/Competition and Markets Authority, and the government's Better Regulation Delivery Office. We note these suggestions.

Joint Monitoring

- 2.91. The four Mobile Network Operators (MNOs) also work to provide strong levels of consumer protection within the market. Their key areas of activity are the setting of common rules which providers utilising their joint secure payment system, Payfort, have to follow, and monitoring of services offered over their networks to ensure these rules are adhered to.
- 2.92. At present each MNO, and the PSA, engage in their own individual monitoring. The PSA has an in-house monitoring facility, whereas MNOs (and in some cases, Level 1 payment aggregators) engage specialist monitoring companies. However each of these monitoring efforts are to the same end – to protect consumers by ensuring compliance with recognised outcomes.

2.93. As a result, the consultation expressed a wish to explore whether more joint work could be done around monitoring. By establishing a central pool of monitoring capability from which the PSA and the MNOs could draw, we could derive more consistent information and potentially create efficiency through economies of scale.

2.94. The related question which we asked was as follows:

Q11 – We would welcome any comments on the scope and approach of a joint monitoring capability.

2.95. Respondents did not supply definite views on such an undertaking. However they did ask a significant number of questions, which can be summarised as follows. We will take these questions into account as we continue to explore the potential for joint monitoring:

- Will it be able to deliver timely intelligence to MNOs and Level 1 providers?
- Will it have the capacity to alert merchants to non-compliant consumer journeys, in order to enable swift intervention?
- Will voice-based services be included?
- How will it be funded?
- Will it have the capacity to address an appropriate percentage of the market?
- How can the legitimacy of all monitoring be ensured – i.e. what steps will be taken to prevent third party monitoring organisations from targeting providers with whom they do not have a separate monitoring contract?
- Would the PSA act as an arbiter in any situation where two different MNO-contracted monitors disagreed about the same service?

Section Three – Next Steps

- 3.1 In respect of our proposals around Higher Risk Services and Exemptions, we have attached at Annex A finalised versions of:
 - The Risk Assessment Framework
 - Table of characteristics which would usually warrant an exemption on the grounds of controlled or lowered risk
 - A table of areas which may benefit from an exemption in the near future
- 3.2 We have already begun to implement the Risk Assessment Framework - in that the Special Conditions regimes which we proposed in a separate consultation for online adult services and online competition services were tested against it in order to evidence higher risk and inform the proposed conditions.
- 3.3 The consultation outlined areas where we viewed potential for exemptions. We will now consider this finalised list further, and encourage providers to contact us if they would like to request an exemption.
- 3.4 In light of the generally positive response to proposals for a regulatory map and an ad hoc working group of regulators, we will progress these and update stakeholders as to progress.
- 3.5 We will continue to explore the capacity for joint monitoring, and will update and test our thinking as appropriate.

Annex A – Finalised Tables

Risk Assessment Framework

Risk Characteristic	Examples
Financial Harm	<ul style="list-style-type: none"> • High one-off cost • High cumulative cost
Passing Off	<ul style="list-style-type: none"> • Unauthorised use of trusted brands or marks • Misleading representation of trusted brands or marks • Lack of Professional Qualifications or Membership
Uninformed Consent	<ul style="list-style-type: none"> • Confusing consumer journey • Complexity of consumer journey • Complexity of proposition • Overall presentation lacks clarity
Unsatisfactory Consent	<ul style="list-style-type: none"> • Lack of appropriately robust consent to charge • Lack of appropriately robust consent to data use • Inadequate technical systems lead to charge without consent
Vulnerable Groups	<ul style="list-style-type: none"> • Underage access • Lack of allowance for needs of vulnerable • Targeting of vulnerable
Unreasonable Offence	<ul style="list-style-type: none"> • Indecent – e.g. sexual • Offensive or menacing – e.g. disability, gender, race, religion, sexuality • General – e.g. pro-anorexia

Characteristics which would usually indicate controlled or lowered risk

	Characteristics	Current exemptions as relate to characteristics
Cost	<ul style="list-style-type: none"> • Single purchase – e.g. no multiple or recurring charges • Significantly low one-off or cumulative cost 	<p>Services operating on 087x range – exempt in respect of Code para 3.4.1.</p> <p>Services operating on Voice Shortcodes (<20ppm) – exempt in respect of Code para 3.4.1.</p>
Prior Confidence	<ul style="list-style-type: none"> • Generally recognised brand • Service/product is specifically searched for 	<p>Services operating on Voice Shortcodes (<20ppm) – exempt in respect of Code para 3.4.1.</p> <p>App stores – exempt in respect of Code para 3.4.1 and not subject to the Notice of thresholds and actions, para 8.2 and section 9.</p> <p>Recurring Donation by Registered Charities – under Special conditions, not subject to the Notice of thresholds and actions, para 8.2.</p>
Clear Journey	<ul style="list-style-type: none"> • No or tightly controlled use of marketing affiliates • Simple browsing journey – e.g. few steps between discovery and payment • Simple proposition 	<p>App stores – exempt in respect of Code para 3.4.1 and not subject to the Notice of thresholds and actions, para 8.2 and section 9.</p> <p>Recurring Donation by Registered Charities – under Special conditions, not subject to the Notice of thresholds and actions, para 8.2.</p>
Authorised Consent	<ul style="list-style-type: none"> • Requirement for consumer to register a password protected account • Two step or other robust process for consent to charge or use of data • Robust technical systems for consent verification 	<p>App stores – exempt in respect of Code para 3.4.1 and not subject to the Notice of thresholds and actions, para 8.2 and section 9.</p>

Services/Areas of the PRS market which may benefit from exemptions to part of the Code in the near future

Code Requirements	
Rule/Condition	Description
Rule 3.5.1 – the “30 day withhold rule”	<p>At present network operators are required to withhold any payment in respect of a PRS transaction for at least 30 days from the date of that transaction before making it available to parties along the value chain.</p> <p>It may be that earlier or immediate outpayment would benefit the market to attract blue-chip clients, as this will mirror the quicker outpayments they receive from card-based transactions for the same or similar products.</p> <p>Networks wishing to request such an exemption would need to evidence a case for suitable alternative controls, which would continue to prevent providers from entering and exiting the market before consumer harm could be discovered and actioned.</p>
<p>Various:</p> <p>Rule 3.4.1 – Registration with the PSA prior to providing a service(s)</p> <p>Rule 3.12.1 – Requirements for spend reminders or caps as relates to subscription services and children’s services</p>	<p>App stores which correspond to a specified definition have been granted exemptions from the requirements set out to the left.</p> <p>This follows them evidencing that they are able to:</p> <ul style="list-style-type: none"> • exercise close control over consumer journeys and complaint handling; • can provide equivalent details to those which their clients would ordinarily register with the PSA; • can provide alternative methods by which consumers can track spend and specifically consent to spending beyond a cap usually defined by the PSA.
<p>Various:</p> <p>To be determined, but relates to various requirements within Section 2 of the Code</p>	<p>E-ticketing and more general new entrants.</p> <p>As the market tries to attract new clients to use phone-bill payment as an option for their transactions, it is clear that a significant number of blue-chip Level 2 clients are unfamiliar with a model where they take full responsibility for compliance with payment rules.</p> <p>In other payment markets – e.g. credit/debit – the payment platform/acquirer has direct responsibility for achieving regulatory outcomes in relation to payment services and transactions. As a result some payment aggregators have suggested they could mirror this approach – and be held directly responsible for Code compliance - to make a comparable offer to potential clients who currently only use credit/debit payment.</p>
Special Condition RDS3 – as relates to Recurring Donation Services	<p>Currently charities who accept recurring monthly donations via text charging must remind consumers of the existence of the “STOP” command every three months.</p> <p>Charities under the umbrella of the AIME Charities Committee have already approached us with a view to making a business case to extend this requirement to every six months, and we will continue to consider this.</p>