



# Vodafone Response to Ofcom Consultation:

Proposed measures to require  
compliance with international  
guidelines for limiting exposure to  
electromagnetic fields (EMF)



# Changes to licence terms

Vodafone welcomes Ofcom's activity around limiting exposure to Electro-Magnetic Fields (EMF): it is important that a regulator independent of the communications industry plays a role in reassuring the public that the technology used in providing our services is safe.

The internet is awash with rumours and conspiracy theories around the safety of 5G. There will inevitably be a group of people who will not accept the expertise and wisdom of international scientific experts as to the safe level of EMF exposure and who instead prefer to rely on pseudoscience and misunderstanding/incorrect portrayal of research findings. However, our belief is that the vast majority of the British public are prepared to accept that the technology is safe, subject to safety standards being independently set in line with expert research, and there being independent oversight of compliance with those standards. As the communications sector regulator, it is Ofcom's statutory duty to further the interests of citizens in relation to communications matters, so it is only right that Ofcom plays its role.

In the UK, Public Health England (PHE) takes a lead role on establishing safe levels of EMF exposure, and in turn, they rely on the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). ICNIRP has a long history of providing expert opinion, is recognised by the World Health Organisation, and is independent of/not funded by the communications industry. They are the world authority on the topic of EMF exposure, and worthy of public trust.

Whilst compliance with the PHE mandate to follow ICNIRP guidelines has to date been predominately managed via Health & Safety regulation, we acknowledge that it is an anomaly that Ofcom authorises the use of radio waves, yet stays silent on using those radio waves safely. It is therefore logical that a condition to use radio safely is added to spectrum licences (and to all of them, rather than just those relating to mobile access spectrum), but at the same time it does create a further anomaly as it means that for mobile operators the need to comply with ICNIRP is enforced via two distinct legal channels (HSE and Ofcom).

Ofcom will also well understand that current procedures require mobile operators to demonstrate ICNIRP compliance as part of the local planning application process. As such, we are confident that we will be fully compliant with the proposed licence terms. However, we do think that the need to assess and confirm compliance with ICNIRP may come as a culture shock to other users of spectrum that will be captured by changes to their licence terms. This should not be a barrier to Ofcom implementing the change universally, but does highlight the need for Ofcom to bring the industry with them on this exercise.

We believe that there is a need for Ofcom to facilitate multilateral discussions to agree the practical processes around enforcement of the proposed licence terms. Sites that are unilaterally occupied by a single user of spectrum are rare, with planning law, cost and common sense considerations incentivising the sharing of sites. Ofcom correctly observes that it complicates the process of asserting ICNIRP compliance as each spectrum user must be cognisant of the actions of all other users at the location. We agree with Ofcom's suggestion that the last entity to change their usage should be responsible for the installation being ICNIRP-compliant as a whole, and indeed this is the approach already adopted by mobile operators, but we



do have some concerns about whether less experienced users will understand the implications and have the competence to carry out the assessment. Ofcom should play a role in educating those licensees who are less familiar with the process.

We also believe there is a need to align expectations on the enforcement regime. Ofcom has highly skilled field operatives across the UK, investigating potential misuse of spectrum (and also carrying out complementary activities such as drive testing of mobile coverage). We suggest that the best approach would be that they also carry out random measurement assessments, and where there is any suspicion of ICNIRP compliance levels being approached, liaise with the licensee(s) so that they can provide evidence that the site is planned to be compliant and operating per design. We also believe that Ofcom sharing measurement data with licensees would be valuable in further refining the accuracy of models. We would be less supportive of licensees being required to proactively provide compliance evidence for sample sites. Although this information is available, this would be an operational overhead that cannot be justified, particularly in light of the results of the measurement exercise that Ofcom has been undertaking already demonstrating that we are well within the levels of ICNIRP guidelines.

Ofcom should also consider the actions of third parties. We are all too familiar with the scenario where a mobile network installation is built to be fully compliant with all safety legislation, only for third parties to make changes that cause us to risk breaching the rules. For example, rooftop locations are provided with exclusion zones, only for the site owner to build a public amenity area over them without consulting us. We would expect that Ofcom take a pragmatic view to compliance in this scenario, with the focus on being resolving the issue rather than penalising the operator for non-compliance that was beyond their control. We are particularly concerned about aspects of local planning control. Vodafone believes that there should be a statutory requirement for liaison with mobile operators where planning applications are submitted within a defined distance of existing mobile masts, with the presumption that if the development would cause the operator to be in breach of safety requirements, the developer is responsible for ensuring this doesn't happen. We have encountered situations where buildings have been built directly adjacent to our masts and we have been completely unaware until our field operatives have flagged the situation during routine maintenance. Although planning consent is not directly an Ofcom matter, we would welcome your assistance in liaising with Government on this aspect.

Vodafone looks forward to working with Ofcom and other stakeholders in further refining the compliance process "wrap" which will accompany the new licence conditions.

**Vodafone UK**  
**June 2020**