



Ofcom Consultation – General policy on ensuring compliance with security duties

Cellnex UK Response

May 2022

Overview of Cellnex UK

Cellnex Group

This response is submitted by Cellnex UK ([link](#)), which is part of Cellnex Group ([link](#)) which:

- Supports over 420 million mobile connections across Europe
- Operates >70,000 mobile sites today, which will grow to >130,000 by 2030
- Is Europe's leading neutral host mobile infrastructure provider, covering 12 countries: Austria, Denmark, France, Ireland, Italy, Netherlands, Poland, Portugal, Spain, Sweden, Switzerland and the UK
- Provides mobile infrastructure services, private and mission-critical networks, distributed antenna systems & small cells, smart/IoT & innovative services and broadcast services
- Had an annual turnover of €2.5bn in 2021
- Is a member of the FTSE4Good, Standard Ethics, United Nations Global Compact

Where possible, we have sought to provide international examples from the wider Cellnex Group in our response.

Cellnex UK

We are the trusted partner of all the major UK mobile network operators, hundreds of private businesses, the emergency services, as well as the UK Government, specifically Cellnex UK:

- Is the UK's leading independent wireless connectivity infrastructure company
- Operates >7,000 mobile sites today, which will grow to >13,000 by 2031
- Has deployed over 1,000 small cells to date
- Is an indoor mobile coverage provider, most notably in the Etihad stadium in Manchester
- Is deploying contiguous mobile coverage and capacity along the 81km Brighton to London Mainline and three major stations
- Has won three DCMS 5G competitions, working collaboratively with universities and start-ups to deliver 5G innovation
- Employs 300 people across four major UK locations – Reading, Manchester, Scotland and Leamington Spa
- Has invested £6.1bn in the UK since 2016

Basis of Response

Cellnex UK Ltd welcomes the opportunity to comment on Ofcom's general policy on ensuring compliance with security duties, as defined in the DCMS draft Regulations and draft Code of Practice implementing the Telecommunications (Security) Act 2021, and Communications Act 2003. Cellnex has commented separately to DCMS in response to the consultation on the draft Regulations and Code of Practice. The comments complement those submitted to DCMS.

As an associated facilities provider, Cellnex's interest in the matters under consultation is limited. We believe that there is an opportunity to improve security at multi-operator shared sites by providing in the draft general statement and draft guidance on resilience for security standards at such sites to be agreed between the operators using the site(s), but without changing the overall responsibility of the network operator for network security. We propose some small additions to both drafts to reflect this point.

Scope

Cellnex's interest in this consultation is limited to the areas which cover its provision of associated facilities to network operators. The draft Regulations place the primary responsibility for network security on the network operators, but in some cases they will be reliant on associated facilities providers to fulfil that responsibility. This response to the consultation addresses:

- draft Section 3 (Compliance monitoring) of the general statement;
- draft Section 4 (Testing) of the general statement; and
- draft Section 5 (Ofcom's resilience guidance) of the guidance on resilience.

Relationship to network operator

For cases in which Cellnex is providing associated facilities to a single mobile network operator, the relationship between the mobile network operator and Cellnex for the purposes of the draft Regulations is relatively straightforward. In line with the draft Regulations and the "flow down" principle in the draft Code of Practice, the facilities provided to the network operator should be managed by the associated facilities provider to the same security standards as the network operator applies to its own facilities. The Ofcom general statement is based on the principle that the network operator cannot outsource responsibility for the security of their network to a third party.

In this case, it is therefore for the network operator to define the security standards for each facility within the operator's contractual relationship with Cellnex. Practical implementation of the security standard will fall to Cellnex, as part of the management of the facility, but the operator will be able to discharge its primary responsibility, and to ensure a consistent approach to security standards across its network.

Approximately 26.2%, of Cellnex's 9,000 active sites in the UK are however shared by more than one network operator. As network operators densify their networks to enable better connectivity, this number and associated proportion is likely to increase. In the case of these sites, the relationship between the network operators and Cellnex is necessarily plural, and harder to operate on the relatively straightforward basis described above.

If it is left to each operator at a multi-operator shared site to define the security standards which apply to that site, it is possible – arguably probable – that a single site will be required to operate to multiple security standards. This would greatly increase the complexity of security management, and in reality would be likely to erode security standards for that site. The advantage in terms of security management of a site operating to a single set of standards agreed between all network operators using that site would be substantial.

We have therefore proposed in response to the DCMS consultation that provision should be made for the associated facilities provider to agree a common set of site-specific security standards with all network operators present at a given site or collection of sites. The same issue could arise in the case where a shared site is managed by one of the network providers present (i.e. a network provider is sharing a site owned by itself with another network provider). To be clear, we do not propose to remove responsibility for network security from the network operator. We have not therefore proposed any change to the draft

Regulations in this respect. We have however proposed that the draft Code of Practice could include a specific reference to multi-operator sites, in the following terms:

Where more than one network and service provider has network equipment and facilities within a single site or multiple sites shared with other network and service providers, the provider responsible for management of the site(s) – one of the network and services providers or an associated facilities provider – may propose a single security standard for that site / those sites to all of the network and services providers using the site(s). Each network and services provider will be responsible for ensuring that the proposed site security standard gives adequate security for their network. In the event of differences over the required standard, network and services providers are encouraged to reach a mutual agreement, including the operator responsible for management of the site(s), recognizing the security benefit that all network and services providers will share through putting in place a single security standard for the site(s) in question.

Proposed additions to Ofcom drafts

We propose the following additions to the draft general statement, to reflect the addition we have proposed to the Code of Practice:

- reflecting the power in Section 135 2 (c) of the Communications Act, we propose the following addition at the end of paragraph 3.21:
We may in addition seek information from an associated facilities provider in the case of facilities which are used by more than one provider.
- we propose a new paragraph to come after paragraph 3.46, in the statement of Ofcom's general policy on Section 105O powers of entry:
In any case in which we exercise our powers of entry in relation to a facility used by more than one provider, we may issue a Section 105O notice to the manager of the facility as well as to the provider concerned. We will specify to the manager of the facility in respect of which operator our notice is served, and the authorized person will confine their access to the facility to elements necessary to assess the compliance of the provider concerned.

We propose the following additions to the draft guidance on resilience:

- to add to the end of paragraph 5.8:
To the extent that a provider has agreed to a common security standard at a facility shared with other providers, responsibility to comply with security duties remains with the provider.
- to add to the end of paragraph 5.15:
In the case of facilities shared by more than one provider, elements of the resilience risk assessment may be based on a common security standard agreed between the manager of the shared facility and the operators using the facility.
- to add to the end of paragraph 5.52:
In addition, providers may agree common standards for the operation of facilities at which more than one provider is present.

Supporting network security

Cellnex enjoys a strong working relationship with DCMS, Ofcom and Government, which has allowed for highly successful collaboration over recent years. Over the coming years, industry, Government, and Ofcom must continue to share best practice and work in close collaboration to ensure the best possible

security outcomes for the sector. We do not take the success of our relationships for granted and look forward to working together in the years ahead to support secure networks for the UK.