



Proposals to make Wireless Telegraphy Exemption Regulations

2014 update

Consultation

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Section 1

Executive summary

- 1.1 This document consults on draft regulations, the Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014 (the ‘Proposed Regulations’). The Proposed Regulations would enable the use of certain wireless telephony equipment that comply with the technical parameters set out in the Proposed Regulations on a licence exempt basis.
- 1.2 Ofcom is responsible for authorising civil use of the radio spectrum. Under section 8(1) of the Wireless Telegraphy Act 2006 (the ‘WT Act’), it is an offence to establish, install or use equipment for wireless telephony without holding a licence granted by us, unless the use of such equipment is exempted. We are able to make regulations exempting the use of equipment by using powers conferred by section 8(3) of the WT Act.
- 1.3 The Proposed Regulations would implement the following Ofcom decisions:
 - authorise the use of 870 to 876 MHz and 915 to 921 MHz for a number of Short Range Devices (SRD) on a licence-exempt basis in accordance with the decision in our Statement published on 2 April 2014 (the ‘870/915 Statement’)¹;
 - enable the land-based use of Earth Stations on Moving Platforms (ESOMPs) on a licence-exempt basis in accordance with the decision in our Statement published on 20 January 2014 (the ‘ESOMPs Statement’)²; and
 - allow two different Amplitude Modulation (AM) modes of operation (AM double side band and single side band) to be used for Citizens’ Band (CB) Radio on a licence-exempt basis in accordance with our decision in our “Statement on Citizens’ Band (CB) radio published on 10 December 2013 (the ‘CB Radio Decision’)³.
- 1.4 In addition the Proposed Regulations would also make certain changes to the current technical conditions for use of SRDs on a licence exempt basis in order to implement the requirements of “Commission Implementing Decision of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC (2013/752/EU)” (the ‘Amending Decision’).
- 1.5 In accordance with the requirements of section 122(4) and (5) of the WT Act, this document gives notice of our intention to make the Proposed Regulations. All of the changes that the Proposed Regulations would introduce have been subject to

¹ “Statement on the Authorisation of Short Range Devices in 870 to 876 MHz and 915 to 921 MHz”
<http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

² “Statement on the Authorisation of Earth Stations on Mobile Platforms”,
<http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

³ “Citizens’ Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation – Permitting AM double and single side band CB radio in the UK”,
<http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

previous consultation by Ofcom with the exception of the changes to implement the Amending Decision. As a Member State of the European Union, the UK is bound by the requirements of the Amending Decision and therefore has to implement them by the deadlines set out in the Decision. Given this, we did not consider it appropriate to first conduct a policy consultation regarding the changes to implement the Amending Decision.

- 1.6 Comments on the Proposed Regulations are invited by 5pm on 19 May 2014. Subject to consideration of responses we intend to bring the new regulation into force by July 2014. An impact assessment for the Proposed Regulation is available at Annex 5 to this document. The Proposed Regulation is included in this document at Annex 6. Further copies may be obtained from www.ofcom.org.uk or from Ofcom at Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Section 2

Background

Regulatory Framework

- 2.1 We are responsible for authorising civil use of the radio spectrum and achieve this by granting wireless telephony licences under the WT Act and by making regulations exempting users of particular equipment from the requirement to hold such a licence.
- 2.2 Under section 8(1) of the WT Act, it is an offence to install or use equipment to transmit without holding a licence granted by us unless the use of such equipment is exempted. We can exempt the installation or use of wireless telephony equipment by making Regulations under section 8(3) of the WT Act.
- 2.3 Under section 8(4) of the WT Act, we have to make regulations to exempt equipment if its installation or use is not likely to:
 - involve undue interference with wireless telephony;
 - have an adverse effect on technical quality of service;
 - lead to inefficient use of the part of the electromagnetic spectrum available for wireless telephony;
 - endanger safety of life;
 - prejudice the promotion of social, regional or territorial cohesion; or
 - prejudice the promotion of cultural and linguistic diversity and media pluralism.
- 2.4 In accordance with the requirements of section 8(3B) of the WT Act, the terms, provisions and limitations specified in the regulations must be:
 - objectively justifiable in relation to the wireless telephony stations or wireless telephony apparatus to which they relate;
 - not such as to discriminate unduly against particular persons or against a particular description of persons;
 - proportionate to what they are intended to achieve; and
 - transparent in relation to what they are intended to achieve.
- 2.5 Before making any regulations we are required by section 122(4) of the WT Act to give notice of our proposal to do so. Under section 122(5), the notice must state that we propose to make the regulations in question, set out their general effects, specify an address from which a copy of the proposed regulations or order may be obtained, and specify a time of at least one month before which any representations with respect to the proposal must be made to us.

Policy background

- 2.6 The Proposed Regulations would implement the following Ofcom decisions:
- authorise the use of 870 to 876 MHz and 915 to 921 MHz for a number of Short Range Devices (SRD) on a licence-exempt basis in accordance with the decision in our Statement published on 2 April 2014 (the '870/915 Statement')⁴;
 - enable the land-based use of Earth Stations on Moving Platforms (ESOMPs) on a licence-exempt basis in accordance with the decision in our Statement published on 20 January 2014 (the 'ESOMPs Statement')⁵; and
 - allow two different Amplitude Modulation (AM) modes of operation (AM double side band and single side band) to be used for Citizens' Band (CB) Radio on a licence-exempt basis in accordance with our decision in our "Statement on Citizens' Band (CB) radio published on 10 December 2013 (the 'CB Radio Decision')⁶.
- 2.7 In addition, the Proposed Regulations would make certain changes to the current technical conditions for use of SRDs on a licence-exempt basis in order to implement the requirements of "Commission Implementing Decision of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC (2013/752/EU)" (the 'Amending Decision').

SRDs in the 870 to 876 MHz and 915 to 921 MHz frequency bands

- 2.8 On 18 December 2013 we consulted on proposals that would enable the authorisation of certain SRDs in the frequency bands 870 to 876 MHz and 915 to 921 MHz in our document "Licence Exempt Short Range Devices in the 870 to 876 MHz and 915 to 921 MHz Bands: Technical Proposals" (the '870/915 Consultation')⁷.
- 2.9 The 870/915 Consultation proposed technical parameters that could be used to provide new and improved wireless services such as:
- Smart Metering / Smart Grid;
 - other machine-to-machine (M2M) communications, that include the developing Internet of Things (IoT) technologies;
 - In car and car to car communications;
 - Radio Frequency Identification (RFID) ;

⁴ "Statement on the Authorisation of Short Range Devices in 870 to 876 MHz and 915 to 921 MHz"
<http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

⁵ "Statement on the Authorisation of Earth Stations on Mobile Platforms",
<http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

⁶ "Citizens' Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation – Permitting AM double and single side band CB radio in the UK",
<http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

⁷ http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/summary/872_915_MHz.pdf

- Alarm systems; and
- Digital Audio.

- 2.10 These proposals were based on recommendations by the European Conference of Postal and Telecommunications Administrations (CEPT), in European Communication Committee (ECC) Report 189⁸ and an amendment of the European Radiocommunications Committee (ERC) Recommendation 70-03⁹. These CEPT measures had been already subject to a Europe-wide public consultation.
- 2.11 We published a statement on 2 April 2014¹⁰. This advised that having considered the responses to the 870/915 Consultation, we had decided to proceed with the authorisation of SRDs in the 870 to 876 MHz and 915 to 921 MHz frequency bands by licence exemption. This will be based on the technical parameters set out in our 870/915 Statement.
- 2.12 In terms of the authorisation of SRDs in the 870 to 876 MHz and 915 to 921 MHz frequency bands, the Proposed Regulations will enable a wide range of applications to be used without the need to hold a WT Act licence, for example:
- the next generation of gas and electricity meters (Smart Meters) which will be able to tell consumers how much energy they are using through an in-home display;
 - radio tags that can be attached to anything that needs to be tracked or monitored (including farm animals and pets); and
 - home automation products that will allow consumers to control, monitor and access devices in their homes.
- 2.13 The availability of 870 to 876 MHz and 915 to 921 MHz frequency bands will increase the capacity available for the Internet of Things (IoT). It will provide additional flexibility compared to existing bands, allowing greater scope for innovation in developing new Machine-to-Machine (M2M) applications. It will also mean that the UK will remain on track to be one of the first countries in Europe to make this spectrum available for M2M uses.
- 2.14 The changes to the licence exemption of SRD devices will be implemented through the Proposed Regulations at Annex 6. We intend to update the technical requirements in the Interface Requirement “IR 2030 - UK Interface Requirements 2030 Licence Exempt Short Range Devices” (IR 2030)¹¹ accordingly. The changes will be finalised when the Proposed Regulations come into force.

ESOMPs

- 2.15 On 15 August 2013 we published a consultation “Earth Stations on Mobile Platforms Consultation on the authorisation of Earth Stations on Mobile Platforms” (the

⁸ <http://www.erodocdb.dk/Docs/doc98/official/pdf/ECCREP189.PDF>

⁹ <http://www.erodocdb.dk/docs/doc98/official/pdf/rec7003e.pdf>

¹⁰ <http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

¹¹ http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-policy-area/spectrum-management/research-guidelines-tech-info/interface-requirements/IR_2030_amendment_2014.pdf

“ESOMPs Consultation”)¹². This proposed to authorise the use of radio equipment for ESOMPs transmitting to satellites in geostationary orbit and operating in the frequency bands:

- 27.5 – 27.8185 GHz (transmit);
- 28.4545 – 28.8265 GHz (transmit);
- 29.4625 – 30 GHz (transmit); and
- 17.3 – 20.2 GHz (receive).

- 2.16 ESOMPs are used to provide broadband backhaul links to moving vehicles such as aircraft, ships and trains to enable the provision of broadband connectivity to passengers. The proposals were based on recommendations by the CEPT, in ECC Report 184¹³ and ECC Decision 13(01)¹⁴. We proposed that the use of ESOMPs on aircraft and ships should be authorised via a licensing regime but land-based use on platforms (e.g. trains) should be via licence exemption.
- 2.17 On 20 January 2014 we published a statement¹⁵ setting out our decision to proceed with the proposals as outlined the ESOMPs Consultation.
- 2.18 The authorisation of radio equipment for land-based ESOMPs through licence exemption will be implemented through the Proposed Regulations at Annex 6. Interface Requirement “IR 2093 - UK Interface Requirements 2093 Earth Stations on Mobile Platforms (ESOMPs)” (IR 2093) details the technical conditions for the use of ESOMPs and are available on Ofcom’s website¹⁶.

CB Radio

- 2.19 On 7 October 2013 we published a consultation “Citizens’ Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation. Permitting AM double and single side band CB radio in the UK” (the CB Radio Consultation)¹⁷. This proposed authorising the use of AM/SSB and AM/DSB transmission on CEPT harmonised channels in line with ECC Decision (11)031 on a licence-exempt basis¹⁸.
- 2.20 Following the CB Radio Consultation we published a statement on 10 December¹⁹. This confirmed that we would go ahead with the proposals as set out in the CB Radio Consultation and that regulations would be introduced at the next opportunity.
- 2.21 The authorisation of AM modes of operation for CB Radio through licence exemption will be implemented through the Proposed Regulations at Annex 6. Interface Requirement “IR 2027.2 - UK Interface Requirement 2027.2 for AM/SSB and DSB

¹² <http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/summary/earth-stations.pdf>

¹³ <http://www.erodocdb.dk/docs/doc98/official/pdf/ECCRep184.pdf>

¹⁴ <http://www.erodocdb.dk/docs/doc98/official/pdf/ECCDec1301.pdf>

¹⁵ <http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

¹⁶ http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-policy-area/spectrum-management/research-guidelines-tech-info/interface-requirements/IR_2093.pdf

¹⁷ <http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/summary/citizen-band-radio.pdf>

¹⁸ <http://www.erodocdb.dk/Docs/doc98/official/pdf/ECCDEC1103.PDF>

¹⁹ <http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

use in the Citizens' Band Radio Service" (IR 2027.2) details the technical conditions that will apply and is available on Ofcom's website²⁰. The Interface Requirement will be finalised when the Proposed Regulations come into force.

- 2.22 CB radio equipment operating in Frequency Modulation (FM) modes of operation will remain licence-exempt. The authorisation of these devices is covered by the Wireless Telephony (Exemption) Regulations 2003, as amended²¹. The technical conditions for FM transmission on CEPT harmonised channels and UK channels are set out in Interface Requirement "IR 2027 - UK Interface Requirements 2027 for Citizens' Band (CB) radio for use in the Citizens' Band Radio Service", published in November 2006²².

Amending Decision

- 2.23 Commission Decision 2006/771/EC (the '2006 SRD Decision')²³ harmonises the technical conditions for use of spectrum for a wide variety of SRDs. Due to the growing importance SRDs for the economy and the rapid changes in technology and societal demands, new applications for SRDs can emerge. These require regular updates of spectrum harmonisation conditions.
- 2.24 On 5 July 2006, the Commission issued a permanent mandate to the CEPT, pursuant to Article 4(2) of Decision No 676/2002/EC, to update the Annex to Decision 2006/771/EC in response to technological and market developments in the area of SRDs. In its March 2013 report²⁴, the CEPT informed the Commission of the results of the requested examination of the 'type of SRD' and the 'other usage restrictions' categories in the Annex to the 2006 SRD Decision and advised the Commission to amend a number of technical aspects in that Annex. Based on this report the Commission developed the Amending Decision.
- 2.25 The Amending Decision updates and makes a number of changes to the 2006 SRD Decision, with a view to harmonising defined technical usage conditions to prevent harmful interference, ensure as much flexibility as possible while fostering reliable and efficient use of frequency bands by short-range devices and establish a harmonised sharing environment which allows short-range devices to share the use of spectrum with each other on a non-exclusive basis, regardless of the purpose of such use.²⁵ The focus of the Amending Decision is to liberalise where possible the technical parameters for existing equipment, including:
- harmonisation of spectrum for Low Power Active Medical Implants (LP-AMI)²⁶;

²⁰ http://stakeholders.ofcom.org.uk/spectrum/technical/interface-requirements/draft_ir/

²¹ See Schedule 10 (inserted by the Wireless Telephony (Exemption) (Amendment) Regulations 2006, SI 2006/2994) <http://www.legislation.gov.uk/uksi/2006/2994/made/data.pdf>

²² <http://stakeholders.ofcom.org.uk/binaries/spectrum/spectrum-policy-area/spectrum-management/research-guidelines-tech-info/interface-requirements/uk2027.pdf>

²³ Commission Implementing Decision 2013/752/EU of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:312:0066:0070:EN:PDF>

²⁴ <http://www.erodocdb.dk/Docs/doc98/official/pdf/CEPTREP044.PDF>

²⁵ See Recitals 7 and 10 to the Amending Decision.

²⁶ See note 1 of the revised Annex to the 2006 SRD Decision: "The active medical implant device category covers the radio part of active implantable medical devices that are intended to be totally or partially introduced, surgically or medically, into the human body or that of an animal, and where applicable their peripherals".

- further spectrum for Level Probing Radar (used in industrial processes to measure fluid/powder levels). These bands are subject to restrictions relating to their deployment within 4 km of a Radio Astronomy Site as defined in the Harmonised Standard EN 302 729²⁷;
- making changes to the technical parameters for automotive radar at 24 GHz not covered by a separate decision²⁸;
- creating a new category of Transport and Traffic Telematics (TTT) devices²⁹ by widening the previous category of Road Transport and Traffic Telematics (RTTT) to include devices used in the fields of road, rail, water and air transport (depending on the relevant technical conditions), traffic management, navigation, mobility management and in intelligent transport systems;
- creating a new category of low duty cycle/high reliability devices³⁰ and a new category of high duty cycle/continuous transmission devices³¹; and
- renaming Tank Level Probing Radar devices as Radio determination. This is an administrative change and does not alter the current technical limitations on the devices e.g. that they can only be deployed within an enclosed tank.

- 2.26 As a Member State of the European Union, the UK is bound by the terms of the Amending Decision and we are required to implement it by the deadline set out in that Decision (1 July 2014). We therefore did not consider it appropriate to first conduct a policy consultation prior to drafting the Proposed Regulations.
- 2.27 We intend to implement the requirements of the Amending Decision through the Proposed Regulations. We intend to update the technical requirements in IR 2030 accordingly. We have also used this opportunity to align the equipment definitions in IR 2030 with those of the 2006 SRD Decision (as amended by the Amending Decision). The changes will be finalised when the Proposed Regulations come into force.

Next steps

- 2.28 Following the publication of this consultation document, stakeholders are welcome to provide their feedback. The deadline to submit responses to us is **5pm on 19 May 2014**. We expect to release a statement on this consultation by **July 2014**, having taken into account the stakeholder responses to our proposals.

²⁷ [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52013XC1012\(03\)&qid=1397463712670&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52013XC1012(03)&qid=1397463712670&from=EN)

²⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005D0050-20110730&from=EN>

²⁹ See note 13 of the revised Annex to the 2006 SRD Decision.

³⁰ See note 15 of the revised Annex to the 2006 SRD Decision: "The low duty cycle/high reliability device category covers radio devices that rely on low overall spectrum utilisation and low duty cycle spectrum access rules to ensure highly reliable spectrum access and transmissions in shared bands. Typical uses include alarm systems that use radio communication for indicating an alert condition at a distant location and social alarm systems that allow reliable communication for a person in distress."

³¹ See note 8 of the revised Annex to the 2006 SRD Decision: "The high duty cycle/continuous transmission device category covers radio devices that rely on low latency and high duty cycle transmissions. Typical uses are for personal wireless audio and multimedia streaming systems, mobile phones, automotive or home entertainment system, wireless microphones, cordless loudspeakers, cordless headphones, radio devices carried on a person, assistive listening devices, in-ear monitoring, wireless microphones for use at concerns or other stage productions, and low power analogue FM transmitters (band 36)."

Section 3

General effects of the draft Wireless Telegraphy

The legislative framework

- 3.1 We can exempt the establishment, installation and use of wireless telephony equipment by making Regulations under section 8(3) of the WT Act. We propose to implement the changes in this document by making the Proposed Regulations.
- 3.2 The Proposed Regulations will amend the Wireless Telegraphy (Exemption and Amendment) Regulations 2010 (the '2010 Regulations')³².

Extent of application

- 3.3 The Proposed Regulations would apply in the United Kingdom, the Channel Islands and the Isle of Man, subject to formal agreement of the Island Authorities.

The Proposed SRD Regulations

- 3.4 A draft of the Proposed Regulations is set out in Annex 6.
- 3.5 Regulation 2(2) amends the exemption for Short Range Devices in the 2010 Regulations to include reference to the revised version of IR 2030 which updates the technical requirements that the relevant SRD equipment must meet to be licence exempt. This includes the changes required to implement the Amending Decision and as well as to make the changes outlined in the 870/915 Statement.
- 3.6 Regulation 2(3) inserts a new licence exemption for land-based ESOMPs (i.e. ESOMPs which are not used whilst airborne or on a ship), provided that they meet the requirements of IR 2093 and do not cause undue interference to wireless telephony.
- 3.7 Regulation 2(3) also inserts a new licence exemption for AM/SSB and AM/DSB operation for CB radio use, provided that such equipment meets the requirements of IR 2027.2 and does not cause undue interference to wireless telephony.

Do you have any comments on the drafting of the Proposed Regulations?

³² http://www.legislation.gov.uk/uksi/2010/2512/pdfs/uksi_20102512_en.pdf

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 19 May 2014**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/proposal-wireless-telegraphy-exemption-2014/>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email paul.chapman@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Paul Chapman
Spectrum Policy Group
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Paul Chapman on 020 7981 3069.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at
<http://www.ofcom.org.uk/about/account/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement by July 2014.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see:
http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

- A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

- A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

- A2.3 We will be clear about who we are consulting, why, on what questions and for how long.
- A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
- A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.
- A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.
- A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

- A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation question

Sub heading

- A4.1 As required by section 122 of the WT Act, we must give notice of proposals that we intend to make and consider any representations that we receive. This document gives notice of our proposal to make the Wireless Telephony (Exemption and Amendment) (Amendment) Regulations 2014.

Do you have any comments on the drafting of the Proposed Regulations?

Do you have any comments on the Regulatory Impact Assessment?

Annex 5

Impact Assessment

Introduction

- A5.1 In accordance with Government practice, where a statutory regulation is proposed, a Regulatory Impact Assessment ("RIA") must be undertaken.
- A5.2 The analysis presented here, represents an RIA as defined by section 7 of the Communications Act 2003 (the 'Comms Act') for the Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014 (the 'Proposed Regulations').
- A5.3 RIAs provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making and are commonly used by other regulators. This is reflected in section 7 of the Comms Act, which means that we will generally carry out impact assessments where proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in our activities.
- A5.4 However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. In accordance with section 7 of the Comms Act, in producing this RIA, we have had regard to such general guidance as we consider appropriate including related Cabinet Office guidance. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom's approach to impact assessment, which are on our website:
http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf.

Background

- A5.5 In the UK, Ofcom is responsible for authorising civil use of the radio spectrum and achieve this by granting wireless telephony licences under the Wireless Telegraphy Act 2006 (the 'WT Act') and by making regulations exempting users of particular equipment from the requirement to hold such a licence. Under section 8(1) of the WT Act, it is an offence to install or use equipment to transmit without holding a licence granted by us, unless the use of such equipment is exempted. However, under section 8(4) of the WT Act, we have to make regulations to exempt equipment if its installation or use is not likely to:
- involve undue interference with wireless telephony;
 - have an adverse effect on technical quality of service;
 - lead to inefficient use of the part of the electromagnetic spectrum available for wireless telephony;
 - endanger safety of life;
 - prejudice the promotion of social, regional or territorial cohesion; or
 - prejudice the promotion of cultural and linguistic diversity and media pluralism.

A5.6 In accordance with the requirements of section 8(3B) of the WT Act, the terms, provisions and limitations specified in the regulations must be:

- objectively justifiable in relation to the wireless telegraphy stations or wireless telegraphy apparatus to which they relate;
- not such as to discriminate unduly against particular persons or against a particular description of persons;
- proportionate to what they are intended to achieve; and
- transparent in relation to what they are intended to achieve.

Proposal

A5.7 This RIA relates to the proposal to make regulations exempting a number of low powered devices which meet certain criteria from the need for a WT licence. This will be achieved through making the Proposed Regulations.

A5.8 The changes proposed fall into the following categories:

- new licence exemptions for Short Range devices (SRD) operating in the 870 to 876 MHz and 915 to 921 MHz bands and land-based Earth Stations on Moving Platforms (ESOMPs);
- measures to extend the use of existing licence-exempt Citizens Band (CB) Radio devices to cover AM transmission modes; and
- amendments to the technical conditions for use of existing SRD licence-exempt devices in order to implement Commission Implementing Decision of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC (2013/752/EU)" (the 'Amending Decision').

The citizen and/or consumer interest

A5.9 Our principal duty under section 3 of the Comms Act is to further the interests of citizens in relation to communications matters; and of consumers in relevant markets, where appropriate by promoting competition. We take account of the impact of our decisions upon both citizen and consumer interests in the markets we regulate. We must, in particular, secure the optimal use for wireless telegraphy of spectrum and have regard to the principle under which all regulatory activities should be targeted only at cases in which action is needed. In proposing changes to the existing regulations we have considered the wider impact beyond immediate stakeholders in the radiocommunications community. We believe that the proposals will be of benefit to consumers for the following reasons:

- i) the measures proposed all concern the use of radio equipment on a licence-exempt basis, which reduces the regulatory and administrative burden on our stakeholders and helps to secure the optimal use of spectrum;
- ii) the proposed new licence exemptions and amendments to existing licence exemptions support the introduction of new and innovative technologies that will be of benefit to consumers and citizens in general, such as Machine to Machine

- (M2M) devices, Low Power Active Medical Implants (LP-AMI), Smart Meters and ESOMPs which will enable the provision of broadband connectivity to passengers on moving vehicles including ships, aircraft and trains;
- iii) the AM transmission CB radio licence exemption removes unnecessary restrictions on UK CB users; and
 - iv) licence exemption is proposed only in areas where use of equipment is unlikely to have an impact on technical quality of service and cause undue interference to other spectrum users.

Equality Impact Assessment

- A5.10 We are required by statute to assess the impact of all our functions, policies, projects and practices Ofcom is required by statute to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation— an Equality Impact Assessment (EIA) is our way of fulfilling these obligations.
- A5.11 Following an initial assessment of our policy proposals we considered that it was reasonable to assume that any impacts on consumers and citizens arising from the Proposed Regulations in most cases would not differ significantly between groups or classes of UK consumers and citizens, all of whom would have access to these services, potentially at end-user prices reflective of all general input costs, including opportunity costs of spectrum used. We have not identified any particular impact in relation to the identified equality groups and we do not envisage that the Proposed Regulations are likely to be to the detriment of any group in society. Nor have we seen the need to carry out separate EIAs in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependants. This is because we anticipate that our proposals will not have a differential impact in Northern Ireland compared to consumers in general.
- A5.12 However, the SRD family of technologies that could be implemented in the 915 to 921 MHz band includes Assistive Listening Devices (ALDs), which are used by citizens who are hard of hearing or partially deaf. ALDs enable citizens who are hard of hearing or partially deaf to hear speech and music. ALDs work by taking the speech or music, amplifying it by placing a microphone near the sound source and using wireless to transmit the sound to the listener. ALDs are used by both groups and individuals. Devices aimed at group use broadcast the sound to more than one person; examples include induction loop, infrared and frequency modulation (FM) systems. Devices designed for personal use are generally configured to work with a single speaker; examples include wireless personal FM systems and wireless headphones.
- A5.13 Our decision to licence-exempt these devices in the 870 to 876 MHz and 915 to 921 MHz spectrum is likely to bring increased access to ALD services and increase the choice of technologies and devices available to the hard of hearing or partially deaf because we are adding a further 2x6 MHz of spectrum to supplement what has already been made available for licence-exempt services. We do not consider that there is evidence to suggest that costs for ALD users would differ significantly relative to consumers in general. However, the band will be available to all compliant SRDs and exempting SRDs from licensing means that there is no limit to the numbers of compliant devices that can be operated.

Ofcom's policy objective

- A5.14 We seek wherever possible, to reduce the regulatory burden upon our stakeholders, in this instance users of the radio spectrum. One way in which we can do this is to remove the need for spectrum users to apply for individual licences to authorise the use of radio equipment. Exemption is realised by describing the details of equipment and the parameters under which it may be used in a Statutory Instrument (secondary legislation called Regulations) that exempts users of such equipment from the need to hold a licence provided they comply with the terms of the regulations.
- A5.15 In accordance with the WT Act, we must exempt from licensing the use of specified equipment that meet the requirements of sections 8(4) and 8(5) of the WT Act. We are also required by law to implement EU legislation relating to radio spectrum and from time to time this requires licence exemption arrangements to be changed.

Options considered

- A5.16 Having made the relevant policy decisions in other documents referred to the principal options open to us in connection with the proposed regulations are:
- i) to make regulations (the Proposed Regulations) that introduce the ability for some devices to operate on a licence-exempt basis; or
 - ii) to do nothing, which means that these devices would need to be authorised via a WT Act licence.

Analysis of the different options

- A5.17 The following assesses the impact of options open to Ofcom by reference to the principal changes that would be made by the Proposed Regulations.
- A5.18 The Proposed Regulations implement changes that we previously consulted on with the exception of the EU Decision. These consultations provide an analysis of the policy options and the potential impacts of these proposals. Therefore, this annex should be read in conjunction with the following documents:
- “Licence Exempt Short Range Devices in the 870 to 876 MHz and 915 to 921 MHz Bands: Technical Proposals” (the ‘870/915 Consultation’) published December 2013³³.
 - “Statement on the Authorisation of Short Range Devices in 870 to 876 MHz and 915 to 921 MHz” (the ‘870/915 Statement’) published April 2014³⁴. “Earth Stations on Mobile Platforms Consultation on the authorisation of Earth Stations on Mobile Platforms” (the ‘ESOMPs Consultation’) published August 2013³⁵.

³³ http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/summary/872_915_MHz.pdf

³⁴ <http://stakeholders.ofcom.org.uk/binaries/consultations/short-range-devices/statement/statement.pdf>

³⁵ <http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/summary/earth-stations.pdf>

- “Statement on the Authorisation of Earth Stations on Mobile Platforms” (the ‘ESOMPs statement’) published January 2014³⁶.
- “Citizens’ Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation. Permitting AM double and single side band CB radio in the UK” (the ‘CB Consultation’) published October 2013³⁷.
- “Citizens’ Band (CB) radio – Authorising Amplitude Modulation (AM) modes of operation. Permitting AM double and single side band CB radio in the UK Statement” (the ‘CB Statement’) published December 2013³⁸.

To make the regulations

Impact of proposed regulations

- A5.19 When considering the authorisation of devices Ofcom can either licence them or make regulations to exempt them from licensing. Section 8(4) of the WT Act requires that if Ofcom is satisfied that the criteria set out in section 8(5) of the WT Act are met, Ofcom must make regulations to licence-exempt the equipment. If the equipment does not meet all of the requirements of section 8(5) this does not prevent us still going ahead with exemption but any decision would need to consider the impacts versus the benefits of any such decision.
- A5.20 Generally, licence exemption presents the lowest barrier to entry compared with other forms of authorisation, such as individual licences. Our analysis takes this proposition as a starting point and then assesses concerns over harmful interference or congestion to existing users (if any) or potential new users of the band. Harmful interference or congestion could negate the benefits of any reductions in the regulatory burden gained from exemption.
- A5.21 Most of the measures that the Proposed Regulations would introduce enable the development of a harmonised market across Europe for certain devices. This brings with it many benefits from the free circulation and use of devices. Manufacturers benefit from economies of scale which drive down prices for consumers. Citizens are able to benefit from continued access to devices when travelling to other European countries.
- A5.22 EU harmonisation decisions are binding on all Member States and we are therefore legally required to implement them. Harmonisation recommendations or decisions of the European Conference of Postal and Telecommunications Administrations (CEPT) are not legally binding on members but, we see benefits in harmonisation for the relevant cases set out in this document.
- A5.23 Based on the responses to our 870/915 Consultation the potential value from spectrum used to deliver the Internet of Things (IoT) to the wider economy could be significant. The release of these bands will give UK businesses the chance to help lead the way in the new markets for smart energy, remote health monitoring and smart cities as the UK will be one of the first countries in Europe to make this spectrum available for Machine to Machine (M2M) uses. Releasing the 870 to 876

³⁶ <http://stakeholders.ofcom.org.uk/binaries/consultations/earth-stations-mobile-platforms/statement/Statement.pdf>

³⁷ <http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/summary/citizen-band-radio.pdf>

³⁸ <http://stakeholders.ofcom.org.uk/binaries/consultations/citizens-band-radio/statement/statement.pdf>

MHz and 915 to 921 MHz bands now is a step towards realising some of the benefit highlighted the Government's new spectrum strategy that aims to double the economic benefits of spectrum to £100 billion by 2025.

- A5.24 Citizens and consumers may benefit from a number of the wide range of applications that the Proposed Regulations would permit. These include radio tags that can be attached to anything that needs to be tracked or monitored, including farm animals and our pets, and home automation products that will allow consumers to control, monitor and access their homes. The next generation of gas and electricity meters (Smart Meters) will be able to tell consumers how much energy they are using through an in-home display and allow them to alter their usage accordingly.
- A5.25 Additional benefits may be realised through the deployment of Low Power Active Medical Implants (LP-AMI). These enable medical patients to be monitored and treated via wireless sensors without requiring them to be wired to devices. In the long term this technology may enable patients to live longer in the community, rather than be hospitalised. This could provide significant savings relating to the provision of health services in the UK.
- A5.26 There is more spectrum for wireless alarms that support the elderly and vulnerable in society and Wireless Assistive Listening Devices, which improve hearing ability for people in a variety of situations. It should increase the choice of technologies and devices available to the hard of hearing or partially deaf because we are adding a further 12 MHz of spectrum to these type of devices to supplement what has already been made available for licence-exempt services.
- A5.27 Overall we believe that costs to business are likely to be lower under a licence-exempt approach than the requirement for users to obtain individual licences. Licence exemption represents the least cost regulatory approach to authorisations on the use of spectrum. For example if use of spectrum is authorised through a licence, businesses face administrative costs associated with applying for the licence and the cost of the licence itself.
- A5.28 We consider that implementing the Proposed Regulations is likely to generate a net benefit for UK businesses, citizens and consumers and at worst would have a neutral outcome (to the extent that benefits may depend on the uptake of the new opportunities afforded by each proposal). We consider that each measure is unlikely to impose costs on other users. Therefore the effect of implementing the proposed measures would be likely to be positive overall.
- A5.29 There are one-off administrative costs associated with making Statutory Instruments. We consider the implementation costs to be low, both in absolute terms and in comparison to licensing alternatives that might require an auction or the maintenance of a licence scheme. Moreover, the costs such as they are will also be offset by the benefits to business and consumer outlined above. There may also be a slight reduction in spectrum management costs in certain areas through licence exemption.

Not to make the regulations

- A5.30 The alternative to making the Proposed Regulations would be to do nothing. By doing nothing, we mean not making the regulations and therefore not enabling the use of this equipment on a licence-exempt basis.

Impact of proposed regulations

- A5.31 Citizens and consumers would not be able to benefit from the opportunities that these new devices could provide. The only way for citizens and consumers to use such devices would be under a licensing regime. This would impose additional administrative and financial costs to consumers.
- A5.32 There would be a lost opportunity for UK industry to be at the forefront of the development of these technologies and the services they may offer. By authorising these devices via a licensing regime this may restrict the development of new and innovative services due to the administrative burden this process would impose on businesses and consumers.
- A5.33 By not making regulations there would be no additional cost imposed on Ofcom relating to making a Statutory Instruments. However, these are slight compared with the internal costs associated with the development of the policy proposals or the additional costs associated with setting up and administrating a licensing regime for these devices.
- A5.34 More importantly, if we did not implement an EU decision, the European Commission and others could begin legal proceedings against the UK, the costs of which we deem to be potentially very high both quantitatively and qualitatively, outweighing any costs we consider to be associated with correct implementation.

The preferred option

- A5.35 Our preferred option is to go ahead and make the Proposed Regulations. This would be consistent with European law and the policy decisions taken by Ofcom.

Do you have any comments on the Regulatory Impact Assessment?

Annex 6

Draft Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014

S T A T U T O R Y I N S T R U M E N T S

2014 No. 0000

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014

Made - - - - - *** 2014

Laid before Parliament *** 2014

Coming into force - - - *** 2014

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 8(3) of the Wireless Telegraphy Act 2006⁽³⁹⁾ (“the Act”), make the following Regulations.

Before making these Regulations OFCOM have given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act and have considered the representations made to them before the time specified in that notice in accordance with section 122(4)(c) of the Act.

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Exemption and Amendment) (Amendment) Regulations 2014 and shall come into force on **** 2014.

Amendment of the Wireless Telegraphy (Exemption and Amendment) Regulations 2010

2.—(1) The Wireless Telegraphy (Exemption and Amendment) Regulations 2010⁽⁴⁰⁾ are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 5 (short range devices), for ““IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in June 2013”, substitute ““IR 2030 – UK Interface Requirements 2030 Licence Exempt Short Range Devices”, published by OFCOM in **** 2014”.

(3) After regulation 8, insert—

“9. Earth stations on mobile platforms

⁽³⁹⁾ 2006 c. 36

⁽⁴⁰⁾ S.I. 2010/2512, amended by S.I. 2011/3035 and S.I. 2013/1253

The use of wireless telegraphy apparatus complying with the publication “IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile Platforms (ESOMPs)” published by Ofcom in **** 2014, is exempt from the provisions of section 8(1) of the Act, if—

- (a) it does not cause or contribute to any undue interference to any wireless telegraphy;
- (b) it is not used on board an aircraft and use is not otherwise airborne;
- (c) it is not used on board a ship.

10. Citizens' Band Radio Equipment – AM/SSB and DSB Citizens' Band Radio

The use of wireless telegraphy apparatus complying with the publication “IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB Citizens' Band (CB) radio for use in the Citizens' Band Radio Service” published by Ofcom in **** 2014, is exempt from the provisions of section 8(1) of the Act, if it does not cause or contribute to any undue interference to any wireless telegraphy.”.