

Julia Lopez MP
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BY EMAIL ONLY

15 March 2022

Dear Minister

I am writing further to Matt Warman's letter of 15 September 2021,¹ in which he consulted Ofcom on DCMS's proposal to modify the Electronic Communications (Universal Service) Order 2003 ('the Order') to remove the fax universal service obligation.

In November 2021 we published a consultation² on proposed amendments to the telephony universal service conditions and, as part of that consultation, we sought stakeholder views on removing fax from the universal service obligations.

The consultation set out our view that it would no longer be proportionate or appropriate to require BT and KCOM to continue to offer fax services under the universal service obligations. We noted that fax delivery will not be guaranteed once networks are migrated to IP, that fax services are no longer widely used, and that a number of reliable alternatives are available.

Our consultation closed in January, and the majority of respondents who commented on this issue agreed with our view. The Annex to this letter summarises the responses we received and our comments on them.

Taking account of responses to our consultation, we remain of the view that it would be appropriate for fax to be removed from the universal service obligations and we are supportive of DCMS's proposal to remove it from the Order.³

Yours sincerely,



Lindsey Fussell

Group Director - Networks and Communications Group

¹ [Annex 7 - Letter from DCMS \(ofcom.org.uk\)](#)

² [Consultation: Review of the telephony universal service obligation - Ofcom](#)

³ Our view assumes that DCMS has the power to remove fax services from the Order. As explained in the Annex to this letter, one respondent to our consultation suggested that the removal of fax from the Order would be inconsistent with international law.

Annex

We received 13 responses on the issue of fax in the universal service obligations. The non-confidential responses we received are published on our consultation webpage [here](#).

Summary of consultation responses:

- Nine respondents (including BT, KCOM, four local councils and three individual respondents) agreed with Ofcom's view that it would no longer be appropriate for the universal service obligations to require the provision of fax services in light of the impact of IP migration on the functionality of these services.
- Two respondents (the Communications Council UK and an individual) raised concerns that fax machines are still in use, particularly in certain professions (e.g. legal, medical and travel). A further respondent (Simwood UK) was concerned that the removal of a voice band data obligation (i.e. the fax obligation) could have serious consequences for the vulnerable who rely on other voice band data applications such as telecare.
- Two respondents (Simwood UK and an individual) pointed to a technical protocol which they believed could be used to support the continued provision of fax in IP networks and suggested that, instead of removing fax, the obligations could be amended to require BT and KCOM to use this protocol in their networks.
- One respondent (the Communications Council UK) suggested that, in light of Article 81(2) of the European Electronic Communications Code,⁴ it is not open to DCMS to remove fax services from the Order.

Ofcom comments on the responses:

- We are aware that there is still some limited use of fax services within the UK. After migration to IP, such services may continue to be used, however the nature of all-IP networks means that the timing and synchronisation that fax relies on for the duration of the transmission will not be guaranteed. As part of stakeholder engagement on IP migration, this impact on the reliability of fax services was flagged to relevant sectors where we understand fax remains in use (e.g. the legal profession). We also note that the NHS was required to phase out fax by April 2020.⁵
- The migration to IP process is being managed by industry but Ofcom expects providers to assess customers' needs and offer advice and assistance to customers who use telecare devices. This is a very important issue, given the potential vulnerability of these consumers, but it is not clear that the removal of the fax obligation would have any additional impact on this.
- The aim of the universal service order is to ensure that a minimum set of telephony services are available to people who need them (particularly those in remote or rural areas, or vulnerable

⁴ [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code \(Recast\) Text with EEA relevance. \(europa.eu\)](#)

⁵ [Health and Social Care Secretary bans fax machines in NHS - GOV.UK \(www.gov.uk\)](#)

customers, who the market might not otherwise choose to serve), and where there would otherwise be a risk of social exclusion arising from the lack of such access which would prevent their full social and economic participation in society. Given the availability of a range of alternatives to fax, such as email and online document management platforms (many of which are free of charge), we consider it is unnecessary for the provision of fax to continue to form part of that minimum set of telephony services under the universal service obligations.

- The technical protocol suggested by respondents would not function on all types of IP network (e.g. mobile). Even if BT and KCOM were required to use this protocol in their networks, this would still not guarantee successful end-to-end transmission of fax if other networks were involved (because there would be no similar obligation on other networks). Further, given the alternatives to fax that are available, it is not clear that this would be a proportionate approach.
- On the interaction with Article 81(2) of the European Electronic Communications Code, DCMS will want to seek its own legal advice on this point, but we would of course be happy to discuss this with you further.