

## Managing EMF compliance at shared sites – what you need to know

### How do I comply where a site is managed by a third party?

Some licensees may have equipment on a site that is provided by a third party e.g. a site manager or landlord (that may not be a licensee). Depending on the arrangements in place at a particular site, it may be the licensee or the site provider that carries out EMF assessments on the site.

Regardless of who carries out EMF assessments on a site, it is the licensee that is ultimately responsible for ensuring it complies with the EMF licence condition and it is the licensee that may be subject to formal enforcement action in the event of non-compliance (see Section 15 of our [Guidance on EMF Compliance and Enforcement](#) for information on potential enforcement action).

Where the site provider carries out EMF assessments at a site, licensees should ensure site providers have all the information they need in order to fully assess the EMF exposure levels from the relevant equipment on the site. This includes:

1. providing the site provider with the relevant technical information relating to their equipment and its operating parameters.
2. informing the site provider which of the methodologies (identified in Section 6 of Ofcom's Guidance on EMF Compliance and Enforcement) the licensee expects the site provider to use to ensure compliance with the EMF licence condition and explaining how the site provider should assess EMF exposure levels based on that methodology.

Different licensees may expect the same site provider to use different methodologies on the same site. Provided each licensee is satisfied its methodology will not result in a breach of the general public EMF limits, it is up to the licensee to decide which methodology to inform the site provider to use.

3. informing the site provider how to assess EMF exposure levels from other equipment on a site (whether operated by the licensee or another licensee) taking into account Sections 7 and 8 of Ofcom's Guidance on EMF Compliance and Enforcement. Where a site is shared with another licensee, and in accordance with paragraphs 8.8 and 8.9 of that Guidance, licensees can either:
  - i. inform the site provider to make reasonable worst-case assumptions about another licensee's equipment (making allowances for a degree of uncertainty in making such assumptions); or
  - ii. if those worst-case assumptions are too restrictive and further information is required to make a more accurate EMF assessment, licensees will need to take reasonable steps to obtain relevant information in relation to another licensee's equipment and inform the site provider to use that information. Licensees can obtain such information directly from another licensee following the principles set out in paragraph 8.9 of our Guidance on EMF Compliance and Enforcement or they may be able to work out or estimate the technical parameters and/or current EMF

exposure levels of another licensee's equipment by carrying out a visual inspection and/or taking measurements at a site.

Different licensees may expect the same site provider to take into account other licensees' equipment on a shared site in different ways. Provided the licensee is satisfied that the way in which they take into account other licensees' equipment on a site will not result in a breach of the general public EMF limits, it is up to the licensee to decide how to inform the site provider to take into account other licensees' equipment on a site.

We expect licensees on a shared site to cooperate and follow the process and principles set out in Section 8 of our Guidance on EMF Compliance and Enforcement. If licensees do not cooperate, we may take formal enforcement action or use soft enforcement tools (such as naming uncooperative licensees) depending on the circumstances.

4. ensuring site providers are kept updated when the licensee makes any change to its equipment which may increase the EMF levels in any area in which a member of the general public may be present when transmissions are taking place.

When deciding whether to take enforcement action against a licensee in a particular case, and if so what type of action may be the most appropriate, we will act reasonably and proportionately and take all relevant circumstances into account. One factor we would consider is whether the licensee could reasonably have been expected to have done more to ensure compliance with the EMF licence condition.

Licensees may decide to include contractual clauses relating to EMF compliance in any agreements they enter into with site providers. Licensees may wish to take expert advice (including legal advice) to ensure any contractual clauses reflect their own interests and particular circumstances.

### What are my responsibilities as a site provider?

Where the site provider carries out EMF assessments at a site, we expect site providers to:

1. play a proactive and cooperative role in ensuring the site is and remains compliant with the general public EMF limits;
2. carry out EMF assessments using the information and following the methodology and instructions provided by the licensee;
3. raise a query with the licensee where it appears to the site provider that the information provided by the licensee is incorrect or where the site provider considers that following any of the instructions provided by the licensee is likely to result in a breach of the general public EMF limits. It is however ultimately the licensee's decision what information or methodology they inform the site provider to use;
4. promptly provide access to a site if requested by the licensee (for example, to facilitate an inspection of equipment by Ofcom); and
5. promptly provide the licensee with the EMF compliance records for a site if requested by the licensee. Licensees can also ask site providers to provide EMF compliance records directly to

Ofcom; Ofcom must however be provided with written confirmation that the licensee has authorised the site provider to provide the licensee's EMF compliance records to Ofcom on behalf of the licensee.

In some circumstances, we may consider it appropriate to use soft enforcement tools against site providers (which may for example including naming such site providers). We may consider such action appropriate if we consider a site provider to be at fault for a site being non-compliant (for example because it has not carried out the EMF assessment in accordance with the licensee's instructions or has failed to query instructions from a licensee in circumstances where the site provider should reasonably have known that carrying out such instructions was likely to result in a breach of the general public EMF limits). We may also consider such action appropriate where a site provider fails to promptly provide access to a site or EMF compliance records.

If the licensee is at fault (for example, by failing to provide the required information to the site provider or by failing to provide the site provider with updated information as appropriate), we are unlikely to consider it appropriate to take action against a site provider.

Site providers may wish to take expert advice (including legal advice) to ensure any contractual clauses relating to EMF compliance in any agreements with licensees reflect their own interests and particular circumstances.

Licensees are ultimately responsible for ensuring they comply with the EMF licence condition. Ofcom does not expect site providers to resolve disputes between different licensees.