Your response

Question	Your response
Question 1: Please provide feedback on the additions, amendments and clarifications we have made to the wording of the licence condition to implement our decisions on the scope of the licence condition in our October 2020 Statement, giving reasons for your response.	Confidential? – N We are broadly content with the proposals and are pleased that emergency use is exempt. It recognises that it may sometimes be necessary to breach the ICNIRP guidelines to achieve greater overall safety. However, 4.105 Condition 2 of the emf statement refers only to "the safety of the public or public health". This seems to narrow the scope of emergency considerably and would appear to exclude distress in respect of workers or for instance environmental harm. MCA suggests deleting Condition 2 but making clear what is the definition of an emergency In maritime, this emergency use clearly includes GMDSS Distress communications as defined in Radio Regulations (RR) §32.40. However, noting that maritime mobile installations provide safety functions, some additional clarity is desirable, perhaps in guidance. Safety is referred to in RR §1.30, §1.31 and also GMDSS Urgency and Safety communications as defined in in the RR §33.1 - §33.7. It is essential to consider whether GMDSS Urgency and the GMDSS Safety communications are also deemed to provide greater overall safety in an emergency. While actual emergency use is exempted, the training is not and therefore this will create an additional burden for response organisations, for example by having marshals in place, which risks reducing operational effectiveness through diminished training. So, for example, can mobile units with fixed installations, eg vehicles, RIBs and other small craft undergoing training for search and rescue activities be included in the exemption?

	The EMF statement document makes use of the terms “user” and “operator” some 200 times and the meaning varies with context. From the maritime mobile viewpoint who is the user; the operator, the radio operator certificate holder, the master of the vessel? Also 5.220 states that “The licensee will be responsible for ensuring that the radio equipment complies with the conditions in the licence, including the ICNIRP general public limits”. Restriction on duty cycle is permitted for compliance. For many ship stations, the licence holder will not be on board and cannot directly influence the operation of the installation. What actions would demonstrate sufficient execution of that responsibility? Guidance is needed. The licence condition only requires licensees to comply with the ICNIRP ‘general public’ limits in areas that are accessible to the general public. MCA radio sites are generally surrounded by a perimeter fence, locked gate and comprise radio tower, mast, pole with anti-climb measures, but are largely unmanned. Can we assert that such facilities are NOT accessible to the general public or are further measures required?
Question 2: Please provide feedback on the additions and clarifications to our ‘Guidance on EMF Compliance and Enforcement’, giving reasons for your response.	Confidential? – N Guidance: While we welcome the guidance , we believe it is unrealistic to expect all ship station license holders to be able to provide evidence of compliance without significant risk of error. They are also expected to ensure that protection at the quayside. Therefore, Ofcom-approved practical guidance appropriate to the widest possible range of users is essential. Failing to provide this creates the potential for large costs burdens, risks not achieving the goals of the license variation, or a reduction in overall safety by encouraging migration to exempted portable radios.

As we partially covered in our previous response;

- Manufacturers provide basic safe distance information in compliance with the Radio Equipment Directive, but this does not generally extend to the possibility of higher gain antennas, nor can it take account of all the varied conditions on board for MF/HF antenna installations which affect antenna efficiency. We are not aware that this information considers multiple transmitters on board, such as radar or satellite transmitters. Equipment is also placed on the market under the Marine Equipment Directive which does not require this information(?).
- Manufacturer information may not be available through a combination of loss of manuals and age of the installation.
- Using the EMF calculator demands some technical knowledge which many licensees will not have. The cost to obtain professional help may be prohibitive and resource is limited. Many equipment manuals simply state power. For example, a VHF transceiver manual may say 25W power which may be nominal and not necessarily related to a specific ERP or EIRP. Additionally, the user will not always know the losses and gains in the overall installation, ie feeder loss and antenna gain.

The resources with maritime radio expertise for advice or measurement are limited. Maritime transmitters are for the most part under manual control so there is a need for operator awareness because the existing radio operator certificates do not include this requiremen . A period of six months is unrealistic given the 1000s of installations potentially affected and that compliance action may include new procedures, training, alterations to installations. For some licensees this may cause unplanned financial overheads which may not be affordable at this time.

	Enforcement is against licensees and users but clarification is needed Licensees must ensure compliance – what does that look like for vessels where the licensee may the vessel owner but vessel command is vested elsewhere. The EMF statement document makes use of the terms “user” and “operator” some 200 times and varies with context. From the maritime mobile viewpoint who is user; the operator, the radio operator certificate holder, the master of the vessel? Also 5.220 states that “The licensee will be responsible for ensuring that the radio equipment complies with the conditions in the licence, including the ICNIRP general public limits”. Restriction on duty cycle is permitted for compliance. For many ship stations, the licence holder will not be on board and cannot directly influence the operation of the installation. What actions would demonstrate sufficient execution of that responsibility by the licensee? Guidance is needed.
Question 3: Please provide feedback on the trial version of our EMF calculator, giving reasons for your response.	Confidential? – N The calculator requires an EIRP to be provided by the license holder. MCA believes it is unrealistic to expect the majority of ship station license holders to be able to provide this without support. Particularly where they may want to depend upon also require assessing and being able to justify duty. For calculating average power, the inclusion of values for both duty factor and maximum % time transmitting is not understood. It will be subject to interpretation and therefore risks inconsistent evaluation by users of the tool. Additionally, radar uses both very short pulses and a rotating antenna, how is the EIRP to be represented in the tool? Guidance is needed, noting our previous consultation reference to WHO assessment of radar safe distance. On some structures both landbased and shipbased there will be combinations of

	transmitting antennas on different frequency bands all operating on various duty cycles and used by a single licensee. How does the user use the EMF calculator to get meaningful figures? We note the annex page of the calculator has a ground reflection coefficient assumption, is this representative for sea water?