



Vodafone Response to Ofcom Consultation:

Implementation of measures to
require compliance with international
guidelines for limiting exposure to
electromagnetic fields (EMF)



Response

Vodafone welcomes the opportunity to respond to Ofcom's further consultation on measures to require compliance with international guidelines for limiting exposure to electromagnetic fields (EMF). We support Ofcom scrutiny on this topic, as we comply, and will continue to comply, with internationally established guidelines. We consider that Ofcom's oversight should provide confidence to the general public that mobile communications – and other uses of spectrum – cause no adverse risk to human health.

We stress that where we raise questions about compliance in this response, it is in the context of being able to *demonstrate* compliance to Ofcom's satisfaction: the question that Vodafone is compliant is never in doubt.

As Ofcom will be aware, Vodafone's approach to compliance with ICNIRP is to specify that our standard site design will accommodate any combination of spectrum bands that we are licensed to use (and, in the context of shared sites, any bands which the sharer is licensed to use). This means that our standard site designs will have public exclusion zones that ensure safety regardless of the spectrum that is subsequently deployed. Only where it proves impracticable to accommodate these zones do we get into detailed assessment of the spectrum actually being deployed, and it is in this context that the queries in this response arise.

Answers to questions

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.

Vodafone is content with the wording, as applied to our mobile licences and point-point (fixed link) licences.

We query the application of the licence condition, and associated compliance regime, where spectrum leasing occurs. Such leasing is possible, for example, to Vodafone's 28GHz spectrum licences.

In theory, the conditions apply to the licensee, and it is then for the licensee to then back-end these conditions into any spectrum lease. However – although this does not apply to Vodafone – we question how this could happen with leases that have already been granted (other than at renewal).



Question 2: Please provide feedback on the additions and clarifications to our 'Guidance on EMF Compliance and Enforcement', giving reasons for your response.

Subject to the missing analysis on spectrum leases identified in our response to Question 1, we are broadly comfortable with the compliance guidance provided at Annex Two to the consultation. We particularly welcome the message at A2.45 that Ofcom intends to take a proportionate and pragmatic approach to compliance, especially in the initial stage.

Shared sites

In practical terms, we do not anticipate that many of our sites will benefit from the Shared Site Exemption. As we highlighted in the introductory comments to this response, we believe that our approach of taking a “worst case” assumption to the bands deployed by sharing partner(s) represents the most prudent way to ensure compliance. However, we do have some concerns that where site-specific considerations mean we have to veer from this approach and instead take into account the specifics of what spectrum is deployed by our sharing partner(s), there is a danger that we could transgress competition law by sharing details of network rollout. We therefore ask that Ofcom confirms that the sharing of site-specific information when used only for the purposes of assessing EMF compliance will not be considered to be divulging competitively sensitive information.

Site lease terms

We note that some site providers, in particular Wholesale Infrastructure Providers (WIPs), insist that ICNIRP calculations and certification is carried out by themselves, rather than the occupiers/licensees. This is incompatible with Ofcom's expectation that the licensee directly hold compliance material for regulator inspection. We consider that in this situation, Ofcom should state in the compliance regime that although recording by the licensee is preferred, use of site provider-held/calculated material will be sufficient to meet Ofcom's requirements. Even with this caveat, we believe that Ofcom will need to be patient as site agreements come up for renewal, because we cannot unilaterally dictate a retrospective term that the site provider records be made available to Ofcom.

Action by third parties

We have previously raised the issue of where action by third parties inadvertently results in potential non-compliance on the part of the licensee: for example landlords breaching public exclusion zones, and buildings being constructed adjacent to existing masts. Ofcom should forbear on enforcement action where the licensee was unaware of the action by a third party that put the licensee into non-compliance. Further, we urge Ofcom to work with industry to encourage Government to introduce a planning regime whereby



applicants are required to consult with spectrum licensees where the proposed build is within 50m of a site that is subject to the EMF licence condition.

Question 3: Please provide feedback on the trial version of our EMF calculator, giving reasons for your response.

We have reviewed the calculator. Whilst very basic, we acknowledge that it is suitable for those spectrum users who are not accustomed to dealing with complex higher power transmitter deployments such as mobile network masts.

Our concern is that the model could be used inappropriately by non-EMF experts to seek to determine whether mobile masts comply with the licence conditions. We believe it would be appropriate to place warning messages on the calculator as to its intended use and limitations, to mitigate that risk.

Vodafone UK
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