



BERMUDA

REGULATORY AUTHORITY (EXPOSURE TO 5G RADIOFREQUENCY
ELECTROMAGNETIC FIELDS) EMERGENCY GENERAL
DETERMINATION 2020

BR 103 / 2020

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The Regulatory Authority (the “RA”), in exercise of the power conferred by sections 12, 13, 15, 66 and 84 of the Regulatory Authority Act 2011 (the “RAA”) and section 10 of the Electronic Communications Act 2011 (the “ECA”) makes the following Emergency General Determination (“EGD”):

Citation

1 This EGD may be cited as the Regulatory Authority (Exposure to 5G Radiofrequency Electromagnetic Fields) Emergency General Determination 2020.

Interpretation

2 In this Emergency General Determination (EGD), unless the context otherwise requires, terms shall have the meaning given in the Regulatory Authority Act 2011 (RAA), the Electronic Communications Act 2011 (ECA), and, the Interpretation Act 1951 and—

“3GPP” means the 3rd Generation Partnership Project;

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“5G Network” means a wireless radio network operating in accordance with the applicable standards established by 3GPP using 5G (New Radio) radio access technology;

“5 GHz Wireless Access Point” means a networking hardware device operating in the 5 GHz wireless frequencies that is used for the provision of Wi-Fi services;

“COL” means a Communications Operating License;

“ICOL” means an Integrated Communications Operating License;

“mmWave Spectrum” means millimeter wave wireless spectrum in the 24 GHz to 100 GHz range;

“Radio Access Point” means a transceiver or “base station” used to provide wireless access to a cellular or mobile communications network;

“RF” means radiofrequency;

“Sectoral Provider” is as defined in ECA section 2.

“Small Cell” means a low-powered, Radio Access Point used to densify a wireless network, and may include femtocells, picocells, and microcells;

“Study” means the study to be conducted by the RA of the health and environmental impact of the use of Radio Access Points in a 5G Network, including Small Cells operating in the Sub-6 GHz and mmWave Spectrum frequencies;

“Study Period” means the time period from the start of the Study until the RA issues an Order completing the Study and issuing its findings;

“Sub-6 GHz” means wireless frequencies below 6 GHz.

Application

3 This EGD applies to the Electronic Communications sector and is binding on all Sectoral Providers.

Urgency and Purpose of the Emergency General Determination

4 (1) The RA acknowledges that various concerns have been raised about the deployment of 5G mobile technology because of alleged potential health and environmental impacts. These concerns were raised in comments submitted in the public consultation on the Grant of New Integrated Communications Operating Licences and Other Types of Communications Operating Licences.

(2) Ensuring the health and safety of workers and consumers of wireless technology, and the public as a whole is one of the statutory functions of the RA (ECA section 9(2)(xi)).

(3) As a precautionary measure, this EGD imposes a temporary moratorium on the deployment and/or operation of any Radio Access Point in a 5G Network pending completion of the Study and the RA’s issuance of a final determination on the matter.

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(4) The RA will consider waivers of the moratorium on a case-by-case basis, for good cause shown, as stipulated below.

(5) For the avoidance of doubt, this EGD does not prohibit the deployment or operation of 5 GHz Access Points otherwise permitted.

Determination

5 (1) The RA hereby determines that—

- (a) this EGD will extend to all Sectoral Participants in the electronic communications sector, including COL and ICOL holders, with respect to the prohibition against the deployment or operation of any Radio Access Point in a 5G Network;
- (b) this EGD will be effective until the completion of the Study consultation and the issuance of a final determination by the RA; and
- (c) the RA will initiate a consultation launching the Study to determine whether it should establish rules or guidelines for the importation, deployment and operation of 5G Radio Access Points, including RF emission exposure limits.

(2) If the conditions of this EGD threaten the continued operation of a Sectoral Provider, as those operations were being conducted as of the Effective Date of this EGD, the Sectoral Provider may apply with evidence to the RA for a waiver of the moratorium, in whole or in part, established by this EGD.

Publication and Effective Date of Emergency General Determination

6 (1) This EGD will be published on the Government's Official Gazette and on the RA's website (www.ra.bm). Electronic copies may be requested by emailing the RA at info@ra.bm.

(2) In accordance with section 66(4), this EGD shall become effective on the earlier of: (i) the date on which a Sectoral Participant receives actual notice of it; or (ii) the date of publication in the Official Gazette and the RA's website.

Signed this 21st day of August 2020

Chairman, Regulatory Authority

[Operative Date: 22 September 2020]