

SFRPS Response from the Civil Aviation Authority

Since the publication of the Cave Report and the Government's Response, the CM has been working closely with Ofcom and others to progress the agreed action plan. The CAA fully supports the initiatives to deliver greater spectrum efficiency and recognises that as the independent aviation regulator it will have a significant part to play. That said, it is essential that the characteristics of the aviation sector be fully recognized. The combination of safety and international obligations, although acknowledged in the consultation, will undoubtedly present significant challenges. In addition, the UK aviation sector is a key element of the UK economy, providing the transport infrastructure which supports a wide range of markets. Therefore, in pursuing its policy aims, Ofcom must be cautious of the potential adverse impact on the competitiveness of UK sectors in international markets if UK mechanisms were to impact solely on UK industry.

Whilst recognising the need to consult on the higher principles at the earliest opportunity, this raises a difficulty in that it is the detail and application which is critical to the implications and impact, particularly on a sector such as aviation. Although there is significant work in progress between CAA and Ofcom, there is still much to be finalised and agreed; the absence of this detail inevitably influences comments made at this early stage.

The responses to the specific questions put by Ofcom in the consultation document are set out below:

Question 1: Do you agree with Ofcom's proposed overall approach to improving the management of public sector spectrum holdings and, in particular, with Ofcom's conclusion that it will generally be preferable for public sector bodies to interact directly with the market?

The CM supports the high level principle behind the approach but cannot give a definitive and complete response until the further work defining the detailed processes is completed.

Question 2; What factors do you consider Of com should take into account in determining the programme of reform in the framework form managing public sector spectrum holdings

Safety - which must remain paramount in order for CM to discharge its statutory objectives.

International Obligations - Aviation is driven by global standards governed by ICAO, which ensure interoperability is delivered regardless of Where the activity is taking place. The spectrum to support aeronautical systems is coordinated and assigned on the basis of an internationally harmonised process to protect operations from interference and this is fundamental to maintaining integrity.

Trade and Competition - The aviation sector is a key element of the UK economy and any reform must avoid disadvantaging UK industry in terms of its competitiveness in an international market.

Policy and Regulatory Consistency - The reforms must be cogniscent of the UK Government's policies and the regulatory requirements of each sector so as to ensure a cohesive and joined-up approach.

Environmental Issues - Do the reforms create instances whereby spectrum usage impacts on aeronautical systems to the extent that aviation, through the design of the airspace or the operating environment, cannot meet the Governments aspirations on environmental issues?

It is essential that the implementation of any proposed reforms be phased in so that a measured approach, backed up by monitoring of impacts can be maintained, thereby protecting the integrity of the environment and its safety requirements.

Question 4: Do you agree with Ofcom's proposals about the frequency bands that would offer the greatest potential benefits from band sharing? Are there other frequency bands where the facility to trade or lease spectrum from public sector bodies would be particularly attractive?

Given the significant impact of adopting these proposed reforms, it is logical that bands be prioritised to identify where the greatest benefits can be achieved and taking into account the feasibility of meeting the safety requirements and operational needs of existing incumbents.

Question 5: Do you agree with Ofcom's proposed approach to awarding public sector licenses and RSA?

The CAA has been working closely with Ofcom to identify and address the issues associated with the proposed approach. However, there is still significant work to be addressed and, whilst constructive progress is being made, it would be premature at this stage to offer any detailed view.

Question 6: Should public sector spectrum trading be introduced at this stage in the Channel Islands and Isle of Man?

Given the nature of aviation's use of spectrum, it would not be helpful to have regional variations within the UK's area of responsibility.

Question 7: Should there be additional grounds, e.g. safety-related, for Ofcom to refuse consent to a proposed trade in certain frequency bands or for certain applications?

It is fundamental that the process should allow for additional grounds to refuse consent if safety is to be paramount and for CAA to be able to discharge its obligations and responsibilities. Furthermore, careful consideration needs to be given to issues such as international obligations and the impact they may have on a proposed trade.