

Further to Ofcom's consultation on Spectrum Framework Review: the Public Sector which closes on 4 October, please find enclosed the Department for Transport's response.

We would like to take this opportunity to re-iterate that the Department supports the drive to bring about efficiencies in spectrum management and use, and we are committed to working with Of com and others to advance the agreed action plan set out in the Government's Response of March 2006 to the Independent Audit of Spectrum Holdings published in December 2005.

Your current consultation focuses on proposals for a new framework for managing public sector spectrum. As recognised in the document, however, much of the detail has yet to be finalised and will be subject to further consultation. For that reason, it is not possible to assess at this stage how the overall framework will develop and its implications for transport. This has necessarily shaped our response.

We appreciate that considerable work is on-going, in particular between Ofcom, the Civil Aviation Authority and the Maritime and Coastguard Agency, to progress development of the proposals. However, we do not underestimate the complexity and significance of the proposals on the future management of spectrum holdings in transport. As proposals near completion, we will undertake a full and considered assessment.

In the meantime, we will continue to support on-going work and look forward to continuing close co-operation with Ofcom as details on the new framework emerge.

#### DEPARTMENT FOR TRANSPORT REPLY TO OFCOM ON THE CONSULTATION "SPECTRUM FRAMEWORK REVIEW: THE PUBLIC SECTOR"

The Department for Transport welcomed Professor Martin Cave's report *The Independent Audit of Spectrum Holdings*, published in December 2005, which reviewed the management of radio spectrum in the public sector. The Department supports the drive to bring about efficiencies in spectrum management and use and is committed to working with Ofcom and others to advance the agreed action plan set out in the Government's Response, published in March 2006.

This consultation on a proposed new framework for spectrum is directed at the public sector but it is worth emphasising that its scope includes private sector activities in civil aviation and civil maritime. The consultation recognises that both sectors share similar fundamental characteristics - the essential requirements for safety to be paramount and for the UK's respective international obligations to be met - and these must be accommodated in any new framework;

We will continue to work in close co-operation with Ofcom as proposals on the new framework are progressed.

*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 Department for Transport is committed to the improvement of public sector spectrum holdings. It is however difficult to get an overall view and respond to the

second statement when the proposals and solutions that would enable public sector bodies to interact directly with the market are not defined. This Department covers a number of sectors and we would have to consider carefully whether there is an "across the board" answer as different sectors and different spectrum may have to be treated in different ways.

*Question 2: what factors do you consider Of com should take into account in determining the programme of reform in the framework for managing public sector spectrum holdings?*

**Safety** - it is imperative that safety is not compromised in any way. Use of the radio spectrum for safety services including radio-communication, radio-navigation and radio-location is vital in maintaining and underpinning the safety of shipping around the UK coast. Similarly, safety is paramount in civil aviation and it is essential that it remains so.

**International obligations** - much of the maritime and aviation use of spectrum has been decided over a long period of time through international fora. It is therefore extremely important that the UK is not seen to be compromising such harmonised agreements which are essential for safe and interoperable operations.

**Security** - maritime security has an increasing role around the UK coast which has to be maintained 24/7. Similarly, security in air traffic management remains a crucial priority.

**UK trade** - the UK relies on shipping to bring in 97% of its imports each year. Similarly, any reform must not jeopardise the aviation sector's significant contribution to the UK economy or disadvantage the aviation sector in relation to its international competitors.

*Question 3: Do you consider that the proposals should be phased in?*

Yes, the implementation of the proposals must be affected by means of practical and measured steps that are risk assessed at every stage before moving on to the next stage. This is key to the success of this implementation.

*Question 4: do you agree with Ofcom's proposals about the frequency bands that 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?*

The Department welcomes the overall approach to prioritise bands for bandsharing but any specific comment on the frequency bands as this is a technical matter for the Department's Executive Agency, the Maritime and Coastguard Agency (MCA) and the Civil Aviation Authority (CAA) who will both offer separate comment. However, we will continue to co-operate in discussions on this issue with the MCA and CAA.

*Question 5: do you agree with Ofcom's proposed approach to awarding public sector licences and RSA?*

We do not consider that Ofcom has provided sufficient detail to enable this Department to comment. We recognise that parties, in particular the Civil Aviation Authority and the Maritime and Coastguard Agency, are working closely with Ofcom to assist development of proposals but this work is not yet complete. The Department will require further time to undertake a full and considered assessment

of finalised proposals.

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

Whether public sector spectrum trading is introduced in the Channel Islands and Isle of Man is a matter for Ofcom to take forward with the Ministry of Justice in the UK and the respective legislatures in the Channel Islands and Isle of Man. However, from an aviation and maritime perspective, it is important to avoid any regional variations across the UK and its Crown Dependencies.

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

Yes, safety must remain paramount. If, from risk assessment, there is any indication of the possibility of harmful interference, full technical and operational trials should be undertaken to inform whether to consent or refuse. International obligations will also be a key consideration.