

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?:

MCA fully supports spectrum efficiency initiatives and recognises the need for mechanisms to enable changes from the current 'command and control' spectrum management. As committed through the Government Response and Action Plan, MCA has been cooperating with Ofcom and others to progress the recommendations of the Independent Audit of Spectrum Holdings.

It should be noted that, whilst the review addresses the public sector, its impact will be on the private sector for civil maritime operations.

The consultation document in section 4.10 recognises that the safety case is paramount. MCA has expressed concerns that the pursuit of a market-led liberalisation programme should be moderated by not only the safety case, but also potential impacts on UK trade. We have also questioned the timing of this consultation, it being in advance of an Ofcom consultation on the application of Administered Incentive Pricing (AIP) to aeronautical and maritime. In summary, MCA supports the initiative to improve spectrum efficiency, but considers that functional processes and procedures to enable public sector bodies to interact directly with the market are not sufficiently well defined at this time.

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

- a. impact on safety
- b. impact on UK trade
- c. impact on international obligations
- d. impact on security
- e. impact on environment
- f. independence of spectrum management regime and rigorous risk assessment processes
- g. relevant stakeholder interests
- h. Ofcom to ensure good practice market principles are endorsed and retain and enforce safeguards against malpractice and bureaucracy.

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

MCA considers it essential that changes to spectrum management are introduced not only in a phased manner, but with sufficient time to allow impact assessments to be made at each stage following a sufficient settling-in period. Mechanisms should be in place to provide for immediate return to status-quo in the event of significant issues emerging.

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?:

MCA accepts the Independent Audit's proposals for candidate maritime bands but stresses the safety case. For example, it is imperative that the Public Sector Safety Test Group's (PSSTG) radar protection criteria are used as an absolute benchmark for any decisions on bandsharing in maritime radar bands.

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

MCA believes that there is only limited experience of the operation of RSA (within radio astronomy) and the Agency has not been appraised of alternatives. Civil maritime radio spectrum is almost all internationally harmonized. The international nature of shipping makes the application of national mechanisms complex and the Agency feels unable to respond to this question without the addition of specific proposals in the consultation document.

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

These areas are not directly within MCA jurisdiction. However, as there could be implications for UK maritime interests, we (and possibly the DfT) would want to be involved when the Channel Islands and Isle of Man are included.

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

As a fundamental principle has been established as to the absolute priority of safety in all aspects of spectrum liberalisation and trading, it should automatically follow that Ofcom has a right of refusal.

Comments: