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Subject: Response to UK Consultation Documents 'Implementing Spectrum Trading' and 'Introducing Required Spectrum Access'

BATA welcomes the opportunity to contribute to the consultation documents on Implementing Spectrum Trading and Introducing Required Spectrum Access.

BATA fully supports the submission made by British Airways so that rather than repeat all the detail therein we confine our response to emphasising the following key points:

- Aviation spectrum is currently a globally allocated resource which is regulated through the ITU Radio Regulations. The allocation of radio spectrum for aviation use should continue to be agreed between governments at the international level - to ensure that access to required bands is not jeopardised and safety is not compromised by external interference.
- Charging and licensing should continue to be consistent with ICAO guidelines of cost-recovery, and applied in a way which does not disadvantage UK-based airlines relative to their competitors.

In answer to the specific questions raised by this consultation paper:

Question 1: Do you have any comments on the proposed modes of trade?

Aviation systems are not suited to short duration changes and can only be governed by stable international regulation. As a result, they are not suited to trading.

Question 2: How should interference disputes be resolved?

Interference cannot be tolerated by aviation where it has a potential safety impact. An agency such as Ofcom would not be appropriate to manage this threat so this function should stay with the Radio and Safety Regulators.

Question 6: License classes from the following sectors are proposed for a second wave of spectrum trading: sound broadcasting (analogue and digital), television broadcasting

(analogue and digital), programming and special events, and aeronautical and maritime. What is your view of these proposals?

BATA believe that trading of the aeronautical spectrum is not feasible in practice. Trading of spectrum assumes that alternatives are available and the users of the spectrum are able to exercise choice on the use of the spectrum. The communications, navigation and surveillance systems used by aviation are subject to international and national legislation which do not allow such choice to be exercised. Moreover, it is impractical to identify a single owner/user of this spectrum, without which trades would not be possible.

It is essential that the cost of safety-critical systems does not become prohibitive, or that UK-based producers face significantly higher costs for access to these systems than their international competitors. It is therefore important to “ring-fence” the safety-critical elements of spectrum use in any discussion of charging and market allocation.

Yours sincerely,

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