**Ofcom consultation: SRSP: The revised Framework for Spectrum Pricing.
Response of the International Air Transport Association
21 June 2010**

IATA is the global trade association for the world's airlines. Its membership includes some 230 airlines from 117 countries including 5 UK based airlines. Flights by IATA members represent 93% of world's international scheduled traffic IATA members carried 1.6 billion passengers (scheduled) in 2007 and 44.1 million tones of freight. Some 120 of our member airlines fly to, from and through UK airspace.

Aeronautical spectrum

IATA welcomes the opportunity to respond to this consultation and supports the efficient use of radio spectrum for aviation. The aviation industry itself, through SESAR and other international initiatives, is developing spectrum strategies to ensure optimum use of our spectrum allocations.

This consultation on a spectrum pricing framework follows numerous consultations, hours of research, meetings, workshops and discussions with both Ofcom and stakeholders investing substantial time and resources on the pricing question.

IATA has responded to these consultations and still stands by its position that to ensure safe and regular, harmonized worldwide operations, aviation is outside of the realm of potential pricing schemes and thus should not be included in the Framework.

The suggestion that the spectrum pricing (AIP) might apply to any of the internationally allocated aeronautical spectrum just cannot be supported. Pricing in this case would achieve nothing but an increase in revenue to the UK Government.

We repeat below the concerns we have put forward on many occasions but now repeat with regard to the framework.

International and safety concerns

The spectrum aviation uses is allocated internationally by World Radiocommunication Conferences whose outcomes are signed by States, including the UK, and have treaty status. IATA has emphasized this at every opportunity to Ofcom.

Our spectrum is internationally allocated for a reason. Our services must be as safe as possible and they must be harmonized throughout the world.

The systems that use aeronautical spectrum are certified and harmonized by ICAO and the ITU. The spectrum allocated must have adequate protection from interference to ensure safety and regularity of flight harmonized throughout the world. Other non-

aeronautical systems do not need or have this level of integrity. ***Aeronautical spectrum cannot be used by a service that is not subject to the same stringent controls as aviation systems.***

Public Sector

IATA would like to note again that aviation should not be considered public sector *just* for the sake of this document. It is public sector and is thus treated in the ITU and European Commission and in past Ofcom consultations. This must be clear.

International agreements

We refer to the comments Ofcom itself makes in the SRSP consultation document: regarding national and international agreements.

> 3.47 National regulation or policy might impose constraints that inhibit or prevent alternative uses of particular spectrum. In line with our liberalisation policy, we aim to minimise restrictions on use to the minimum necessary for spectrum management purposes. ***However, spectrum management and compliance with international co-ordination agreements, for example, will mean we need to exclude certain uses, or types of use, from particular spectrum***

> The effect of international constraints on spectrum on feasible alternative uses

> 3.57…... There are only some specific exclusive harmonisation agreements and some International Treaty obligations that mandate exclusive access to a specified use or sector and/or technology to the exclusion of all other uses in the UK. In such cases, while the exclusive harmonisation agreement applies, ***AIP would not enable the benefits of a change of use to be realised even if incumbents reduced their existing use as we would not be able to permit an alternative use to access the spectrum released***.

Ofcom further states that the first step to determining whether or not pricing is appropriate is to "identify existing and alternative uses for the band". (3.62). If alternative use of aeronautical spectrum is not appropriate or feasible, the consideration of pricing in these bands stops at Step 1.

To be very brief, the safety and international aspects to air transport are not going to go away or change. Safety is our first priority and it is taken into account in ICAO (of which the UK is a member) and ITU international treaty negotiations that result in Radio Regulations.

Ofcom leads the UK Delegation to the ITU and is well aware of the scope and timeframes of the Regulation. Ofcom, along with the UK DfT that has the specialized knowledge and expertise, is thus well placed to influence how aeronautical spectrum is used through ITU activities.

The Single European Sky (SES) programme will achieve improvements in air traffic management in Europe, including optimum use of radio spectrum. The UK is a strong supporter of SES.

If efficiency is truly the goal of pricing and other initiatives proposed by Ofcom, wouldn't it be more "efficient" to work with UK aviation experts and seek solutions in the international fora?

IATA believes that, in line with the above points, aeronautical spectrum should not be included or considered in the spectrum pricing framework.