



European Low Fares Airline Association

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**Mr Michael Richardson**  
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**By email:** [Michael.Richardson@ofcom.org.uk](mailto:Michael.Richardson@ofcom.org.uk)

22 April 2010

**Dear Mr Richardson,**

**Consultation: Applying spectrum pricing to the aeronautical sector –  
a second consultation**

Thank you for affording the European Low Fares Airline Association (ELFAA) the opportunity to respond to the consultation on the proposed application of spectrum pricing to the aeronautical sector.

ELFAA represents the leading European low fares airlines who collectively carry over 160 million passengers every year. Low fares airlines account for over 35% of scheduled intra-European point-to-point traffic, a share forecast by Eurocontrol to grow to 50% by 2013 and 66% by 2013.

Our members are highly concerned at Ofcom's recommendations in this area.

ELFAA has had sight of the response from our colleague Association IATA and fully endorses IATA's submission. ELFAA will not therefore be submitting detailed responses to each of the questions raised as these have been fully covered by the responses you have already received from IATA. ELFAA would offer the following further submissions.

ELFAA is firmly of the view that the making available of spectrum to aviation is a sine qua non to meet the critical safety requirements of aviation. The consultation appears to acknowledge this safety requirement by virtue of the intention not to levy charges on aircraft. Vital radio safety communication by aircraft is, however, primarily with operators of ground installations, responsible for Air Traffic Management. Perversely, these ground installations would be subject to the proposed charging. Inevitably, the providers of Air Traffic Management would seek to recover the cost to them of spectrum charging, creating a backdoor stealth tax on airlines for the safety-driven requirement for radio spectrum.

The parallel, which the consultation seeks to make with emergency services, is not valid. Payments for spectrum by emergency services are merely transfers from one public purse to another and do not constitute a valid precedent for charging a non-governmental, commercial entity.

The making available of radio spectrum to aviation is further mandated by international agreement. Allocation of radio spectrum is, in fact, carried out by the ITU World Radio Communication Conferences (WRC), whose Final Acts have treaty status. Individual governments have no legitimate locus, therefore, to propose charges on the basis of alleged opportunity cost to them.

ELFAA strongly opposes the proposed pricing of aeronautical spectrum, which conflicts with the obligations of the UK government under international agreement and its over-riding responsibility to ensure the safety of aviation operations.

I am at your disposal for any additional information you may require.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Hanlon', with a stylized flourish at the end.

**John Hanlon**  
**Secretary General**