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28 November 2007

Richard.young@ofcom.org.uk

Dear Sir,

Inmarsat Global Limited it please to provide input to OFCOM's consultation on *"Mobile Communications onboard Aircraft – Consultation on the introduction of mobile services on aircraft"*, published on 18 October 2007.

Inmarsat Global Ltd is a leading provider of global mobile satellite services. Our commercial distribution partners and service providers have been offering aeronautical communications since many years and are equally interested in offering GSM service on aircraft. As a wholesaler of capacity, we will limit our answers to only three relevant questions.

Inmarsat would like to recognise the extensive consultation Ofcom had on the subject, starting with the Discussion Paper on the introduction of Mobile Service on Aircraft, issued in April 2006.

We are pleased to see that as a result of previous input, Ofcom has resolved to allow provision of services using GSM at 1800 MHz and concluded that sufficient technical safeguards have been worked out at the international level so that terrestrial networks and avionics systems are not compromised.

Creating the necessary regulatory framework and granting authorisations is the final step in allowing commercial launch of a service for which there is a clear market demand. Such grant will equally be an important signal to the market, increasing commercial take-up and de-risking the investment for those parties that have already invested heavily in the implementation of the underlying network and installation of equipment on board of aircraft.

This approach is fully in line with Ofcom's statutory role, in the sense of

- a) introducing new services that provide benefits to citizen consumers
- b) ensuring increased/optimal use of existing spectrum resources
- c) promoting competition amongst existing and future service providers

*Do you have any comment in relation to the authorisation of MCA systems on the basis of a common European approach?*

*Do you agree that the initial authorisation regime of equipment for MCA should be via licensing rather than licence-exemption?*

A light regulatory regime/framework is indeed the right approach. As set out in our input to the discussion Paper issued by Ofcom in April 2006, any suitable national framework needs to be founded on two key principles as established in the existing international framework for aeronautical communications:

- the operation of radio equipment falls within the responsibility of the state of registry of the aircraft (irrespective of the countries overflown)
- the on-board use by (unlicensed) persons of the radio transmitting apparatus is allowed.

The regime proposed by Ofcom recognises at the same time

- the need for a pan-European framework to accommodate seamless provision of services across borders
- the practical advantage for operators or airlines in having a licence issued by the country of origin (which constitutes clear evidence of approval for those companies for which UK is the country of origin and can therefore be the basis for licence exemption in the countries overflown)
- the need for a simplified approach for aircraft from abroad and waiving of requirements based on approval by the country of origin.

Particularly on the latter point, we would encourage OFCOM to follow up on the objective expressed in section 1.15 to promote the UK/EU approach outside of the EU and to develop it into a global regime in due course. Indeed, services have a global reach and it is impractical from a technical as well as from a user perspective to switch the service on and off depending on whether market access was obtained in each of the countries on a particular route. In this spirit, we would request Ofcom to immediately apply the policy of mutual recognition to the maximum number of countries, including countries from outside the UK. As soon as conditions for mutual recognition are satisfied, there is no reason to limit the policy only to the EU countries.

Besides this, it is important to avoid undue duplication of licensing requirements.

This is first of all important with regard to the satellite link providing for the air-to-ground landing of traffic. Inmarsat will be providing this link for the GSMOB service.

As set out in section 2.2 sufficient regulatory “arrangements for backhaul to the ground (...) are already in place”. We therefore support the approach whereby the satellite provider can use satellite links for aeronautical traffic, including GSMOB,

without any additional notification of licensing, provided it is compliant with existing terms for spectrum use and market access.

Secondly, duplication is avoided by a clear understanding of Ofcom's role as part of a wider regulatory process, encompassing equally aviation safety (airworthiness) and operational procedure aiming to manage human behaviour issues. We appreciate the approach whereby trust is placed in the competencies of relevant competent bodies, allowing these three strands to progress independently from each other.

*Do you agree that the aircraft operator should be the licensee of the radio equipment used for MCA?*

Licences are in essence a set of rights and responsibilities. For this to work properly, and for enforcement to work effectively, regulators need to understand and take into account the distribution model and the role different stakeholders play in the given commercial set-up.

It is worthwhile observing that over the last decade there has been a shift from licensing the user of transmitting apparatus to issuing individual licence or general authorisation to the operator of the system. This approach accommodates best networks under the control of a particular operator.

We encourage Ofcom to take into account feedback from the different parties as to their practical ability to control the different aspects of the system and to issue licences in line with general practice for networks under control of an operator.

Sincerely

Ann Vandenbroucke  
Director Policy and Regulatory Issues.