

09 January 2012

## **The EBU response to the Public consultation on the draft RSPG Opinion On the process for EU assistance in bilateral negotiations with third countries and between EU countries**

The European Broadcasting Union<sup>1</sup> (EBU) welcomes the opportunity to submit its comments on the draft RSPG Opinion on the process for EU assistance in bilateral negotiations with third countries and between EU countries.

### **EBU comments**

Under the Telecom Package (see Recital 28 and Article 9 (1) of Directive 2009/140/EC) the spectrum management lies and remains within the competence of the Member States. Frequency coordination with neighbouring countries is managed by national Administrations, and relevant stake holders, including Public service broadcasters and Broadcast Network operators, may provide technical support and advice as requested by Administrations.

Across European countries the use of the spectrum is highly harmonised and negotiations between neighbouring countries normally achieve the defined objectives and in EBU's views they do not need to be assisted by additional political bodies. Spectrum management, including bi-lateral coordination, should remain under the competence of Member States.

It is to be recognised that the use of spectrum in certain non-EU countries may be less harmonised. In those cases where coordination with non-EU countries does not achieve the wanted objectives and where political intervention can help in the negotiations, political assistance from the EU might be adequate. The RSPG forum or 'good offices' seems to be an appropriate forum to discuss possible solutions of unresolved coordination cases when the affected Member State specifically request for such assistance. The expertise from other Member States in similar cases can contribute to the development of best practice guidelines.

These processes should be understood as complementary to the regular ITU coordination procedures and should not replace them.

EBU agrees that necessary technical background shall be developed in CEPT and, when relevant, ITU.

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<sup>1</sup> The EBU is the world's largest professional association of national broadcasters, whose Active Members are public service broadcasters in 56 countries corresponding to the ITU European Broadcasting Area, which includes all European countries, Central Asia, North Africa and the Middle East. Associate Members include broadcasters from Canada, the USA, Japan, Chile, South Africa, India and Hong Kong, as well as many others.

The EBU's purpose is to serve and support the interests of its Members, promote cooperation between broadcasters and facilitate the exchange of audiovisual content. The EBU works to ensure that the crucial role of public service broadcasting, which is central to Members' activities, is recognised and taken into consideration by decision-makers.

The organization provides services to the broadcasting community at large, along with expertise specifically to Members on legal, technical and programming issues. It also conducts economic and market analyses and offers targeted training programmes. For more information about the EBU: [www.ebu.ch](http://www.ebu.ch).