AER response to the public consultation on the Draft RSPG Opinion on ITU-R World Radiocommunication Conference 2023

The Association of European Radios – AER - is the Europe-wide trade body for commercial radio, representing the interests of companies operating over 5,000 commercial radio stations to the EU Institutions. AER promotes the development of commercially-funded radio broadcasting in Europe, by ensuring a fair and sustainable economic framework for radio so it can continue to thrive.

AER welcomes the opportunity to provide comments on the Draft Radio Spectrum Policy Group Opinion on ITU-R World Radiocommunication Conference 2023 and will provide feedback on the WRC-23 Agenda Item 1.5 (UHF Review) which is relevant for commercial radios, and more in general for all broadcasters.

WRC-23 Agenda Item 1.5 (UHF Review)

Terrestrial TV and radio broadcasters deliver a broad range of public value to society. Such public value includes the provision of trusted local and national news bulletins, at a time when fake news is rife on social media networks, making an essential contribution to media quality and pluralism, safeguarding democratic discourse with their journalistic services. Terrestrial broadcasters are also a source of companionship (for example supporting people who may be lonely or feel isolated), entertainment and music discovery (providing cultural enrichment), and an amplifier of charitable causes and issues of major importance to society (such as the under-representation of young people from minority ethnic backgrounds in the creative industries). In so doing, terrestrial broadcasters make a key contribution to media diversity, pluralism, and democratic discourse.

Moreover, in the event of a natural disaster or an emergency situation, terrestrial broadcasting is often the only reliable source of information available to the affected population. In such situations, listeners and viewers normally tune-in to terrestrial TV and radio, given their strong track record of serving audiences with real-time reporting, universal coverage and a continuous flow of reliable information. For example, during the COVID pandemic, the popularity of terrestrial TV and radio surged as populations tuned-in for regular updates on the health crisis.

Securing broadcaster spectrum is indispensable to achieve these objectives of ensuring wide coverage as well as widespread availability of and accessibility to broadcaster's content for the entire population.

Furthermore, broadcasters are an important economic source as they create and secure thousands of jobs. To safeguard the future of the radio and TV industry and its services, it is necessary to set a technological course that takes into account the changes in media consumption habits that accompany digitization.

The 470-694 MHz band is the only remaining frequency resource left to digital terrestrial television. If its allocation is changed to 'co-primary' use with mobile services, millions of terrestrial broadcast users will lose their ability to watch free-to-air television programmes.

Studies confirmed by experience in the field[1] have shown that broadcasting services and mobile services cannot operate on the same frequencies either in the same area or in adjacent areas without causing unavoidable harmful interference. Consequently, no European country can decide independently how to use the UHF band without conditioning the neighboring countries. For these reasons, any co-primary allocation would mean the allocation of the UHF band to mobile.

Mobile broadband, however, as it is not a native broadcast-technology, cannot become an adequate substitute for universal free-to-air terrestrial TV and radio distribution, since the roll-out of mobile networks, especially in rural areas with low population densities, is not economically viable and is very unlikely that it will provide universal and free of charge services. The allocation of the 470-694 MHz band to mobile services would harm many households and society due to its negative effects on quality media distribution, with little or no additional value at all in terms of mobile broadband quality or coverage.

Television and radio broadcasters frequently share large parts of the national terrestrial broadcast network infrastructure. If digital terrestrial television broadcasters are forced to cease their operations due to loss of the spectrum usage rights, radio broadcasters would have to finance the entire broadcast network on their own, which they could not afford to do, or cease their operations as well. This would threaten the existence of many radio broadcasters, and lead to unintended consequences such as a significant reduction in the volume and diversity of radio output.

On the other hand, it would be possible to deploy the 5G broadcasting standard, a promising broadcast distribution technology of the future, in the 470-694 MHz band without causing interference and without changing the current regulation. 5G Broadcast has already been successfully tested. With 5G broadcast a large variety of broadcast content, television and radio, including reliable information in the event of a disaster, will be viewed or listened to on all mobile devices, smart speakers and connected car systems, regardless of a SIM card, a mobile phone contract or the mobile network coverage. 5G broadcast will ensure that the reception of the broadcast content does not imply additional costs for users, since 5G broadcast does not rely on a mobile streaming connection. In the future, 5G broadcast will allow the users of any member state to receive high-quality TV and radio content free of charge, (basically) anywhere and on any devices.

For all these reasons, **AER calls for preserving the existing exclusive primary allocation to broadcasting in the 470-694 MHz frequency band with secondary allocation to programme-making and special events (PMSE) and strongly supports a "No Change" to this frequency band at WRC-23.**

[1] Report ITU-R BT.2337 "Sharing and compatibility studies between digital terrestrial television broadcasting and terrestrial mobile broadband applications, including IMT, in the frequency band 470-694/698 MHz" 10;
Report ITU-R BT.2301 "National field reports on the introduction of IMT in the bands with co-primary allocation to the broadcasting and the mobile services".

AER agrees with the RSPG reasoning that the European Commission's proposal for an EU position needs to be **compliant with the Decision (EU) 2017/899** providing priority to broadcasting and PMSE usage until at least the end of 2030. Both options mentioned in the 'Note' – the No Change at WRC-23 and a co-primary allocation effective after 2030 – would indeed be formally compliant with Decision (EU) 2017/899.

The role of the RSPG, in AER's understanding, is to come up with a sound analysis of the technical and economic issues of different allocation options, including forecast scenarios of future demand and technological developments. AER calls for an explanatory complement to the 'Note' clarifying the potential consequences of a co-primary allocation and strongly recommends to support the first option - suggested by the RSPG - of a No Change at WRC-23.

The second option of "a co-primary allocation to the mobile service which should become effective at a later stage (e.g. 31.12.2030)" would challenge the stability of the 470-694 MHz band used by broadcasters and PMSEs "at least until 2030" foreseen in the EU UHF Decision. A co-primary allocation of the reserved 470-694 MHz band for broadcasters is to be avoided as it would endanger the sustainability not only of terrestrial television but also of radio broadcasting due to its cost effects on radio networks. It would compromise the legal certainty of the broadcast model and disincentivise the further development of 5G Broadcast.

AER wants to point out, that there is in fact no need for any allocation decision to be made at WRC-23. Due to the binding Decision (EU) 2017/899, the allocation of the frequency band is fixed until the end of 2030. A 'No Change' at WRC-23 leaves open all options for the future.

AER believes that discussing a review "*with a possible agenda item for WRC-27 or WRC-31*" would **threaten the legal certainty** for the 470-694 MHz band and would in fact **hamper investment in future broadcast technologies** such as 5G broadcast. For this reason, the discussion on any possible **review of the UHF band beyond 2030 should be postponed to at least end of 2030**.

In conclusion, in view of the World Radiocommunication Conference 2023, defending the position of the EU UHF Decision is crucial: the results of WRC-23 will have a decisive impact on the future of broadcasting of media services and PMSE services for the production of audio-visual content, news and events in the EU, therefore should be carefully considered.

Securing the relevant spectrum range **exclusively** for broadcast services as well as PMSE to be **used beyond 2030** by supporting a **no change at WRC-23** should be the priority **in order to ensure European broadcasters can continue to serve citizens and deliver a broad range of public value to society, incentivise high levels of investment in quality and trusted content over the longer term, and support Europe's creative sector and global soft power.**

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