RSPG Secretariat

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RE: REPLY TO THE Public Consultation on the Draft RSPG Opinion on ITU-R World Radiocommunication Conference 2023 by the České Radiokomunikace a.s. company

Date: August 12, 2022

Place: Prague, Czech Republic

České Radiokomunikace a.s., company ID 24738875, headquartered at Skokanská 2117/1, Břevnov, 169 00 Praha 6, Czech Republic, registered in the Commercial Register of the Municipal Court of Prague under file no. B 16505 (hereinafter "**CRA**") is the leading operator of terrestrial networks for television and radio broadcasting and the main provider of a wide portfolio of digital infrastructure and telecommunication services in the Czech Republic. As a broadcast network operator CRA provides nationwide television and radio broadcasting for public and all major commercial providers of television and radio broadcasting.

I. COMMENTS TO THE "WRC-23 Agenda Item 1.2 (IMT mid-band identification)"

The upper 6 GHz spectrum has a high importance in fixed service for ensuring electronic communications services over long distances microwave links and in locations where construction of very high capacity networks (e.g. fiber networks) is limited due to difficult technical implementation, nature reserves or very high prices. This could effectively deliver gigabit internet connectivity into less populated areas and could be used for primary and backup distribution of television and radio signal for Digital Terrestrial Television (hereinafter "**DTT**") transmitters. In the Czech Republic, point-to-point fixed connections also fulfils an irreplaceable role as a part of critical infrastructure used by the DTT-platform (used by public and commercial broadcasters) and government institutions.

The 6 GHz band is a licensed frequency band in the Czech Republic. Microwave links using the 6 GHz band are part of the critical infrastructure of the state for the provision of nationwide television and radio broadcasting as well as for the provision of government electronic communications services. As there is no alternative, which could fully substitute the current role of this frequency band, any considered changes must be supported by detailed studies of compatibility to ensure protection of existing and future fixed microwave links.

II. COMMENTS TO THE WRC-23 Agenda Item 1.5 (UHF review)

According to latest reports, DTT is the most preferred platform for television reception in the Czech Republic which is used by 55.5% of households (Source: Nielsen Atmosphere research, the results of the Continuous Research of the 4Q 2021). At the same time, DTT is the only platform that provides households with free-to-air TV reception. Moreover, free-to-air DTT ensures the "dual broadcasting system", i.e. the availability of both public and private free-to-air TV broadcasters ensures viewers a plurality of information sources (this forms a cornerstone of media policy in the Czech Republic ever since the democratic changes in 1989). The high popularity of DTT among households has not significantly changed even after the release of the 700 MHz band, which required a transition from DVB-T to the more frequency-efficient DVB-T2 standard (when households had to buy a new TV or a set-top box compatible with the new broadcasting standard). This is clear evidence of the position of the DTT platform in the Czech Republic, which remains very high and stable.

Regarding the work-item in the proposed draft: "WRC-23 Agenda Item 1.5 (UHF review)", we propose to remove the whole sentence in parentheses in third sub- paragraph of article 4.3:

"~~(e.g. an additional allocation to the mobile service or one of the other existing services in the band 470-960 MHz)~~"

Reason:

Any possible regulatory actions in UHF band must be technology-neutral and must correspond to needs of European society. Nevertheless, it is has to be noted that the debate on the long-term strategy for the sub-700MHz band in Europe was concluded only 5 years ago in 2017 with the UHF Decision[1], which was a long-term European win-win agreement for the whole European ecosystem including regulators, policy makers and industry. Therefore, any speculation can undermine legal certainty and principles of regulatory stability in the European telecommunication sector. For the modern and innovative DTT market across Europe, any change in the use of the sub-700 MHz, which would limit the existing scope of DTT (would essentially destroy the free-to-air DTT platform), would result into serious consequences such as:

- Serious **social and economic impacts** on citizens caused by any change to the free-to-air model – i.e. ending free-to-air DTT (or restricting the existing scope) would mean forcing viewers to migrate to pay-TV distribution platforms. This means charging fees to a large number of European households and to the majority of households in the Czech Republic for the reception of previously free television.
- Corresponding negative impacts on needs of **vulnerable groups of persons** (e.g. elderly people, socially disadvantaged persons or people with specific social needs), including the impact of increased cost for pay-TV through IPTV, satellite or cable (which would replace free-to-air DTT, if the DTT platform is destroyed by changes to the sub-700MHz band) at a time when inflation is already skyrocketing and household budgets

[1] Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union

are already severely impacted (even without the additional burden of a termination of free-to-air services).

- Significant **reduction of the competitive environment** in the area of distribution of TV signal with negative impacts not only on DTT viewers (i.e. elimination of the only free platform in the majority of European countries) but also on viewers of cable TV, satellite TV or IPTV platforms (i.e. price increases would be likely due to the reduction of market competitiveness, if the free-to-air DTT platform is eliminated or significantly reduced).
- The destruction of the DTT distribution platform which currently has a very high **integrity and security** and which serves for the provision of information to end-users as a component of critical infrastructure in many of European countries. The DTT distribution platform is not dependant on the functioning of the public Internet and is thus highly resistant to **cyber-threats** and plays a critical role for distribution of information in situations where the Internet is disrupted, compromised or otherwise unavailable (due to armed conflict, natural disasters, cyber-incidents or other crisis situations). The resilience, reliability and security of the DTT platform has been clearly demonstrated in flood / hurricane / tornado - damaged areas in the past several years in several EU member states, including the Czech Republic, but also during the current armed conflict in Ukraine.
- Destruction of the DTT distribution platform by reducing the amount of available spectrum would **infringe on principles of technological neutrality, transparency and non-discrimination** in government/EU treatment of media distribution technologies.
- Destruction of the DTT distribution platform would **significantly increase electricity consumption** and worsen the carbon footprint for TV-content distribution, since DTT is currently the most energy-effective platform for distribution for audio-visual content, compared with all other distribution platforms (source: Carnstone - Quantitative study of the GHG emissions of delivering TV content – The Low Carbon TV Delivery Project, 2021).

As our second comment to the proposed draft we also propose to remove the whole note to article 4.3.3:

~~*"Note: The RSPG is of the view that the above outlined recommendation is ensured by various options. One can be No Change at WRC-23, with a possible agenda item for WRC-27 or WRC-31. Another one can be a co-primary allocation to the mobile service which should become effective at a later stage (e.g. 31.12.2030). It is further noted that the EU Position on this agenda item should avoid ambiguity."*~~

Reasons:

The RSPG recommendation should only state the position towards WRC-23. Any opinion or agenda in relation to WRC-27 or WRC-31 regarding possible regulatory changes should be subject to a separate consultation, since this clearly exceeds the scope of the present Opinion (see article 1.2 which refers only to the preparation of the next World Radiocommunication Conference in 2023).

Moreover, any further speculations (other than NO CHANGE) regarding the future use of the UHF band regarding "co-primary allocation to the mobile service" disturb principles of regulatory stability and create discrimination between DTT and mobile operators regarding the

duration of radio-frequency allocation. DTT operators have a legal certainty in accordance with the UHF Decision for only another 8 years (until the year 2030), while mobile operators can already count on a significantly higher level of regulatory stability. In mobile networks, 67% of the total harmonised 5G spectrum has been allocated in the Czech Republic, and in the EU, only an average of 56% (source: European Commission, Digital Economy and Society Index 2022). It is thus evident that mobile networks have not yet used a large part of the harmonised spectrum and it is therefore unjustified to harmonise additional spectrum beyond the current situation, where this measure would disrupt the availability of public and commercial media for 55.5% of Czech households and 42% of EU households, reduce competition and increase the carbon footprint.

There is therefore no need at this moment to reach any (or speculate about possible) premature conclusions. There are at least another 4-5 years for the preparation of proper analysis which would be consistent with the "stock-taking exercise" indicated in the Lamy report which wouldn´t be against the consensus spirit of the UHF Decision and wouldn't bring into question the fair process that could initiate such a deep space for discussion regarding future use of the UHF band. Revisiting this agenda item in 2031 would be more compatible with the requirement of predictable investment conditions (as repeatedly referred to in the European Electronic Communications Code) and with the innovation sector's reasonable expectations and investment plans.

In Europe, there is a clear regulatory framework and the industry is operating, investing and competing; the telecom sector is deploying mobile broadband and the audio-visual sector is working on UHD, hybrid broadcast-broadband TV systems (HbbTV) and 5G Broadcasting. The deadline for the migration of broadcast services out of the 700MHz band in Europe expired this year. Because of these steps, there is trust built between industry and policy makers and the issue is assumed as settled for many years in Europe. In Europe there are also at least 3 EU member states who grant DTT operators licences with expiration beyond the year 2030[2]. This also means that there is a sufficient time to make a proper decision regarding the future of UHF band after the WRC-23.

Therefore opening this topic at this stage appears premature, as it will undermine the regulatory stability and the ongoing work and investment undertaken by broadcasters in areas such as 5G Broadcasting and the promise of meeting Europe's long-sought convergence of technologies and systems. It also brings into question the future of PMSE and how content production will be managed moving forward. In our view, such a possible discussion should not start until, at least, the WRC-23 AI 1.5 has a final outcome or, otherwise, this work item will interfere with the discussions regarding the European Common Position for the WRC-23.

Changing the spectrum attribution would mean losing a highly secure (in terms of cyber-security), environmentally friendly (in terms of high energy efficiency for content distribution, which is important not only in the context of the current energy situation) and free-to-air universal platform which would have a massive social, political, environmental and cultural impact, including a significant impact for the elderly and less privileged (especially an increase of monthly expenses). Changing the spectrum attribution (or even taking steps at the level of the RSPG, such as opening the topic of possible regulatory actions such as co-primary allocation, would put into question whether or not the UHF Decision has in fact brought long-term regulatory stability) would thus bring a massive negative impact for the European audio-visual industry. Any consideration about possible future regulatory actions (other than NO CHANGE) would not deliver any sustained relevant incremental benefit for the citizens, as

[2] According to results of LStelcom study (April, 2022)

Europe has already set up its connectivity targets (Digital Agenda, Gigabit Society and now Digital Decade) assuming full connectivity and capacity with the already available spectrum.

In addition, technical studies and experiences show that any recurrent argument for an eventual co-primary allocation which some claim may increase of flexibility for Member States (in the context of debates on AI 1.5 of WRC-23) would in fact result in the opposite situation, as the current real flexibility (allowing 3 or 4 different services coexisting with the current allocation) would be reduced by having to choose between one service or the other, as they would be incompatible. A change to co-primary would also create an existential threat to the remaining spectrum available to deliver terrestrial broadcasting services and PMSE. Therefore, any switch to mobile would mean the disappearance of this ecosystem without any proven incremental benefit. Any Commission activities and any possible future RSPG activities on this work-item will need to eventually take all views into account and consider especially the political, social, economic, cultural, international and also the environmental (energy efficiency) aspects affecting the use of the sub-700MHz frequency band and not only technical aspects. The key aspect of any analysis, study or activity is also the description of possible scenarios concerning development of use in this frequency band with relevant key assumptions and conditions, including potential consequences in terms of interference issues and EU harmonisation framework in this band, in particular for post-2030. Also, there is no demonstrated or substantiated demand for the remaining DTT spectrum for IMT, in the Czech Republic. Based on the above, opening the topic of co-primary allocation UHF band to mobile services, before the final decision of WRC-23 is made, would give the industry an unfortunate but clear message that the UHF Decision does not in fact provide long-term legal certainty, which would result in an immediate reduction of investments spent by the European broadcast industry and a distortion of competition between distribution platforms (including the free-to-air universal platform[3]).

Spectrum management should primarily care about the public value of the services supported, as a general principle. Moreover, in the case for the 470-694MHz band, according to Article 7 of the UHF Decision, social, economic, cultural and international aspects must be taken into account. Given the current energy situation, it will also be impossible to ignore environmental aspects. At this moment DTT (DVB-T2) is, according to all available studies, the most frequency-efficient and the most energy-efficient way to distribute media content to a large number of households. There is no other more frequency or energy-efficient technology on the market so far. Therefore, in order to maintain the current TV broadcasting coverage, market competitiveness, cybersecurity and maintain the current low carbon footprint, technological neutrality and long-term regulatory predictability, there is a need for NO CHANGE in the frequency band 470-694 MHz and its long-term allocation for DTT in the Europe.

[3] According to LStelcom study (April, 2022) ~60% of all services in 21 EU member states are free to view.

In conclusion, we would like to refer to the comments made by Broadcast Network Europe (hereinafter "**BNE**") which provide a comprehensive European overview and which we fully support, while adding further country-specific information regarding the situation in the Czech Republic. These comments demonstrate that the **role of the DTT platform is in fact crucial and irreplaceable across Europe and that the platform provides unique public value for European society.**

Best regards,

Marcel Procházka

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