

**RADIO SPECTRUM POLICY GROUP**  
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**DRAFT RSPG OPINION ON A LONG-TERM STRATEGY**  
**ON THE FUTURE USE OF THE UHF BAND (470-790MHZ)**  
**IN THE EUROPEAN UNION**  
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**AER COMMENTS**

The Association of European Radios (AER) is a Europe-wide trade body representing the interests of over 4,500 commercially-funded radio stations across the EU27 and in Switzerland.

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AER's main objective is to develop and improve the most suitable framework for private commercial radio activity. AER constantly follows EU actions in the fields of media, telecommunications and private radio transmission, in order to contribute, enrich and develop the radio sector.

AER therefore would like to present the commercially funded radios' point of view on the Radio Spectrum Policy Group (RSPG) Draft Opinion on a long-term strategy on the future use of the UHF Band (470-790MHz) in the European Union (RSPG Draft Opinion). This RSPG, with this Opinion, intends to "[d]evelop a long term strategy for the UHF band 470-694MHz including [and a]ssess the possible implementation of Wireless Broadband (WBB) in the 700MHz band in the EU [...] and develop relevant recommendations [...]". As AER represents commercially-funded radios, AER will make comments on points relevant to radio.

First, AER would like to make a short semantic remark on the definition of "audiovisual content" as defined in footnote 11. Audiovisual content is not, as defined in this footnote, "data which is intended and coded to be presented as video and / or sound", but "data which is intended and coded to be presented as video with or without sound". For instance, **radio whilst providing well-produced and well-edited content is not an audiovisual service**, as it doesn't included images<sup>1</sup>. AER would therefore suggest modifying footnote 11 as explained above.

Furthermore, AER would have two main remarks regarding possible reallocation of the UHF Band:

On the one hand, in many countries, radio and TV share the towers used for broadcasting. **As most commercially-funded radios across Europe are SMEs, migrating TV broadcasting from the current towers they are using may have an unsustainable cost for radio** (see remarks under section 6.1 of the RSPG Draft Opinion).

On the other hand, a potential reallocation of band 470-694MHz to other services than those currently using it, although not used by radio, could have indirect dire effects on radio: TV services may have to migrate to other frequencies and could end up using frequencies planned for radio, especially digital broadcast radio<sup>ii</sup>. The remarks contained in section 7.1 of the RSPG are thus quite worrying: “Even where the VHF Band III is available for DTT, it is often shared with digital radio broadcasting or other (non-broadcasting) services [...]”. This seems to imply that Band III could be an option to develop TV broadcasting activities, whilst this is the main (the only?<sup>iii</sup>) band used in Europe to develop digital broadcast radio. However, once Band L (1452-1495MHz) is allocated to IMT, **Band III (174-230MHz) will be the only band allowing digital broadcast development of radio, and cannot, under no circumstance, be devoted to other services.**

On-air broadcast radios reach massive audience on a daily basis in all EU Member States: approximately 80% of the EU population on average listens to radio for at least 2 or 3 hours per day, as shown by national audience measurement. Besides, it is still unclear how transmission of radio via the Internet can efficiently replace radio broadcasting<sup>iv</sup>. Therefore, radios’ activities do and will require use of spectrum, as a primary user.

This element is of utmost importance and entails that while terrestrial digital radio broadcasting most likely constitutes radio’s future main means of transmission, it is very difficult today to say when or how. In other words, AER would like to recall that:

- no universal switch-off date for analogue radio broadcasting services should be envisaged at EU level and decisions on standards to be used for digital radio broadcasting should be left to the industry
- decision on whether to proceed and the appropriate time-frame to migrate from analogue to digital radio broadcast technology should be left to each national industry
- Further coordination at EU level of spectrum management of the bands used by radio does not seem necessary or appropriate
- access to bands II and III for radio broadcasting will remain necessary for a harmonious development of digital radio across Europe
- maintaining exceptions to market-based approaches to spectrum management in bands II and III is equally essential

AER continues to support a multi-platform future for radio. As well as analogue broadcast streams and digital broadcast signals the inclusion of other digital means of transmission in radio receivers, such as internet reception, will help to ensure a continuing healthy radio market in Europe. Multi-standard solutions – which would allow all devices to listen to radio throughout the continent – is a positive signal for future developments.

**AER therefore strongly supports the following statements done at page 27 of the Draft RSPG Opinion:**

- **“RSPG recognises that the band 470-694MHz is mainly used for downstream audiovisual content distribution and recommends that it remains as such for the long term, even beyond 2030”**
- **“RSPG recognises the importance of the DTT platform and the need to provide certainty for investments in broadcasting infrastructure. Therefore RSPG recommends that the frequency band 470-694MHz shall remain available for DTT in the foreseeable future, i.e. 2030”**
- **“RSPG recommends that, when considering any options for the future usage of the frequency band 470-694MHz, aspects such as the requirements, technological developments, consumer behaviour, the importance of delivering free-to-air television and the various political, social, cultural and economic general interest objectives when this is achieved through the DTT platform, should be taken into account”**

*The various AER comments read above are further explained with the following background complementary information.*

### **Background complementary information:**

Radio is, and has been for the past 50 years at least, ubiquitous, mobile, simple-to-use, interactive and free-to-air. These features make it the most intimate medium and the most trusted medium<sup>v</sup>.

Commercially funded radios indeed constitute a unique network of small and medium-sized enterprises (SMEs), contributing as much as TV, if not more, to cultural diversity, media pluralism, access to creativity, social inclusion. They also offer free-to-air services of general interest:

- they evolve in highly competitive environments<sup>vi</sup>
- their programmes encompass, broadly speaking, all possible formats, from debates to music-only<sup>vii</sup>
- As for the music broadcast, within one market, as soon as there is demand expressed, it has to be fulfilled; so, most of the musical expressions are represented
- most of them are non-politically affiliated, and certainly keep the freedom to express their opinion or to participate to the public expression of the opinions of their listeners
- their audiences are local, regional, or national
- they strive to develop on all possible platforms
- during natural, major or minor disasters, radio is the first – and possibly the only remaining – tool to inform the public<sup>viii</sup>

FM on band II remains an efficient, simple-to-use and free-to-air technology for the vast majority of radio stations across Europe. This efficiency relates to the business-model: it is actually an essential part of the main business model for commercially-funded radio. Free-to-air FM broadcasting on band II only represents 20,5 MHz. Across Europe, nearly every single frequency is used in this bandwidth. Thanks to the broad receiver penetration and the very high usage by the listeners this small bandwidth is very efficiently used<sup>ix</sup>. Furthermore, by its free-to-air, free-to-online, widely-spread, mobile, simple and direct model, commercially-funded radio plays a general interest role for citizen information, cultural diversity, media pluralism, access to creativity, and social inclusion. It is fundamental not to forget that radio also plays another central general interest role. When there are catastrophes or other emergency situations, citizens naturally switch on their FM radio to be informed, advised or warned, and governments explicitly ask them to do so: FM radio is, for the time being, the most immediate, most efficient and technically most reliable means of mass communication; furthermore, it will still reach its audience even in the event of a power failure, as many receiver devices are powered by batteries<sup>x</sup>. Therefore, one cannot consider a complete migration to digital terrestrial broadcasting – and certainly not an analogue broadcasting switch-off date – before every car and every household can receive a digital signal, and are equipped by a sufficient number of digital receivers.

However, across Europe, plans to migrate from a satisfying analogue technology to digital technology are being actively discussed and tested: digitisation is the future of radio broadcasting, and digital terrestrial radio broadcasting will mainly use band III (174-240 MHz) in Europe. Markets will decide what is the best suited technology for digital radio broadcasting in Europe: a choice endorsed by listeners. A smooth transition from analogue to digital technology broadcasting is a significant challenge. There are indeed currently millions of FM-sets in the EU. Switching from analogue to digital broadcasting will represent an important cost and will take time for consumers: there is in Europe on average 6 FM-receivers per households<sup>xi</sup>. Listeners will also need to be made aware of the existence of digital radio programmes, via information campaigns<sup>xii</sup>. Finally, and basically: interesting content, produced by broadcasters, should also be offered to listeners. The latter will simply not make use of digital radio otherwise. Yet again, this requires time and money: extremely large investments are required in new networks for digital broadcasting. The most significant investments are nonetheless related to simulcasting of programmes at the same time via analogue and digital technologies.

As the situation stands now, the most likely scenario for the development of digital radio in Europe will take the form of a hybrid scenario: on-air commercially funded (and publicly funded) digital radio and internet-based radio will be part of the patchwork of transmission techniques for commercially funded radios in the future, but it is not easy to provide a reliable timescale. But, to be very clear: broadcasting is the only conceivable transmission technique enabling radio with a sustainable / efficient business-model. Therefore, as planned in previous ITU / CEPT negotiations, band II and band III should be preserved for radio broadcasting. It is therefore paramount to preserve radio's primary access to these bands.

Finally, and as most of commercially funded radios are SMEs, they are in no position to compete for access to spectrum with other market players. In addition, one of the main reasons supporting digital radio's development is the necessity to enable a more diverse radio landscape. So, now and for a foreseeable future, commercially-funded radios need guaranteed access to spectrum, in all bands described above: regulation must be tailored to local, regional or national needs in order to allow the best possible development of radio. In these bands, market-based approaches to spectrum management (such as auctions, service neutrality or secondary trading) should not be enforced<sup>xiii</sup>.

AER remains available to explain this position in further details.

ENDS

12/01/2015

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<sup>i</sup> Please see AER definition of radio: "Radio is a mixture of audio content which is well-edited and well-produced. Content is Free-To-Air / Free-To-Access, transmitted via wired or wireless means – such as, first and foremost, broadcast, but also cable, satellite or online – and typically consists of talk, stories, entertainment, news, music and surprises." For more information, please see various AER positions on the AER website, especially related to audiovisual, copyright and advertising.

<sup>ii</sup> E.g., in Finland, TV services are currently using on a "temporary basis" Band III, planned for digital broadcast development

<sup>iii</sup> Please see AER recent positions on the spectrum management, on the AER website

<sup>iv</sup> A study done by Teracom at the end of 2013 in Sweden shows that online radio cannot realistically replace broadcast radio, due to the necessary high costs and infrastructure developments:

<http://www.mynewsdesk.com/se/teracom/documents/teracom-white-paper-31336>

<sup>v</sup> Please see Standard Eurobarometer 80 from November 2013 on "media use in the European Union":

[http://ec.europa.eu/public\\_opinion/archives/eb/eb80/eb80\\_media\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb80/eb80_media_en.pdf)

<sup>vi</sup> For example, and bearing in mind that the amount of radios in a given country depends of course on its size: Spain now has more than 2000 frequencies used across the country; similar FM situations can be observed in France or Germany

<sup>vii</sup> To give just examples, please see:

- the French AER Member, SIRTl : <http://www.sirti.info/adherents/>

- the UK AER Member, RadioCentre: <http://www.radiocentre.org/membership/stations>

<sup>viii</sup> For example: When the UK was brought to a stand-still as heavy snowfall caused widespread disruption across Britain in early 2013, stations were staffed around the clock to bring listeners the latest information on school closures and transport issues. Jack FM Oxfordshire and Capital South Wales were just some of many stations who extended their breakfast shows to take listener calls and share closure information. For more information, please see here (.pdf pages 15 / actual 12 and following): [http://radiocentre.org/files/action\\_stations\\_web.pdf](http://radiocentre.org/files/action_stations_web.pdf)

<sup>ix</sup> As acknowledged in RSPG Report on the Future of Radio Broadcasting in Europe, p.7

<sup>x</sup> Please see endnote VIII. Commercially funded radios are indeed as much essential players of the society's response to major catastrophe as they are an important part of cultural diversity: FM radio must be considered a critical infrastructure

<sup>xi</sup> RSPG Report on the Future of Radio Broadcasting in Europe, p. 7

<sup>xii</sup> Besides, radio receivers need to be replaced much less often than TV receivers: a radio receiver often lasts a lifetime. The "fastest" rhythm for radio receiver renewal could be calculated on the renewal of car models, i.e. 15-20 years as a minimum

<sup>xiii</sup> From this perspective, and regarding especially service neutrality, AER would like to recall the importance of the exceptions stated in article 9§4 of Directive 2002/21/EC on a common regulatory framework for electronic communications (Framework Directive) following the review of the EU framework for electronic communications networks and services (Telecom Package):

"Unless otherwise provided in the second subparagraph, Member States shall ensure that all types of electronic communications services may be provided in the radio frequency bands, declared available for electronic communications services in their National Frequency Allocation Plan in accordance with Community law. Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of electronic

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communications services to be provided, including, where necessary, to fulfil a requirement under the ITU Radio Regulations.

Measures that require an electronic communications service to be provided in a specific band available for electronic communications services shall be justified in order to ensure the fulfilment of a general interest objective as defined by Member States in conformity with Community law, such as, and not limited to:

- (a) safety of life;
- (b) the promotion of social, regional or territorial cohesion;
- (c) the avoidance of inefficient use of radio frequencies; or
- (d) the promotion of cultural and linguistic diversity and media pluralism, for example by the provision of radio and television broadcasting services.”

As for secondary trading, one could envisage it in bands described in this position paper if obligations related to the use of spectrum are maintained, especially with regard to the service considered: broadcasting services could only be replaced by broadcasting services, or broadcast-related services