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EBU RESPONSE TO DRAFT RSPG OPINION ON A RSPP

A. BACKGROUND

The European Broadcasting Union ('EBU') is the world's leading alliance of Public Service Media ('PSM'). It is a not-for-profit organisation that represents 115 member organizations in 56 countries and 32 associates worldwide. PSM organizations are entrusted with the performance of a service of general interest, which consists of the provision of high-quality content and services that fulfil the cultural and democratic needs of the societies they serve.

The EBU and its Members welcome the opportunity to comment on the draft Radio Spectrum Policy Group ('RSPG') Opinion on a Radio Spectrum Policy Programme ('RSPP'). The EBU welcomes the draft Opinion and will comment only on relevant points for PSM.

B. COMMENTS ON THE DRAFT RSPG OPINION ON RSPP

1. INTRODUCTION

"Efficient use of radio spectrum supporting EU policies while maximising societal value is the overarching target." (page 2)

The EBU welcomes this key overarching target set by the RSPG which is well aligned with the EBU Members' mission to educate, inform and entertain EU citizens. To do so, our Members must reach (near to) every single citizen via a free at the point of consumption, reliable, and easy to use mode of distribution – this is an obligation set in each of our Members' remit across the EU. This proves to be even more essential in situations such as the COVID-19 crisis, when people need information they can trust. Furthermore, one should bear in mind that, in case of man-made or natural disasters, broadcast services are often the first, if not the only ones, able to reach citizens and deliver emergency messages. Terrestrial and satellite broadcast networks which rely on the radio spectrum are essential in achieving these objectives. At the same time, wireless broadband networks are increasingly used for access to audiovisual content, including television and radio. The EU spectrum policies should, in the EBU's view, enable the evolution of all these networks with the view to ensuring the universal availability of PSM content and services for all citizens across the European Union. EBU does not consider that one network shall replace another: different networks are complementary and all necessary to fulfill the universality remit of Public Service Media. Moreover, when several networks (for linear audiovisual content delivery) are available at the same location, they ensure continuity of service in case of outage.

2. STRATEGIC SPECTRUM ISSUES

2.1. Spectrum Sharing

"European Commission and Members States should [...] actively promote innovative spectrum sharing solutions to ensure greater spectrum efficiency, to enhance flexibility in spectrum access by following the "use-it-or-share-it" principle, and to support the development of spectrum pooling, while highlighting the need to consider the

competition aspects in assessing any specific case at hand, multi-tiered spectrum access approaches, including those assisted by geolocation databases or other ICT-based solutions.” (page 3)

Spectrum sharing aims to maximise access to radio spectrum for different users. At the same time spectrum sharing solutions need to provide sufficient certainty to the users to motivate innovation and investments.

A positive example of spectrum sharing is the UHF band (470-694 MHz) where Digital Terrestrial Television (‘DTT’) successfully shares spectrum with audio wireless PMSE (production services used for programme-making such as wireless microphones and talkback systems) and white space device applications. In some countries¹, PMSE licences can be obtained through a web-based interface and a database which allows dynamic access to the spectrum. This example shows how different services can share the same spectrum on an interference-free basis and therefore maximise the efficient use of the spectrum.

2.2. Licensing and Spectrum Awards

“Local networks could be provided by mobile operators, third-parties or directly by the local users themselves. The response to demand for local spectrum can be met through spectrum leasing (voluntary/mandatory), by dedicated spectrum allocations for local networks and/or by third party operated local networks.” (page 3)

Broadcasters and other PMSE users have a long track record of deploying and operating their own wireless network which can be local and permanent, but also temporary (i.e. from a few hours to several days) and / or nomadic (i.e. for touring performances). It is important to ensure timely and flexible access to adequate spectrum for such applications in the future, including for private networks based on new wireless technologies such as 5G.

While the EBU recognises that the solutions for local licences depend on the national situation and on spectrum availability, it would nonetheless be beneficial for the users if licensing regimes and spectrum ranges were harmonised across the EU, including for cross-border operations. For example, harmonised tuning ranges² across the EU for PMSE applications and, in the future for non-public local 5G networks, could be very helpful for content production companies. It would indeed enable economies of scale for equipment used in non-public 5G networks and benefit companies, including PMSE users that operate internationally.

3. SPECTRUM NEEDS AND SUPPORTING EU VISION / POLICIES

“In order to respond to European policy initiatives such as the Green Deal, Gigabit Society, Shaping Europe’s digital future (5G and beyond, 6G, resilient & secure communications), transport communications, Audio-visual Media, Member States shall, in cooperation with the Commission, aim at ensuring there is sufficient spectrum available for those policy areas based on spectrum needs.” (page 5)

The EBU very much welcomes the fact that the RSPG acknowledges the importance of audio-visual media amongst other key areas, and sets clearly that Member States and the European Commission should ensure that “there is sufficient spectrum available for those policy areas

¹ See information available here:

<https://www.apwpt.org/wp-content/uploads/2020/12/handoutfrequencies2020.pdf>

² For example, the tuning range concept is used in the: ERC Recommendation 25-10 ‘Frequency Ranges for the Use of Terrestrial Audio and Video Programme Making and Special Events (PMSE) applications’, <https://www.ecodocdb.dk/download/d3599aad-a5b6/Rec2510.pdf>

based on spectrum needs”. This should also be understood as safeguarding sufficient spectrum available for radio services, not only audio-visual media.

“The RSPG considered a policy target of making available at least 12 GHz of spectrum below 100 GHz (including already EU-harmonised spectrum) to promote innovative wireless services, including next generation mobile and wireless access systems (such as Wi-Fi). With initiatives well underway, there is in fact already more than 12 GHz of harmonised spectrum available for wireless services and no need to define any quantitative target in RSPP to respond to EU policies:

- RSPG confirms the need for inclusion of policy objectives supporting the development of innovative wireless services based on generic description rather than quantitative.

- In addition, as has been done recently for 5G, the RSPG can develop long-term spectrum availability plans including needs for harmonisation initiatives for key EU policy areas upon request.” (page 5)

It is indeed important to recall that “[w]ith initiatives well underway, there is in fact already more than 12 GHz of harmonised spectrum available for wireless services and no need to define any quantitative target in RSPP to respond to EU policies”. The EBU welcomes this statement. It is crucial that the spectrum already allocated for these services is made available and used effectively in each Member State.

3.4. Broadcasting and PMSE

“RSPG is of the view that the future of broadcasting and PMSE in regard of the UHF Band 470-694 MHz shall not be subject of a new RSPP [...]. The UHF 470-960 MHz band is on the agenda for the upcoming WRC23 conference and RSPG intends to provide a recommendation to the EC on an EU position accordingly in its opinion towards WRC23. The current Council and European Parliament Decision is providing legal certainty until 2030 to terrestrial broadcasting including conditioned national flexibility.” (page 7)

In the light of RSPG’s view on this issue, we would like to highlight the crucial importance of the UHF band (470-694 MHz) for the creative and cultural sector, including European broadcasters. This frequency band is essential in order to ensure free access to PSM content and services via terrestrial broadcast networks. It is also indispensable for audio PMSE services which are used not only by broadcasters but also by a wider audio and audio-visual production sector, creative industries, education, and community services. The EBU is of the view that the importance of the UHF band for European broadcasters should be reflected in the RSPG draft Opinion on the WRC-23.

Indeed, it is essential that the currently available spectrum for broadcast organisations is upheld. Some 250 million persons access AV services in a linear manner via Digital Terrestrial Television for 3h30 per day³. Terrestrial broadcasting indeed enables PSM to reach all citizens with free-to-air content of general interest: once the broadcast reception device is bought, no other expense, no subscription and no registration is required to access content – and its cost

³ Data quoted by BNE at 2021 Forum Europe Conference on 5G, Session 9: “New bands / new connections – what new frequencies could offer connectivity for 5G and beyond?” 25 February 2021. See also: EBU [AUDIENCE TRENDS TELEVISION 2020, July 2020](#), and for instance, more than 90% of the Italian population accesses TV through DTT platform (“Ugo Bordon” Foundation - official reference document available only in Italian at the link <https://www.mise.gov.it/images/stories/documenti/Report-scenari-diffusione-TV-marzo-2020.pdf>), and at least 68% of the French population accesses TV through DTT platform (data from Forum Médias Mobiles presented in February 2021)

is predictable and does not increase as audience grows. When it comes to spectrum used by broadcasting organisations and PMSEs, namely the sub-700 MHz band, its use is set at Article 4 of the EU UHF Decision, which foresees⁴ stability “at least until 2030”. Adding these two words, whilst reflecting the legal state-of-play at EU level, would also reflect the current trend.

4. SPECTRUM GOVERNANCE

4.4. Standardisation and spectrum governance

“The RSPG supports the promotion of adequate receiver performance and recognises that specifying relevant radio receiver parameters becomes increasingly necessary to facilitate the introduction of future systems, to extend sharing opportunities and to ensure efficient spectrum management.” (page 10)

Action to promote adequate receiver performance to facilitate sharing opportunities should be the matter for both the incumbent and the new entrant. The latter should also design their receivers’ performance in a way to allow sharing with the incumbent (see comment under 2.1.). Regulators have the important role to ensure that equipment specifications are in fact implemented before devices are put into the market.

6. OTHER POLICY AREAS WITH SPECTRUM DIMENSION

6.2. Green Deal / Climate change

“The RSPG supports the policy objectives to reduce the Union’s carbon footprint, goal of zero emissions of EU economy, digitalisation/automation economy sectors by enhancing the technical efficiency and energy efficiency of wireless communication networks and equipment.” (page 12)

The EBU supports the efforts to reduce the environmental impact of the ICT and broadcasting sectors. Broadcast and multicast technologies could contribute to this goal in particular where the same content is to be distributed to large number of users audiences (e.g. linear radio and TV, massive software updates, some automotive applications). For instance, terrestrial and satellite broadcast distribution has significantly lower energy footprint than alternative distribution methods and are therefore preferable from a climate change perspective⁵. Their use requires continued access to the relevant frequency bands.

In order to maximise energy efficiency, the RSPG could recommend that the EU Commission develops guidelines on access to linear AV or radio services: where these services are available both on DTT / broadcast radio and other platforms with equivalent quality, user devices shall prefer and automatically choose the DTT / broadcast radio signal.

⁴ “Member States shall ensure availability at least until 2030 of the 470-694 MHz (‘sub-700 MHz’) frequency band for the terrestrial provision of broadcasting services, including free television, and for use by wireless audio PMSE on the basis of national needs, while taking into account the principle of technological neutrality. Member States shall ensure that any other use of the sub-700 MHz frequency band on their territory is compatible with the national broadcasting needs in the relevant Member State and does not cause harmful interference to, or claim protection from, the terrestrial provision of broadcasting services in a neighbouring Member State. Such use shall be without prejudice to obligations resulting from international agreements, such as cross-border frequency-coordination agreements.” 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:

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017D0899&from=en>

⁵ See BBC study : <https://www.bbc.co.uk/rd/blog/2020-09-sustainability-video-energy-streaming-broadcast>

“The RSPG invites the European Commission to take energy efficiency and other climate related aspects into account when funding research within the wireless sector.” (page 13)

As mentioned earlier in these comments, broadcast technologies have a significantly lower carbon footprint than broadband technologies in the distribution of linear content. As linear content will stay relevant and with an important consumption in the coming years, the broadcasting sector should benefit from EU funding for developing new technologies.

6.5 Pandemic response

“The RSPG recommends that lessons learned and experiences gained have to be acknowledged and included in a new RSPP to promote the role of wireless connectivity for the functioning of our economy and society during all sorts of crisis, in particular during a pandemic period and subsequent recovery.” (page 14)

The COVID-19 pandemic showed the importance of connectivity (fixed and wireless) to enable homeworking, contacts, and exchanges during lockdowns. At the same time, the need for information lead to an increase in linear audio-visual content consumption. It is then of the utmost importance to ensure that both internet traffic and linear AV content can reach the users in a reliable way without network congestions, and using any available network.

6.6. Audio-visual Media Policy

“- The RSPG recommends/recalls that any initiatives to be taken on an EU-level encompass all the different dimensions. The overall objective is to strike a balance to the benefit of consumers/users in all Member States.

- The RSPG supports smooth transition to new technologies and convergence of services.

- The RSPG supports technology/service neutrality to accommodate new innovative applications while ensuring the EU population free access to linear broadcasting content over different platforms.” (page 14)

The EBU especially welcomes all three points concerning the audio-visual media policy. The EBU recalls that linear broadcasting content remains the most common way to access audiovisual media and radio content in the EU. The on-demand and online access has been growing in recent years and is complementary to linear viewing and listening.

It is key that access to content of general interest remains free at the point of consumption, available to all, in optimal quality and easy-to-use. Whilst this is ensured with terrestrial and satellite broadcasting, many obstacles (such as cost associated with access, gatekeepers, vulnerability to platforms' action on one's own content, platform media literacy, inability to find content, etc.) are still present for EU citizens when accessing PSM services online.

It is also key that the production of PSM content, sports, theatrical, musical and political events, remains ensured with the use of wireless audio and video devices beyond 2030, while allowing new innovative use cases and applications. It is important to consider that these events, which maximize societal value, are covered by many production companies simultaneously, on short notice, in any location and of any scale.

Broadcast technologies and networks will continue to be important for free access to linear services, both radio and TV and the EU spectrum policy should support their technological evolution. Several EBU Members e.g. are running tests based on 5G broadcast technology.

C. PROPOSED NEW POINTS TO BE ADDRESSED BY RSPP

One additional point not addressed in the RSPG draft Opinion, is that the efficient use of radio spectrum requires an effective management of both the electromagnetic interference and the increase of radio noise, including from non-radiocommunications devices. In this respect standardisation, market surveillance and enforcement need to be addressed by EU regulation.

For further information, please contact:

Elena Puigrefagut at puigrefagut@ebu.ch

Ausra Semenienė at semeniene@ebu.ch

Vincent Sneed at sneed@ebu.ch