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## **Comments from the EBU on the**

### **RSPG Public consultation on Wireless Access Platforms for Electronic Communications Services (WAPECS)**

**Consultation question 1: Do you agree with this operating definition of WAPECS? Do you consider that the WAPECS concept should include spectrum intended for private, as well as public, applications?**

We are concerned that the definition of WAPECS is impractically wide. It includes many services of very different natures from technical, content and public interest points of view. It is clear that the services included have some convergent features, such as the use of mixtures of video, audio, and graphics, but they are very different in nature. Traditional broadcasting is a one-to-many service which maximises the population covered while minimising the network structure. This goal is achieved by using high power transmitters forming a low density network, though, in some cases, low power transmitters are also used to complete the coverage. Traditional mobile services are one-to-one services which use low power transmitters forming a dense network.

Broadcasters are introducing digital technology. It will improve spectrum efficiency and flexibility. Moreover, digital technology will allow new applications to be broadcast which will enhance traditional radio and television broadcasting ("multimedia broadcasting" or enhanced television and radio). These applications will make broadcasting more useful and attractive to users. They are already widely available via satellite and cable platforms, and they need to be available on all platforms.

Having dedicated frequency bands for broadcasting facilitates frequency planning, which is very complex and difficult, and consequently brings spectrum use efficiency. Having a frequency allocation for 'WAPECS', which includes very different types of services and applications, would make frequency planning even more difficult.

Management of the interference between different WAPECS applications would be essential for frequency planning. If WAPECS operate on an unlicensed basis this may be very difficult.

Concerning innovation, the EBU agrees that flexibility is needed to allow for new services. However, it should be noted that the current spectrum regulations (which already include a degree of flexibility for spectrum trading and liberalisation) have already allowed the allocation of spectrum for new digital technology (T-DAB, DVB-T, DRM), for GSM and UMTS services, etc.

In addition, and very importantly, current frequency planning for digital broadcasting foresees the use of techniques such as 'allotment' planning and the 'mask' concept, which will in turn allow the use of the spectrum by other services, provided they do not create more interference than the planned broadcasting service, and they do not request more protection. This approach to flexibility has proved very workable and successful, and is a good model to follow in future.

The specific character of the public service broadcasting sector needs to be taken into account.

Public service broadcasters (PSBs) are entrusted with a public service remit and provide services of General Economic Interest and . The remit includes elements such as encouraging national culture, social cohesion and providing reliable, unbiased information and varied and balanced programming for all sections of the population. PSBs in Europe are also required to approach "universal" coverage, which means that public service programmes should be available to virtually every citizen throughout the national territory. To meet their mission PSBs need adequate radio spectrum for transmitting their services both now and in the future.

**Consultation question 2: Do you consider that the term “platform” should be more closely defined? If so, what definition do you propose?**

There does not seem to be a case for a further definition of WAPECS to cover broader converging applications. See also the answer to Consultation 1.

**Consultation Question 3: What, if any, constraints should there be on the provision of services using spectrum primarily in the broadcast domain?**

Within the broadcasting domain, Band III (174 - 230 MHz) and Bands IV/V (470 - 862 MHz) are part of the Regional Radio-communications Conference that will build the new Plan for digital broadcasting for Europe. These bands are currently used by terrestrial analogue television. Some European countries have already started digital transmissions. However, analogue switch-off may take many years, depending on each country's decision. In the meantime, digital and analogue television have to coexist in a spectrum which is already very crowded<sup>1</sup>. The Conference may adopt rules which will enhance flexibility (the mask concept and allotment planning) to allow for other services (see also the answer to Consultation 1).

The switchover to digital broadcasting is already going to be extremely complex, and adding to the complexity would be unrealistic. Having digital broadcasting included in convergent platforms could enhance the success of digital technology - but that should not mean access to the broadcasting bands, and in particular the UHF and VHF bands, for non-broadcasting services. Changes in the regulation of the broadcasting spectrum should have a positive and not a negative impact on viewers and listeners.

Careful interference management is a requirement to ensure spectrum use efficiency.

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<sup>1</sup> On a secondary basis SAB/SAP applications are also using the same bands, in some countries parts of those bands are also used by other services.

The specific character of public service broadcasters also needs to be taken into account. It is essential to consider their public mission of universal coverage, and the need for adequate spectrum to fulfil their mission.

**Consultation Question 4: What specific rules should be introduced or maintained to safeguard the delivery of Services of General Economic Interest in the future? Is it most appropriate to deal with these issues through the regulation of spectrum, or through other instruments such as competition law or state aid policy?**

Public service broadcasters provide services of General Economic Interest. The rules necessary to safeguard their delivery must include and allow adequate access to spectrum for broadcasters. The allocation of spectrum specifically for broadcasting in broadcasting bands, with the flexibility to provide new broadcast services within the same interference windows, seems to be the best way to guarantee services of General Economic Interest.

Appropriate rules are also necessary to ensure that first-come first-served rules do not prevent neighbouring countries with a slower technical and economic development from having equitable access to the spectrum.

In the case of broadcasting, international plans should be adhered to to ensure that equal opportunities are given to all countries (equitable access to the spectrum) and that interference and compatibility issues are respected. A country should not limit the possibilities of its neighbours.

As explained in the EBU's reply to the public consultation 'Study on conditions and options in introducing secondary trading of radio spectrum in the European Community' (May 2004), under certain conditions spectrum trading and liberalisation have value, but this must be as a complement to the existing spectrum management tools, and should not be the primary tools to be used. Spectrum is such a precious and limited national resource that it cannot be driven by market economics alone.

Additionally, specific rules should be developed to ensure interference management.

It should be noted that the current national regulation agencies have managed the introduction of new technologies in the spectrum available, while at the same time preserving international agreements and national requirements.

More generally, competition law and State aid rules are not sufficient to safeguard the delivery of Services of General Interest.

**Consultation Question 5: How do you think changes in spectrum policy will impact on the requirement for standardisation? What policy will best ensure the timely availability of standards?**

The introduction of WAPECS may generate the need for new standards, but flexibility will complicate standardisation. The possibilities for interference will also increase substantially.

Another consequence may be that 'horizontal markets' (which are normally linked to standardisation) may be more difficult to achieve. Manufacturers will be less able to sell equipment to consumers if there is no guarantee of the continuity of the service or system. The link between service and hardware will become stronger, as is already the case for mobile communications. Vertical markets can be a limiting factor for competition, which means that undue flexibility could reduce competition.

**Consultation question 6: Are there any other challenges that the RSPG should consider?**

See the answer to Consultation 1.

**Consultation question 7: What is your view on the above-mentioned issues and more specifically on how to achieve the right balance between “minimising and harmonising constraints” presented above?**

View on Point 6

There are millions of DVB-T receivers, which have been purchased by consumers, and serve them well. If technology neutrality is introduced, we need to ask what would this mean for the customers. Interference will depend on the interferer system.

View on Point 7

Public broadcasters have an obligation to provide a near-universal service and they would have to cope with any interference. Would the public be willing to pay the additional costs?

View on Point 8

European harmonisation is only possible if there are harmonised possibilities for content. This needs to be solved before discussion of harmonised spectrum for content.

**Consultation question 8: Are there any other long term policy goals that the RSPG should consider?**

After the analogue switch-off, there may be a digital dividend in terms of spectrum use. The amount and the location will depend on each country. The use of any 'digital dividend' must take note of the needs of digital broadcasting to provide an interesting and relevant offer for the modern world. For example, many countries are considering the possibility of HDTV broadcasting. Long-term policy goals should be to enable the development of broadcasting services in line with technology and public needs.