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Spectrum Implications of Switchover to Digital Broadcasting

Response made by Eurocinema to the request by the European Commission to the
Radio Spectrum Policy Group

1. Eurocinema is a business association representative of audiovisual and cinematographic producers.

Audiovisual (TV) market is a key market for audiovisual and cinema producers, since it is the first market for distribution and broadcasting of film and TV fiction.

In this context, Eurocinema is sensitive to every particular sectorial involvement affecting more or less the framework of the audiovisual system.

2. Eurocinema thanks the Commission for giving her the opportunity to comment the spectrum implications of switchover to digital broadcasting.

Eurocinema does not intend to answer all questions but to address the specific question of "Spectrum dividend"

- a) Spectrum dividend is made possible by the fact that allowance of new frequencies would be available due to the switch off from analogical to digital technologies. The first condition is when the switch off from analogical to digital will take place.
- b) Eurocinema worries that an increasing number of States are interested to enlarge the use of frequency bands – presently devoted to broadcasting services – to telecommunications services.

As a matter of facts, frequency band III and band IV cover broad zones of transmission from one single point of emission.

- c) Eurocinema assumes that before acting in this way, it would be advisable to make sure that **needs** for audiovisual services are **correctly covered**.

In the allowance of the spectrum dividend, **priority** must be given to the eventual needs for broadcasting developments for actual and future needs.

- d) Actual and future need for audiovisual services – that potentially exist – are :
- Hertzian terrestrial networks improvement
 - Interactivity of new audiovisual services
 - High Definition TV
 - Broadcasting data's services
- e) The switch off from analogical to digital services and the use of the spectrum dividend must take into account, not only technical background but also incorporate basic principles related to media regulation such as :
- Content pluralism,
 - financing and subsidising of cinematographic and audiovisual productions,
 - audiovisual public services obligations.
- f) Level playing field may be different from one Member State to another. For example, Member States using cabledistribution to provide audiovisual services are not in the same situation that Member States providing audiovisual services with hertzian terrestrial reception.
- g) Costs of audiovisual services are incorporating direct or indirect costs such as:
- production and broadcasting obligations (production subsidizing, broadcasting quotas...),
 - "universal " service ,
 - service public obligations (compulsory content such as information related to political – religious opinions...).
- This point has to be taken into account in the final package of decisions.
- h) Eurocinema thinks that a stand still has to be introduced; migration of spectrum frequencies from audiovisual services to telecommunications services **must be justified**. The need for such migration must incorporate some objective criteria's such as social needs (information and culture need interaction) and not only technical criteria's, in order to serve general public interest objectives.
- i) Eurocinema stays at the disposal of the Commission for further information related to the present position.