

## Public consultation on the draft RSPG Opinion on the Digital Dividend.

### Comments from the Flemish, French and German speaking Communities from Belgium, Brussels 30<sup>th</sup> of June 2009

With this paper the Belgian Communities want to give their views on the draft RSPG Opinion on the Digital Dividend and also draw the attention to the specific Belgian situation. The fact that the Communities give comments to the draft RSPG opinion on the digital dividend doesn't mean that they accept the principle of a sub-band for mobile services in the frequency band 470-862 MHz.

#### I. Introduction.

In Belgium the three Communities based on the language (i.e. the Flemish, French and German-speaking Communities) are competent for broadcasting<sup>1</sup>. This means that in principle the frequency band 470-862 MHz is managed by the Communities for broadcasting applications.

#### II. Specific comments on the draft RSPG Opinion on the Digital Dividend.

The Belgian Communities have the following specific comments on the draft RSPG Opinion on the Digital Dividend.

1. The proposed 'sub-band' 790-862 MHz is part of the 470-862 MHz band and Member States can still decide to continue to use this 'sub-band' for broadcasting services. As a consequence preference goes to the designation '790-862 MHz' band instead of the '800 MHz' band. This remark is valid for the whole proposed draft opinion.
2. To maintain neutrality between mobile and broadcasting services a reference should also be made to those broadcasting services. The proposal is to complete the second paragraph of section '1. Introduction' as follows:

*'This RSPG Opinion focuses on that part of the digital dividend which may also be used for electronic communication networks (ECN) and electronic communication services (ECS), other than broadcast transmission networks and services, i.e., the sub-band 790-862 MHz noting that CEPT is tasked by the EC to carry out the technical investigations to define the least restrictive technical conditions applicable for this sub-band. At a national level some Member States may also continue to use the sub-band 790- 862 MHz for broadcasting services. It is foreseen that in bands below the 790-862 MHz band, i.e., 174-230 MHz and 470-790 MHz, the digital dividend will be used mainly for the development of new enhanced broadcasting services which will also bring significant benefits to society in terms of the value to the industry and consumers. At a national level some Member States may also use the digital dividend below the 790-862 MHz band for ECN and ECS, other than broadcast transmission networks and services. However, this is not studied in this RSPG Opinion'.*

3. On the CEPT report 22 concerning 'Technical feasibility of harmonising a sub-band of band IV and V for fixed/mobile applications (including uplinks), minimising the impact

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<sup>1</sup> The federal authority is responsible for the programs of broadcasting which cannot be considered as belonging exclusively to one Community in the region of Brussels.

on GE06' reservations from three EU countries were received, under which a reservation from Belgium.

Therefore we propose to mention this in the third paragraph of '2.Background' of the present draft RSPG opinion. The third paragraph could then read as follows:

*'It also invited the EC to initiate studies and consultations necessary to define a coherent basis for the coordinated usage of spectrum on a non-exclusive, non-mandatory basis and to recognise previous advice by both the RSPG and CEPT that harmonisation of a sub-band of the UHF band for mobile communications is feasible provided that it is on a non-mandatory basis. However reservations from three EU countries were noted on a report concerning the feasibility of harmonising a sub-band of bands IV and V for fixed/mobile applications (including uplinks), minimising the impact on GE06. The EC has proceeded through mandates to CEPT and by commissioning studies on specific issues.'*

4. As broadcasting networks in different EU countries –given RRC-06 rights- can be implemented in different ways and completely technical specifications of mobile service networks and terminals are not yet known a fully coordinated approach of the 790-862 MHz band throughout Europe may not be possible. As a consequence we propose to adapt the first paragraph '3.2 Benefits of a coordinated availability of the 790-862 MHz band throughout Europe' as follows:

### **'3.2 Benefits of a coordinated availability of the 790-862 MHz frequency band throughout Europe**

*Economies of scale seem to be realised for industry and benefits for society if Member States cooperate on issues such as making available similar frequency ranges, channelling arrangements and technical conditions. Coordinated use of the 790-862 MHz band would also facilitate roaming. On the other hand if Member States take a unilateral approach there is a significant risk of fragmentation of channelling arrangements and technical conditions which could have consequent costs resulting from smaller markets. However given certain rights resulting from the GE06 plan a fully coordinated/harmonised approach seems to be impossible.'*

5. In section '4.1 Range of services' the first two sentences read as follows: 'Significant benefits to society can be realised through the introduction and availability of new and enhanced ECN and ECS in the 790-862 MHz band. These span a considerable range, including digital broadcasting, wireless broadband and mobile multimedia services'. It seems therefore more logical that the third sentence reads as follows:

*'Therefore, the RSPG is of the opinion that it should be left to the Member States to apply or not the WAPECS principles to the 790-862 MHz band while recognising that Member States may maintain broadcasting use in all or a portion of the band.'*

Indeed it should be left to the Member States to decide autonomously if they apply the concept of WAPECS.

6. Interference is a very important issue in the discussion of use of the band 790-862 MHz by mobile services. It is extremely important that broadcasting is not interfered by mobile services. This is not only true for broadcasting via the terrestrial platform, but also for broadcasting via cable networks. Therefore we propose to complete the second sentence in section '4.2. Availability of dividend spectrum in the 790-862 MHz band on a coordinated basis' as follows:

‘Industry will also face challenges, including developing appropriate equipment standards and dealing with issues of convergence in services **and interference issues.**’

As broadcasting networks in different EU countries –given RRC-06 rights- can be implemented in different ways and completely technical specifications of mobile service networks and terminals are not yet known a fully coordinated approach of the 790-862 MHz band throughout Europe may not be possible (see also point 4). As a consequence we propose the following changes to the second paragraph of section ‘4.2. Availability of dividend spectrum in the 790-862 MHz band on a coordinated basis’:

*‘As noted in Section 3, economies of scale **seem** to be realised for industry and benefits for society if Member States cooperate on issues such as making available similar frequency ranges along with similar channelling arrangements and technical conditions. On the other hand if Member States take a unilateral approach there is a significant risk of fragmentation of channelling arrangements and technical conditions which could have consequent costs resulting from smaller markets.*

***Given certain rights resulting from the GE06 plan a ‘fully’ coordinated/harmonised approach seems to be impossible’***

7. To maintain neutrality between mobile and broadcasting services a reference should also be made to those broadcasting services in the section about the opinion of the RSPG. Therefore we propose to complete point 1 in the section ‘7. The opinion of the RSPG’ as follows:

*‘The RSPG recommends that the EC should assess the advantages and disadvantages of options for a coordinated non-mandatory EU approach to the availability of the **790-862 MHz band for ECN and ECS, other than broadcast transmission networks and services and also should assess the advantages and disadvantages for a continued use of the 790-862 MHz for broadcasting services**’.*

8. Not only at CEPT level but also at ITU level studies are ongoing concerning the sharing between mobile service and the other services in the band 790-862 MHz. The results of these studies will be considered at the next World Radio Conference probably taking place in the beginning of 2012. As a result urgent actions on the recommendations contained in the draft opinion seem not to be necessary.

In the light of the above mentioned studies at ITU level we propose to adapt point 2 in section ‘7. The opinion of the RSPG’ as follows:

*‘The RSPG recommends that the EC act on the recommendations contained in this Opinion **beginning 2012** in order to minimise EU level uncertainty in the ability of Member States to make available the 790-862 MHz band in order to promote growth, competition and innovation in the provision of ECN and ECS **but also recognising the ongoing studies at ITU level whose results will be available at WRC-11/12;***

9. In the light of the above mentioned point 5 we propose the following changes in point 3 in the section ‘7. The opinion of the RSPG’ :

*‘The RSPG recommends that the EC, **in accordance with the principle of subsidiarity, leaves it to** the Member States who are making available the 790-862 MHz band for new and/or enhanced ECN and ECS to **make the choice of applying or not** WAPECS principles, recognising that Member States may maintain broadcasting use in all or a portion of the band’*

10. CEPT report 22 concerning ‘Technical feasibility of harmonising a sub-band of band IV and V for fixed/mobile applications (including uplinks), minimising the impact on GE06’ came to the finding that ‘the harmonisation of a sub-band of the UHF band for mobile communication applications (i.e. including uplinks) is feasible from a technical, regulatory and administrative point of view, provided that it is not made mandatory and any decision about use of the harmonised sub-band is left to individual administrations, within the framework of the GE-06 agreement, and without prejudice to existing national licence obligations’. In the light of this finding of the CEPT the potential harmonisation of a sub-band in the EU doesn’t seem to be necessary. A sub-band is thus only possible if Member States give up voluntary GE-06 rights and the specific bilateral agreements between Member States concluded during the GE-06 conference.

Also freedom should be left to Member States to add specific technical conditions if necessary to take into account national/local situations.

In the view of the above there is the following proposal for point 4 in the section ‘7. The opinion of the RSPG’:

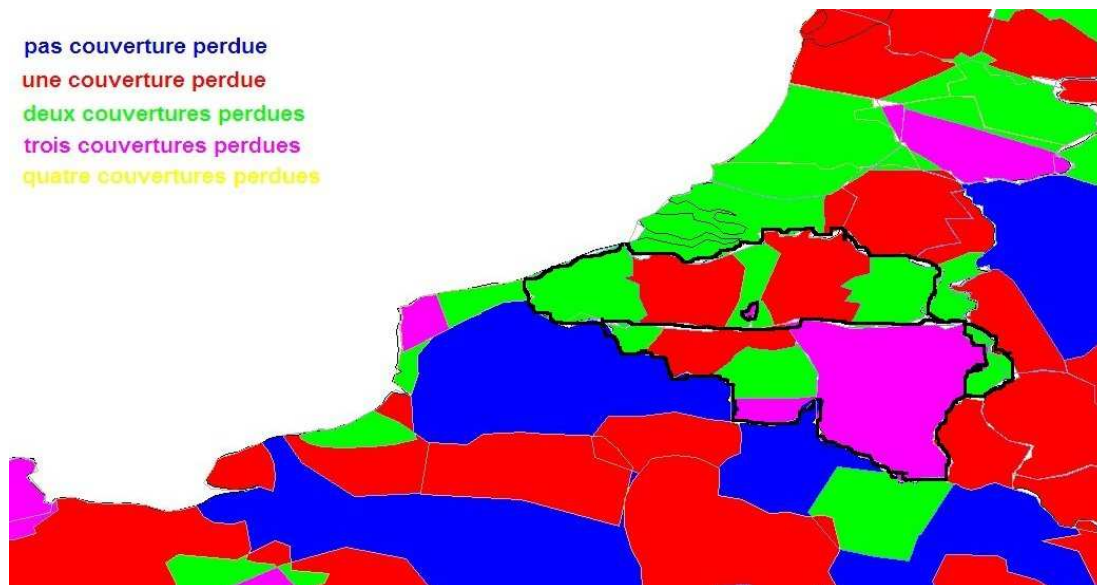
*‘The RSPG recommends that any EU **proposals of** technical elements such as channelling arrangements and common and minimal (least restrictive) technical conditions **should** be based on the outcome of the CEPT work in response to relevant EC mandates **and relevant ITU studies in the light of WRC-11, taking into account national/local characteristics**’*

11. In the light of the neutrality between mobile and broadcasting services it seems to us that point 7 in the section ‘7. The opinion of the RSPG’ is not relevant and thus can be deleted.

### III. Specific situation in Belgium.

GE-06 Plan has been built up on the basis of the principle of equitable sharing of the spectrum between States. Each State has about seven layers to cover its territory. Nevertheless, the spectral distribution of plan entries is not uniform all over band IV/V, and this distribution varies from country to country. The reservation of the 790-862 MHz band for ECN and ECS would therefore constitute a breach of this principle of equitable sharing, as far as it would create deeper holes in certain regions of the EU, like Belgium.

To be more explicit, the following figure shows the number of layers lost in Belgium under the hypothesis that the 790-862 MHz band is reserved for ECN and ECS.



From this figure it follows that:

- the situation is particularly critical in the French Community of Belgium, where three layers would be lost on more than half of the territory. We must also add that recovering extra layers is particularly difficult in this region, due to the presence of 4 neighbouring countries which creates strong coordination constraints.

- the Flemish Community will lose up to 1.5 layers under which a complete coverage of this Community. Also here it will be very difficult to recover those layers due to the dense GE06 planning and the geographical situation (i.e. many neighbouring countries) which result in heavy frequency planning constraints.

- the German-Speaking Community will lose, with this hypothesis, 2 complete layers from 6. Due to the geographical and boundary situation and the first reuse of channels, recovering isn't possible without help of the neighbouring countries, where most of layers are already on air, so that the possibility of a re-planning will be in fact quasi impossible.

For a little Community, a satellite distribution is too expensive and is not a realistic alternative. Moreover, the only cable operator reaches only 44% of the households, with a basic network, and risks to desert this rural Community.

The difficult topographical situation should also be considered, with altitudes from 250 to 700 meters. Programs need to be broadcasted locally on DVB-T to have an acceptable quality reception in this region.