

VPRT comments
on the RSPG Opinion on the Digital Dividend
(13 May, 2009)

The Association of Private Broadcasters and Audiovisual Services (VPRT) represents the interests of approximately 160 companies operating in the fields of commercial television, radio and multimedia.

A) General remarks

The Radio Policy Group (RSPG) has published a draft opinion on the use of the Digital Dividend. The RSPG proposes an EU coordinated approach for the 800 MHz band, which may be used for electronic communication networks (ECN) and electronic communication services (ECS). VPRT supports an EU coordinated approach as long as it aims to avoid cross-border interference. However, we would like to stress once more that frequency allocation is in the competence of the Member States. In this context VPRT welcomes that any coordinated approach should be on a “non-mandatory” basis [7.1, S. 11f].

Furthermore, VPRT welcomes that RSPG focuses only on the spectrum of the 800 MHz band and that the spectrum below 790 MHz is not part of the aimed coordination. RSPG rightly points out that the spectrum below 790 MHz will be used mainly for the development of new enhanced broadcasting services (i.e. DVB-T2, DVB-NGH). Having said that, we would like to stress the importance of guaranteeing interference-free broadcasting services, when using the frequency spectrum below 790 MHz. Therefore we ask not to launch ECN/ECS below 790 MHz.

B) Specific remarks

The RSPG names three elements for a common framework of the 800 MHz band: 1. developing the technical elements, which may be used by European countries making the 800 MHz band available for ECN and ECS, other than broadcast transmission networks and services; 2. encouraging Member States to make the 800 MHz band available, where appropriate, in accordance with those technical elements; and, 3. encouraging Member States to enter into frequency coordination agreements.

1. Technical Elements

VPRT welcomes the development of technical elements on the basis of the CEPT results. In our point of view the channeling arrangements should include the issue of different interference level of the down-link and the up-link. We agree to set common and minimal technical conditions that are sufficient to avoid interference and facilitate cross-border coordination. In our point of view this includes that the interests/rights of all users, including the PMSE services, have to be respected. [3.1, S. 6; 7.4, S. 12]

2. Making the 800 MHz band available

On 12 June, 2009 the German *Länder* have made an important decision regarding the use of the Digital Dividend. In the foreseeable future Germany will clear the 800 MHz band for other services such as mobile broadband. The broadcasters' significant contribution must be taken into account by ensuring a transmission of their services free of interference. [3.2, S. 6]

3. Frequency coordination agreements between member states

It must be ensured that the broadcasting use of the frequencies above 790 MHz is not interfered with by early established ECN/ECS. At the same time, also interference-free broadcasting in the spectrum below 790 MHz must be guaranteed. [3.3 S. 7]

- *Other services in the 800 MHz Band:* ECN/ECS should only start when all current users have made this spectrum available. As rightly mentioned by the RSPG, the issue of the Program Making and Special Events (PMSE) services has still not been solved. Before launching ECN/ECS, alternative frequencies have to be found for the PMSE services and coordinated between Member States. [4.1, S.7 f.]
 - *Timeframe:* As mentioned before, an EU-wide coordination can only be effective if the 800 MHz band is available. VPRT asks to take the different time-scales of the Member States, as well as PMSE services, which have the right of use until 2015, into account. If one Member State starts with ECN/ECS while in the neighboring state is still using the spectrum above 790 MHz for broadcasting services, significant interference would occur. Against this background VPRT would suggest not to propose a date for the EU-Commission to act. [4.3, S. 8 f, 7.2, S.12]
 - *GE06:* VPRT agrees that it may be necessary for individual Member States to reach new frequency coordination arrangements with their neighbours. If this is the case it has to be ensured that those arrangements do not lead to any disadvantage for broadcasters. [4.4, S. 9 f.; 7.5 & 7.6, S. 12 f.]
 - *Cost of Clearing the 800 MHz band:* VPRT welcomes that RSPG also addresses the issue of arising costs. Broadcasting industry has significantly invested in the analogue-digital-switch over. It must be ensured that broadcasters will not face any additional costs in the course of clearing the 800 MHz band. In this context, we would like to mention that Germany has recently guaranteed to cover the costs for clearing the 800 MHz band. [4.5, S. 10 f.]
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VPRT requirements:

- The EU coordinated approach must not lead to any harmonisation of frequency-allocation.
- The EU coordinated approach must take the timetable of the Member States into consideration. In order to avoid any interference of broadcasting services, the 800 MHz band has to be cleared completely before launching new services as ECN/ECS.
- Any establishment of ECN/ECS services below 790 MHz has to be avoided as this will mainly be used for the development of new enhanced broadcasting services.

Berlin, June 2009
