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DLM Comments to the RSPG Draft Opinion on the Digital Dividend

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The Director's Conference of the German Regulatory Authorities for Private Broadcasting (DLM) is grateful for the opportunity to present its comments on the Radio Spectrum Policy Group's (RSPG) Draft Opinion on the Digital Dividend.

I. Focus on sub-band 790-862 for the flexible use of the Digital Dividend

DLM welcomes that the draft opinion on a EU-approach to a coordinated use of the digital dividend focuses on the sub-band 790-862 as that part of the digital dividend which may be used by services other than broadcasting. DLM agrees that in bands below the 800 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. For reasons of subsidiarity, each Member State shall be able to decide how to use the digital dividend below the 800 MHz band.

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II. Coordinated EU-approach to the 800 MHz band

1. Non mandatory approach

DLM shares the recommendation from the Council¹, RSPG and CEPT that any coordinated approach for the use of the 790-862 MHz should be on a non-mandatory basis. It clearly results from Annex B of the RSPG Opinion that only a very restricted number of Member States have up to now decided to make the 800 MHz band available for new applications and that within this small group the timescales for availability are very different, reaching partly beyond 2015. This is due to the important differences existing in the different Member States in respect to switchover timing, market conditions and society needs. The RSPG opinion should therefore recommend to the EC that any EU-approach of a coordinated use of the 800 MHz band must leave sufficient flexibility for Member States to take account of their specific national requirements and timescales.

2. Assessing the merits of a coordinated approach

It is common understanding that spectrum is a scarce public resource and should be used as efficiently as possible for the benefit of industry and consumers. The DLM supports the RSPG recommendation that the EC should first assess the advantages and disadvantages for a coordinated EU-approach in respect to the use of the 800 MHz band for new applications in order to be able to determine the level of coordination needed. DLM would however propose that the RSPG recommendation should specify that the different aspects of benefits – social, cultural and economic – should be analysed and taken into account. This would also be in line with the new spectrum rules set out in the revised EU Regulatory Framework for electronic communication networks and services which may be adopted by the European Institutions this autumn.

¹ 10820/08 Council Conclusions on the Digital Dividend. Brussels,. 17 June 2008

III. Costs of clearing out the 800 MHz band

DLM considers that the question of who should bear the costs of clearing out existing and currently planned users of the 800 MHz band will be a major issue in making the band available for new networks and services. After having significantly invested in the transition from analogue to digital TV, broadcasters will face additional costs in this “efficiency” process due to the need to re-engineer their antennas and transmitters, ensure safeguards to avoid additional interference risks from the neighbouring mobile services, undertake marketing campaigns to inform the consumer about the changes etc. Complex reorganisation of the lower UHF band will become necessary particularly in those countries who have introduced DVB-T. The RSPG opinion should therefore include a recommendation to the EC to encourage Member States to find solutions to fund the necessary adaptations in the broadcasting network and to ensure that additional risks of interference for broadcasting services, which might arise through introduction of new services in the 800 MHz band, can be excluded.