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**Comments on
DRAFT RSPG OPINION ON
COMMON EU POLICY OBJECTIVES FOR WRC-12
(RSPG10-350 Draft for public consultation– 23 November 2010)”**

14 January 2011

Introduction

ARD and ZDF welcome the opportunity to comment on the Draft RSPG Opinion on "COMMON EU POLICY OBJECTIVES FOR WRC-12" (of 23 November 2010). ARD and ZDF are the Public Service Broadcasters in Germany using extensively the broadcasting bands for the terrestrial distribution of their programmes.

ARD and ZDF support the activities of the RSPG with this revised opinion to formulate EU positions for the WRC-12. We agree with RSPG's assessment that "the task of identifying WRC-12 agenda items which are related to EU policies is complex since it addresses generally conflicting interests between radiocommunication services".

As broadcasters we focus our comments on the Agenda Items of the WRC-12 which are relevant for broadcasting with respect to both distribution and contribution aspects.

WRC-12 Agenda Item 1.17: Sharing between the mobile service and other services in the band 790-862 MHz (section 4.1 of the draft RSPG Opinion)

Agenda item 1.17 deals with some aspects of compatibility of the mobile service with other services in the 800 MHz band.

Given the discussion in CEPT on the DD and especially the decision in Germany on the 800 MHz band, ARD and ZDF take note of the intention to use the 800 MHz band for mobile services. For this purpose, it is necessary to have established and reliable conditions for the operation of the neighbouring broadcasting and mobile services.

We regard the GE06 Agreement as an appropriate and sufficient framework to deal with compatibility issues of the broadcasting service with other services in the 800 MHz band. Nonetheless, clarification of issues not originally being dealt with in detail is the natural course of things in the evolution of living international agreements in the context of ITU-R.

Therefore, we cannot follow the strict insistence of the RSPG to not allow for such clarification of the GE06 Agreement. We would prefer to have reliable conditions for the operation of neighbouring broadcasting and mobile services.

In general, we think that the RSPG in its opinion dedicates way too much room to agenda item 1.17. This seems to be a very unbalanced approach, as the actual weight of this issue is secondary as compared to other much more important issues in the fields of, e.g., transport policy with four agenda items or the scientific use of the spectrum with five agenda items. Nonetheless, agenda item 1.17 takes as much space in the RSPG opinion as these latter ones.

WRC-12 Agenda Item 1.5: Harmonization of spectrum for electronic news gathering (ENG) (section 4.1 of the draft RSPG Opinion)

For broadcasters ENG applications are an important means of programme production. We support efforts to harmonize tuning ranges for frequencies for ENG. We also support the approach for harmonization via ITU-R Recommendations because of its greater flexibility; we also agree that when identifying tuning ranges consideration should be given to the existing bands used by ENG/OB.

WRC-12 Agenda Item 8.2: Agenda items for WRC-16 (section 4.1 of the draft RSPG Opinion)

ARD and ZDF support the Digital Agenda within Europe's strategy 2020 with the aim to provide all EU citizens with access to broadband at sufficient speed. Broadcasters regard broadband as a major distribution platform for their programme content with a growing weight.

In our view, also wireless broadband access plays an important role in this context which includes the availability as well as the efficient use of spectrum for this purpose. Therefore, we welcome efforts to harmonize and to increase the efficiency of the use of the currently allocated spectrum for wireless broadband networks.

In the past, however, harmonization and allocation of spectrum for wireless broadband networks often corresponded to re-allocating broadcast spectrum to mobile services. In our view, in the future, the scope of this issue should be treated on a broader basis, in particular looking in more detail into the spectrum above 1 GHz.

The terrestrial, broadcast network based platform is an important means for distribution of broadcast content as well. Further reduction of the available spectrum for this platform would jeopardize its existence on principle, as was shown recently several times since its capacity requirements rather grow than decrease.

The European Commission proposes that the re-allocation of the 800 MHz band to mobile services should be finalized within the EU by 2012; within CEPT 2015 is the target date. We would regard a re-opening of the Digital Dividend issue one year later in 2016 at the WRC-16 as a striking neglect of broadcast requirements and a not acceptable denial of security for planning and investments of broadcast infrastructure.

Therefore, we miss in the RSPG opinion a more detailed indication of the intended harmonization measures which should take account of the above described considerations.

Moreover, in general, we note with surprise that the only proposal of RSPG for the Agenda of the following WRC-16 consists in safeguarding spectrum for wireless broadband networks. To us this seems to be an unjustified restriction of EU's focus to only one item.

WRC-12 Agenda Item 1.2: Enhancing the international regulatory framework (section 5.4 of the draft RSPG Opinion – *maybe should read section 4.4*)

ARD and ZDF support the review of the definitions and procedures of the Radio Regulations in order to assess to what extent they are appropriate to facilitate technical evolution and to ensure future access to spectrum in a timely and responsive manner.

However, we have concerns with regard to aiming at a “maximum possible flexibility in allocating frequency bands to services in the Radio Regulations”. Higher flexibility is always paid for by less stability and reliability. But administrations, industry, broadcasters and other stakeholders also need a certain amount of reliability in planning of radio communication systems. This includes a reliable stability of the regulatory framework. Therefore, we regard a sound balance of regulatory stability, given in the RR, and enough room for flexibility within this framework while avoiding undue restrictions as appropriate to facilitate technical evolution.

WRC-12 Agenda Item 1.19: Regulatory measures to enable the introduction of software-defined radio and cognitive radio systems (section 5.4 of the draft RSPG Opinion– *maybe should read section 4.4*)

For broadcasters SDR and CR technologies are relevant in a twofold way. For our contribution systems (PMSE) we expect a more efficient usage of the spectrum by the application of CR techniques. With regard to our distribution systems (DVB-T, T-DAB, etc.) we need sufficient and reliable protection from CR applications which might be implemented in the broadcast spectrum. We therefore support the development and the effort to prove the feasibility of these innovative technologies. We agree that this should not be constrained by unduly extensive regulation. We regard the existing regulatory framework of the ITU Radio Regulations as sufficient for the introduction of SDR and CR.

Conclusions

ARD and ZDF welcome the opinion of the RSPG to support in the context of WRC-12 the harmonization of the currently allocated spectrum for wireless broadband access, the development of software defined radio and cognitive radio technologies, the harmonization of tuning ranges for ENG and the streamlining of the regulatory framework of the RR in order to facilitate technological progress.

But we regard the explicit and implicit focusing on particular aspects of wireless broadband networks unbalanced as compared to other important aspects of Electronic Communications, including the field of broadcasting.