

The EBU response to the Public consultation on the RSPG Opinion in preparation for the Radio Spectrum Policy Programme

The European Broadcasting Union¹ (EBU) welcomes the opportunity to submit its comments on the draft RSPG Opinion on the Radio Spectrum Policy Programme (RSPP).

This EBU contribution focuses on those issues that are significant for public service broadcasters. Specific comments are made concerning paragraphs No. 6, 7, 8, 10, 12, 13, 14, 18, 19, 21, 23, 25-30 and 31 of the draft Opinion.

We note a certain degree of reiteration in some parts of the text of the draft Opinion and this is also reflected in the EBU response.

Summary

Public service broadcasters strongly believe in the potential of new communication technologies and digital delivery platforms (i.e. digital broadcasting and broadband) to bring about benefits for Europe's citizens. The broadcasters' core task is to make audiovisual content available to the public with the best possible quality. Public service broadcasters support the improvements in the revised 'Telecom Package' as they endorse a dynamic approach to spectrum management, which recognizes Member States' competence in this field and respects cultural, audiovisual and media policies of each Member State. Spectrum is a scarce natural resource which is used to bring audiovisual content to a large majority of viewers and listeners, hence essential for making content available to as many EU citizens as possible and for fulfilling important economic as well as social, political and cultural functions. Efficient use of spectrum is very important and shall be required from all users.

Terrestrial broadcasting is optimal for the delivery of radio, TV and innovative media services to large audiences whilst respecting diversity and different local, regional and national perspectives. In many countries it is, and will remain in the future, a fundamental way to guarantee universal access to radio and TV content for fixed, mobile and portable devices and to fulfil the EU general interest objectives assured by audiovisual policies. No other single platform can replicate these benefits.

Spectrum is a crucial resource for vibrant and innovative terrestrial broadcasting. A sufficient amount of spectrum is needed to preserve and fully exploit the benefits of terrestrial broadcasting, today and in the future. Use of the digital dividend for services other than broadcasting should be limited to the 800 MHz band while taking account of the overall environment. Any further reduction spectrum for broadcasting is likely to entail a significant migration to other broadcasting platforms, involving additional costs for broadcasters, network operators and the public. Furthermore, this would make the terrestrial platform less viable in the long term and would consequently reduce competition between broadcasting platforms.

¹ The EBU is the world's largest professional association of national broadcasters, whose Active Members are public service broadcasters in 56 countries corresponding to the ITU European Broadcasting Area, which includes all European countries, Central Asia, North Africa and the Middle East. Associate Members include broadcasters from Canada, the USA, Japan, Mexico, Brazil, India and Hong Kong, as well as many others.

The EBU's purpose is to serve and support the interests of its Members, promote cooperation between broadcasters and facilitate the exchange of audiovisual content. The EBU works to ensure that the crucial role of public service broadcasting, which is central to Members' activities, is recognised and taken into consideration by decision-makers.

The organization provides services to the broadcasting community at large, along with expertise specifically to Members on legal, technical and programming issues. It also conducts economic and market analyses and offers targeted training programmes. For more information about the EBU: www.ebu.ch

EBU responses to the specific paragraphs of the draft RSPG Opinion

Introduction

Paragraph 6

The Radio Spectrum Policy Programme is likely to be based on a set of assumptions about the future market developments and spectrum demand for a number of services. These assumptions need to be reviewed on a regular basis, in particular the actual spectrum use, in order to adjust the spectrum policy if and as necessary.

Paragraph 7

It is important that policy objectives and the corresponding timeframe are co-ordinated and aligned between European Commission, CEPT and ETSI in a timely manner, while the activities of each organization should remain within their respective areas of competence.

Stakeholders, including spectrum users and industry, should be involved in the process of establishing the EU spectrum policy and implementing the spectrum policy decisions. Specific national circumstances should be taken into account where appropriate and necessary.

CEPT is well placed to represent and promote European spectrum interests in international fora. The important strengths of CEPT are its large geographical footprint of CEPT, its recognized and respected position at the international spectrum management scene (e.g. in ITU) and the already established process that facilitates negotiations between countries in Europe as well as between CEPT and other world regions.

I. Contribution to the EU2020 vision

Paragraph 8

Spectrum policy is not an end in itself. It should support policy objectives in a number of other sectors, including:

- cultural and media policy
- social policy
- economic policy

The EU spectrum policy needs to strike the right balance in order to support all of the above policies. It should not favour one over the other. Sufficient flexibility is required to accommodate specific national requirements and needs.

Paragraph 10

Broadcasters, the associated industry and the public have invested in the digital switchover, thus have created the opportunity for the digital dividend in the first place. Implementation of digital terrestrial networks (DTT) was a major innovative step based on an open European standard (DVB-T) which is co-ordinated and harmonized across Europe and beyond (i.e. via the GE06 Agreement) thus creating a large economies of scale.

Innovation in broadcasting technology and services is further accelerating with HDTV, mobile TV, data services, emerging 3D-TV, etc. Spectrum is crucial for a vibrant and innovative terrestrial broadcasting. A sufficient amount of spectrum, including the digital dividend, must be available now and in the future to accommodate the evolving needs of terrestrial broadcasting and to protect the investments made by broadcasters, network operators and the public. The needs of both public service and commercial broadcasting must be taken into account, while respecting the specific circumstances in each country.

Paragraph 12

The change of use of the 790-862 MHz band has significant consequences for broadcasters. The following issues should be given due consideration:

- *Migration of the existing DTT services to the spectrum below 790 MHz.*
National administrations of the Member States should implement clear and feasible national migration strategies to ensure continuation of the existing DTT services with a minimum disruption for the viewers. This migration needs to take account of the specific national circumstances in each Member State and no mandatory target date should be imposed. The costs of this migration should neither be borne by broadcasters nor by the viewers. The Commission should encourage national administrations to ensure sufficient and timely available funds to cover these costs.
- *Protection of broadcasting services from mobile interference in the long term*
It cannot be assumed that broadcasting services would be sufficiently protected from interference by applying the minimum restrictive conditions alone, e.g. without additional mitigation techniques, where necessary. This was also recognized by the CEPT and reflected in the CEPT Report 30 in response to the second EC mandate on digital dividend. The Commission should encourage national administrations to apply additional measures, where necessary, to ensure protection of broadcasting services from mobile interference in the long term.
- *Alternative frequencies for broadcasting services should be identified below 790 MHz to compensate for the channels above 790 MHz that are 'lost' for the existing and planned DTT services.* It is recognised that this issue is relevant only in some countries as not all countries will be equally affected by the re-allocation of the band 790-862 MHz.
In some cases such replacement frequencies are not available in the current GE06 Plan, thus new frequencies would need to be found. This will require bi- or multilateral co-ordination in accordance with the provisions of GE06 Agreement.
Additional frequencies should not have an adverse impact on the existing and planned DTT services, e.g. by significantly increasing the interference levels or reducing the coverage.
Wherever possible national broadcasters should be involved in the frequency planning and co-ordination activities.
- *The general public needs to be properly informed about the interference issues* whilst adequate mechanisms should be implemented for detection, reporting and swift resolution of interference incidents. The Commission could provide necessary guidance to the Member States.

Should any specific date be identified at the EU level for making the 800 MHz band available for ECS other than broadcasting it will be necessary to take due account of specific national circumstances in the Member States.

Furthermore, the 800 MHz band is a public good and the use of this spectrum should be subject to such conditions that will protect and promote public interest. Therefore, access to this spectrum should be associated with coverage and service obligations, as well as with spectrum efficiency requirements.

Paragraph 13

It is very important to properly assess the consequences for all affected services before spectrum decisions are taken. In some cases such decisions are based, partly or entirely, on certain assumptions about the future market and technology developments and the foreseen spectrum demand. These assumptions need to be reviewed on a regular basis, in particular with respect to the actual spectrum use, in order to adjust the spectrum decisions if and as necessary.

Paragraph 14

Efficient use of spectrum is important and should be requested from all spectrum users equally.

Broadcasting technology is continuously developing and migration to more efficient standards is a natural part of this evolution. This is most evident in the current digital switchover where large investments are being made by broadcasters and DTT network operators, as well as by the viewers. As a result, new opportunities are created for broadcasters and other spectrum users.

When introduction of new technologies such as cognitive radio is considered, overall consequences should be assessed before any decision is taken. In the UHF broadcasting band any cognitive radio operation shall protect the existing broadcasting and PMSE services and shall not hinder future technology developments of these services.

II. Spectrum governance in the EU

Paragraph 18

The EBU supports the conclusion of the RSPG that the appropriate balance shall be assured between protecting existing users and facilitating access to spectrum for new users and applications.

When new applications or services are introduced in the broadcasting spectrum (e.g. mobile networks in the 800 MHz band, cognitive applications in the interleaved UHF spectrum) it is important that the coverage integrity of the existing terrestrial broadcasting networks is preserved, including the protection from interference created by the new users. In case of degradation of broadcasting services compensation to viewers and broadcasters should be foreseen.

Account should be taken of the legacy receiving equipment in order to protect the recent investments made by broadcasters, network operators and the viewers in the process of the digital switch-over. The latter represents a significant part of the overall costs of the digital switch-over. This is particularly important when considering possible further efficiency gains on the terrestrial broadcasting platform.

Furthermore, new applications shall not hinder future technology developments of broadcasting and PMSE services.

Paragraph 19

See the response to Paragraph No. 7

Paragraph 21

It is very important that the EU spectrum policy provides clarity and certainty to all stakeholders, taking into account specific aspects of each sector.

The terrestrial broadcasting platform is widely supported by manufacturers, network operators, broadcasters, regulators and the public. For this support to continue, regulatory clarity and certainty are required as they enable broadcasters and the associated industry, not forgetting the public, to make the right investments into future technology and services.

Paragraph 23

National administrations should apply necessary technical and regulatory measures to avoid harmful interference. These measures should facilitate long-term co-existence between services that share the same spectrum or operate in adjacent frequency bands. In assessing the interference levels cumulative effects should always be taken into account.

Spectrum management decisions should allow the benefits of technological progress to be fully exploited. However, the legacy equipment should be taken into account, in particular to protect the recent investments made by broadcasting industry and the public. Enhancements to 'victim' receivers (e.g. broadcasting) as well as the interfering transmitters (e.g. mobile communications base stations and terminals) could improve the situation in the long run. However, a large number of broadcasting receivers already exist on the market and they have to be protected until they are replaced by the new equipment.

Increased interference may incur additional costs for broadcasters (to recover the coverage loss due to interference) and the viewers (to mitigate the interference locally). Neither broadcasters nor the viewers should bear these additional costs. National administrations will need to ensure sufficient and timely available funds to cover these costs.

Furthermore, general public needs to be properly informed about the interference issues where appropriate (e.g. in the case of mobile interference to broadcasting services). Adequate mechanisms should be put in place for detection, reporting and swift resolution of interference incidents. The Commission should provide necessary guidance to the Member States.

See also the EBU comment to the paragraphs No. 12 and 18 above.

III. External relations

Paragraphs 25-30

European preparations for WRCs are taking place within CEPT. This is a well established process that facilitates negotiations between countries in Europe as well as inter-regional negotiations, i.e. between CEPT and other world regions. All EU Member States are also members of CEPT and there is an MoU between the CEPT and the European Commission.

The Commission and the Members States are therefore well placed to introduce the relevant EU policy interests and priorities in the CEPT process. If agreed, these policy priorities will be reflected in the European Common Proposals to the WRC hence they would have a better chance to be accepted by the Conference. This process should also enable the specific national needs as well as the requirements of European stakeholders to be duly taken into account.

In formulating EU spectrum policy priorities social, cultural as well as economic aspects should be considered. Public value, in addition to commercial interests, should be promoted and protected.

IV. Spectrum policy objectives

Paragraph 31

In addition to the spectrum policy objectives listed in paragraph No 31 of the draft Opinion the Radio Spectrum Policy Programme should aim to:

- respect diversity and different local, regional and national perspectives;
- preserve the coverage integrity of the existing terrestrial broadcasting networks, including the protection from interference created by the new mobile networks in the 800 MHz band. In case of degradation of broadcasting services compensation to viewers and broadcasters should be foreseen.
- enable terrestrial broadcasting to remain a vibrant and viable platform, thus a competitive alternative to other delivery platforms;
- support future developments of terrestrial broadcasting while reflecting the complementary nature of broadband;
- provide clarity and regulatory certainty for the broadcasting eco-system;
- apply the same rigour for broadband as it is applied to broadcasting with respect to quality of service, universal access, economic and technical efficiency. This is also important regarding access to the 800 MHz band.
- take account of the legacy receiving equipment in order to protect the recent investments made by broadcasters, network operators and the viewers in the process of the digital switch-over. The latter represents a significant part of the overall costs of the digital switch-over. This is particularly important when considering possible further efficiency gains on the terrestrial broadcasting platform.
- respect the provisions of the 'Telecom Package', e.g. the division of competencies between European and national levels as well as the specific rules that apply to spectrum used for broadcasting.