RADIO SPECTRUM POLICY GROUP
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DRAFT RSPG OPINION ON STRATEGIC CHALLENGES FACING EUROPE IN ADDRESSING THE GROWING DEMAND FOR WIRELESS BROADBAND
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AER COMMENTS

The Association of European Radios (AER) is a Europe-wide trade body representing the interests of over 4,500 commercially-funded radio stations across the EU27 and in Switzerland.

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AER's main objective is to develop and improve the most suitable framework for private commercial radio activity. AER constantly follows EU actions in the fields of media, telecommunications and private radio transmission, in order to contribute, enrich and develop the radio sector.

AER therefore would like to present the commercially funded radios' point of view on the Radio Spectrum Policy Group (RSPG) Draft Opinion on "Strategic challenges facing Europe in addressing the growing demand for wireless broadband" (RSPG Draft Opinion). This text and the Radio Spectrum Policy Programme, as well as the related Inventory, focus on spectrum between 400MHz and 6GHz. AER will therefore focus its remarks on radio's current and future use of Band L (1452-1492MHz). AER welcomes this draft Opinion as it takes a balanced approach towards the need for Band L to be preserved for radio services. It indeed acknowledges that there are "some initiatives recently taken by some countries for licensing terrestrial sound broadcasting in this band"[i]. This shows that radio's access to Band L should be maintained.

AER would indeed first like to underline, as mentioned in the RSPG Draft Opinion, that Band L's usage was allocated to radio in the context of the ITU and of the CEPT[ii]. At national level, and according to the information received, it appears that some EU Member States already make use of Band L for digital radio:

- In Czech Republic, Band L is currently used for digital radio broadcasting and radio receivers are available – the latest information shows that DAB/DAB+ is now available for approximately 50% of the Czech Republic inhabitants. Private and public radios hold 10 years licences running until 2020-2021[iii].
- In Italy, the National Regulatory Authority (AGCOM) adopted a regulation in November 2009, planning the development of digital radio broadcasting in both Band III and Band L[iv]. Italy is currently running very advanced tests for digital radio broadcasting. In addition, Vatican is currently making use of Band L.

- In France, the National Regulatory Authority (CSA) has delivered in 2013Q1 an authorisation for satellite radio services in Band L[v]

While it is understood that the most important part of the spectrum surveyed (between 400MHz and 6GHz) relates to television when it comes to broadcasting, AER would like to recall that radio's current and future use of Band L should not be discarded.

AER would also like to stress some important points regarding radio's current and future development.

On-air broadcast radios reach massive audience on a daily basis in all EU Member States: approximately 80% of the EU population on average listens to radio for at least 2 or 3 hours per day, as shown by national audience measurement.

Commercially funded radios indeed constitute a unique network of small and medium-sized enterprises (SMEs), contributing to cultural diversity, media pluralism, access to creativity, social inclusion. They also offer free-to-air services of general interest:

- they evolve in highly competitive environments[vi]
- their programmes encompass, broadly speaking, all possible formats, from debates to music-only[vii]
- As for the music broadcast, within one market, as soon as there is demand expressed, it has to be fulfilled; so, most of the musical expressions are represented
- most of them are non-politically affiliated, and certainly keep the freedom to express their opinion or to participate to the public expression of the opinions of their listeners
- their audiences are local, regional, or national
- they strive to develop on all possible platforms
- during natural, major or minor disasters, radio is the first – and possibly the only remaining – tool to inform the public[viii]

Radio is, and has been for the past 50 years at least, ubiquitous, mobile, simple-to-use, interactive and free-to-air. These features make it the most intimate medium and the most trusted medium[ix].

AER would then like to highlight that it is still unclear how transmission of radio via the Internet can efficiently replace radio broadcasting. Therefore, radios' activities do and will require use of spectrum, as a primary user.

This element is of utmost importance and entails that while terrestrial digital radio broadcasting most likely constitutes radio's future main means of transmission, it is very difficult today to say when or how. In other words, AER would like to recall that:

- no universal switch-off date for analogue radio broadcasting services should be envisaged at EU level and decisions on standards to be used for digital radio broadcasting should be left to the industry
- decision on whether to proceed and the appropriate time-frame to migrate from analogue to digital radio broadcast technology should be left to each national industry
- Further coordination at EU level of spectrum management of the bands used by radio does not seem necessary or appropriate
- access to bands II, III and L for radio broadcasting will remain necessary for a harmonious development of digital radio across Europe
- maintaining exceptions to market-based approaches to spectrum management in bands II, III and L is equally essential

FM on band II remains an efficient, simple-to-use and free-to-air technology for the vast majority of radio stations across Europe. This efficiency relates to the business-model: it is actually an essential part of the main business model for commercially-funded radio. Free-to-air FM broadcasting on band II only represents 20,5 MHz. Across Europe, nearly every single frequency is used in this bandwidth. Thanks to the broad receiver penetration and the very high usage by the listeners this small bandwidth is very efficiently used[x]. Furthermore, by its free-to-air, free-to-online, widely-spread, mobile, simple and direct model, commercially-funded radio plays a general interest role for citizen information, cultural diversity, media pluralism, access to creativity, and social inclusion. It is fundamental not to forget that radio also plays another central general interest role. When there are catastrophes or other emergency situations, citizens naturally switch on their FM radio to be informed, advised or warned,

and governments explicitly ask them to do so: FM radio is, for the time being, the most immediate, most efficient and technically most reliable means of mass communication; furthermore, it will still reach its audience even in the event of a power failure, as many receiver devices are powered by batteries[xi]. Therefore, one cannot consider a complete migration to digital terrestrial broadcasting – and certainly not an analogue broadcasting switch-off date – before every car and every household can receive a digital signal, and are equipped by a sufficient number of digital receivers.

However, across Europe, plans to migrate from a satisfying analogue technology to digital technology are being actively discussed and tested: digitisation is the future of radio broadcasting, and digital terrestrial radio broadcasting will mainly use band III (174-230 MHz), channel 13 (230-240 MHz) or L-band (1452-1492 MHz) in Europe. Markets will decide what is the best suited technology for digital radio broadcasting in Europe: a choice endorsed by listeners. A smooth transition from analogue to digital technology broadcasting is a significant challenge. There are indeed currently millions of FM-sets in the EU. Switching from analogue to digital broadcasting will represent an important cost and will take time for consumers: there is in Europe on average 6 FM-receivers per households[xii]. Listeners will also need to be made aware of the existence of digital radio programmes, via information campaigns[xiii]. Finally, and basically: interesting content, produced by broadcasters, should also be offered to listeners. The latter will simply not make use of digital radio otherwise. Yet again, this requires time and money: extremely large investments are required in new networks for digital broadcasting. The most significant investments are nonetheless related to simulcasting of programmes at the same time via analogue and digital technologies.

As the situation stands now, the most likely scenario for the development of digital radio in Europe will take the form of a hybrid scenario: on-air commercially funded (and publicly funded) digital radio and internet-based radio will be part of the patchwork of transmission techniques for commercially funded radios in the future, but it is not easy to provide a reliable timescale. But, to be very clear: broadcasting is the only conceivable transmission technique enabling radio with a sustainable / efficient business-model. Therefore, as planned in previous ITU / CEPT negotiations, band II, band III and L-band should be preserved for radio broadcasting. It is therefore paramount to preserve radio's primary access to these bands.

Finally, and as most of commercially funded radios are SMEs, they are in no position to compete for access to spectrum with other market players. In addition, one of the main reasons supporting digital radio's development is the necessity to enable a more diverse radio landscape. So, now and for a foreseeable future, commercially funded radios need guaranteed access to spectrum, in all bands described above: regulation must be tailored to local, regional or national needs in order to allow the best possible development of radio. In these bands, market-based approaches to spectrum management (such as auctions, service neutrality or secondary trading) should not be enforced[xiv].

AER remains available to explain this position in further details.

ENDS
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[i] Page 19 of the RSPG Draft Opinion
[ii] Please see for example page 19 of the RSPG Draft Opinion
[iii] These programmes are currently broadcast by two multiplexes: one (operated by Teleko) broadcasting 15 programmes, the other one (operated by RTI) has started this year its operations and broadcasts one programme. Please see here (in Czech only): http://www.ctu.cz/ (e.g. here: http://www.ctu.cz/cs/download/vestniky/rok_2011/tv_06_2011.pdf) and here (in English): http://www.radiospektrum.cz/eng/a0020e.html

[iv] "Regolamento recante la nuova disciplina della fase di avvio delle trasmisioni radiofoniche terrestre in tecnica digitale / Delibera n. 664/09/CONS". It was indicated that all band L was necessary for digital radio, because the coordination of small band L assignments requires a lot of spectrum, especially in those countries which need to deal with propagation over warm water, like the Mediterranean Sea. Therefore, spectrum will be needed in order to be able to avoid self-interference at national level and harmful interference with neighbouring countries outside Italy. Please see here: http://www.agcom.it/default.aspx?DocID=3591

[v] The CSA ran a call for tenders for the use of Band L by radio at the end of 2011 (closed on December 28th, 2011) and published on November 7th, 2012, its decision to award a licence to "Onde Numérique", an operator delivering 64 radios online, and on-air via satellite complemented by terrestrial broadcasting on Band L. On January 15th, 2013 (published on January 26th at the official journal), the CSA has delivered an authorisation to broadcast programmes as from January 1st, 2014. Onde Numérique will have until 2020 to cover 60% of the French territory. The authorisation details that this project should use spectrum between 1452 and 1479,5 MHz. Please see here: http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026980512

[vi] For example, and bearing in mind that the amount of radios in a given country depends of course on its size: Spain now has more than 2000 frequencies used across the country; similar FM situations can be observed in France or Germany

[vii] To give just examples, please see:

- the French AER Member, SIRTI : http://www.sirti.info/spip.php?page=adherents
- the UK AER Member, RadioCentre: http://www.radiocentre.org/membership/stations

[viii] For example: the heavy snowfalls in Scotland in the winter of 2010 / 2011 – presenters, journalists and programming staff at Real Radio Scotland all put in long shifts and stayed overnight at the station to keep listeners up to date with the situation. The station also tracked down and supported the good Samaritans who were handing out hot drinks and food to those stranded and a local hotel which was delivering hot meals to Old Age Pensioners in their town. For more information, please see here (.pdf pages 46 / actual 44 and following): http://www.radiocentre.org/files/2011_radiocentre_action_stations.pdf
The most recent example was this morning when you had to avoid constructions on your way to work

[ix] Please see Standard Eurobarometer 76 from November 2011 on "media use in the European Union": http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_media_en.pdf

[x] As acknowledged in RSPG Report on the Future of Radio Broadcasting in Europe, p.7

[xi] Please see endnote VIII. Commercially funded radios are indeed as much essential players of the society's response to major catastrophe as they are an important part of cultural diversity: FM radio must be considered a critical infrastructure

[xii] RSPG Report on the Future of Radio Broadcasting in Europe, p. 7

[xiii] Besides, radio receivers need to be replaced much less often than TV receivers: a radio receiver often lasts a lifetime. The "fastest" rhythm for radio receiver renewal could be calculated on the renewal of car models, i.e. 15-20 years as a minimum

[xiv] From this perspective, and regarding especially service neutrality, AER would like to recall the importance of the exceptions stated in article 9§4 of Directive 2002/21/EC on a common regulatory framework for electronic communications (Framework Directive) following the review of the EU framework for electronic communications networks and services (Telecom Package):
"Unless otherwise provided in the second subparagraph, Member States shall ensure that all types of electronic communications services may be provided in the radio frequency bands, declared available for electronic communications services in their National Frequency Allocation Plan in accordance with Community law. Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of electronic communications services to be provided, including, where necessary, to fulfil a requirement under the ITU Radio Regulations.

Measures that require an electronic communications service to be provided in a specific band available for electronic communications services shall be justified in order to ensure the fulfilment of a general interest objective as defined by Member States in conformity with Community law, such as, and not limited to:

(a) safety of life;
(b) the promotion of social, regional or territorial cohesion;
(c) the avoidance of inefficient use of radio frequencies; or
(d) the promotion of cultural and linguistic diversity and media pluralism, for example by the provision of radio and television broadcasting services."

As for secondary trading, one could envisage it in bands described in this position paper if obligations related to the use of spectrum are maintained, especially with regard to the service considered: broadcasting services could only be replaced by broadcasting services, or broadcast-related services