

RSPG Secretariat

office BU33 7/55
Avenue de Beaulieu 33, B-1160,
Brussels, Belgium

BY EMAIL: CNECT-RSPG@ec.europa.eu

RE: REPLY TO THE *PUBLIC CONSULTATION on the Draft RSPG Work Programme for 2022 and beyond* by the Czech Digital Group, a.s. company

Date: January 06, 2022
Place: Prague, Czech Republic

Czech Digital Group, a.s., company ID 25842609, headquartered at Skokanská 2117/1, Břevnov, 169 00 Praha 6, Czech Republic, registered in the Commercial Register of the Municipal Court of Prague under file no. B 17187 (hereinafter “**CDG**”) is a subsidiary of České Radiokomunikace a.s. company and one of leading operators of terrestrial networks for television and radio broadcasting in the Czech Republic. CDG owns and operates digital terrestrial multiplexes which provide nationwide and regional television and radio broadcasting for major commercial providers of television and radio broadcasting.

Digital Terrestrial Television (hereinafter referred to as DTT) is the most preferred platform for television reception by households in the Czech Republic that is used by **53.2% of households** (Source: Nielsen Atmosphere research, the results of the Continuous Research of the 1Q 2021). At the same time, DTT is the only platform that provides households with free-to-air TV reception. The high popularity of DTT among households has not significantly changed even after the release of the 700 MHz band, which required a transition from DVB-T to the more frequency-efficient DVB-T2 standard (households had to buy a new TV or a set-top box compatible with the new broadcasting standard). This is clear evidence of the position of the DTT platform in the Czech Republic, which remains very stable.

Regarding the work-item in the proposed draft: “Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU”, we propose to remove and postpone this work item from the RSPG 2022 work programme, and to add it to a future updated RSPG work programme for 2025, after WRC-23 and after the Commission report pursuant to article 7 of the UHF Decision, if needed. This will be fully in line with the spirit of the UHF Decision and with the timing indicated in the Lamy report.

Reasons:

The inclusion of the work-item *“Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU”* is three years earlier than the stock-taking exercise indicated in the Lamy report¹ (2025) and would require the RSPG to undertake work prematurely even before the results of the one-year study that is now being undertaken by the Commission *“to examine latest developments and trends that are relevant for the current and future use of the 470-694 MHz band”* (hereinafter “Commission study”).

It is important to note that the debate on the long-term strategy for the sub-700MHz band in Europe was concluded very recently in 2017 with the UHF Decision², which was a long-term European win-win agreement for the whole European ecosystem including regulators, policy makers and industry. A premature revisiting of the current UHF Decision³ during 2022, as proposed in the above-mentioned RSPG work-item, after only 4 years after the publication of the UHF Decision and well ahead of the “stock-taking exercise” indicated in the Lamy report (2025), would be against the consensus spirit of the UHF Decision and would bring into question the fair process that could initiate such a review.

The UHF Decision enabled the deployment of 5G in the 700MHz band while providing certainty and long-term stability for broadcasting and PMSE, with access to the sub-700 MHz band assured in the UHF Decision, which has no specific time limit and includes no review, while providing a guarantee until at least 2030. In this manner, Europe has a clear regulatory framework and the industry is operating, investing and competing; the telecom sector is deploying mobile broadband and the audio-visual sector is working on UHD, hybrid broadcast-broadband TV systems (HbbTV) and 5G Broadcasting. The migration of broadcast services out of the 700MHz band in Europe is still ongoing and is set to be completed on time (2022). As a result of these steps, there is trust built between industry and policy makers and the issue is assumed as settled for many years in Europe.

In our opinion, any possible high-level political initiative can only come after the report to the European Parliament and the Council foreseen in Article 7 (hereinafter **“Commission report”**). Moreover, the Commission is currently undertaking the study, which is intended to help the Commission *“in fulfilling the reporting task that the Commission has in relation to the sub-700 MHz band under Article 7 of the Decision on the UHF band and in eventual EU policy making decisions”*⁴ (hereinafter **“Commission study”**). Thus, the RSPG work-item should be postponed, at least until the results of the Commission study are published and after the Commission report.

¹ Pascal Lamy. Report to the European commission. RESULTS OF THE WORK OF THE HIGH LEVEL GROUP ON THE FUTURE USE OF THE UHF BAND (470-790 MHz), available here:

https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=8423

² Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union

³ Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union

⁴ See: <https://ec.europa.eu/newsroom/dae/redirection/document/75625>

In addition, opening this work item at this stage appears premature as it will undermine the regulatory stability and the ongoing work and investment undertaken by broadcasters in areas such as 5G Broadcasting and the promise this brings of meeting Europe's long-sought convergence of technologies and systems. It also brings in to question the future of PMSE and how content production will be managed moving forward. In our view, such a possible discussion should not start until, at least, the WRC-23 AI 1.5 has a final outcome or, otherwise, this work item will interfere with the discussions on the European Common Position for the WRC-23 and on the RSPG work item on WRC-23.

Changing the spectrum attribution would mean losing a highly secure (in terms of cyber-security), environmentally friendly (in terms of energy costs for content distribution) and free-to-air universal platform which would have a massive social, political and cultural impact for citizens, including a significant impact for the elderly and less privileged. Changing the spectrum attribution (or even taking steps at the level of the RSPG, such as opening this work-item, which would put into question whether or not the UHF Decision has in fact brought long-term regulatory stability) would thus bring a massive negative impact for the European audio-visual industry. A position different to NO CHANGE would not deliver any sustained relevant incremental benefit for the citizens, as Europe has already set up its connectivity targets (Digital Agenda, Gigabit Society and now Digital Decade) assuming full connectivity and capacity with the already available spectrum⁵.

In addition, technical studies and experiences show that any recurrent argument for an eventual co-primary allocation which is supposed to increase of flexibility for Member States (in the context of debates on AI 1.5 of WRC-23) would result in the opposite situation, as the current real flexibility (allowing 3 or 4 different services coexisting with the current allocation) would be reduced by having to choose between one service or the other, as they would be incompatible. Therefore, any switch to mobile would mean the disappearance of this ecosystem without any proven incremental benefit. The ongoing Commission study and any possible future RSPG activity on this work-item (undertaken in the future as a postponed work-item), will need to eventually take all views into account and consider especially the political, social, economic, cultural, international and also the environmental aspects affecting the use of the sub-700MHz frequency band and not only technical aspects. The key aspect of any analysis, study or activity is also the description of possible scenarios concerning development of use in this frequency band with relevant key assumptions and conditions, including potential consequences in terms of interference issues and EU harmonisation framework in this band, in particular for post-2030.

Opening the RSPG work-item at this time would also reopen the debate on the future use of the UHF band at a time which would come far earlier than the ongoing Commission study, and far earlier than the report from the Commission to the European Parliament and to the Council on developments in the use of the sub-700 MHz frequency band, pursuant to Article 7 of the UHF Decision. By reopening this debate before the Commission study, before WRC-23 and before the Commission report, without any proper analysis, the industry would receive clear messages that the UHF Decision does not in fact provide long-term legal certainty, which would result in an immediate reduction of investments spent by the European broadcast industry and a distortion of competition between distribution platforms (including the free-to-air universal platform).

⁵ Even in the case of more spectrum needed, there are other bands that can be used or reused such as the 900MHz after the 2G/3G switch off.

Based on the above, regarding the work-item in the proposed draft: “Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU”, we propose to remove and postpone this work item from the RSPG 2022 work programme, and to add it to a future updated RSPG work programme for 2025, after WRC-23 and after the Commission report pursuant to article 7 of the UHF Decision, if needed. This will be fully in line with the spirit of the UHF Decision and with the timing indicated in the Lamy report.

We hope that you will use our information for the preparation of the final RSPG Work Programme for 2022 and beyond.

Best regards.

Czech Digital Group, a.s.
Marcel Procházka
Chairman of the Supervisory Board