

To the EU Radio Spectrum Policy Group

Only by e-mail to: CNECT-RSPG@ec.europa.eu

Point of contact within BNE: jaume.pujol@broadcast-networks.eu

Response on the Public Consultation on the “Radio Spectrum Policy Group DRAFT Work Programme for 2022 and beyond” from Broadcast Networks Europe (BNE)

General comments

Broadcast Networks Europe (BNE)¹ welcomes the opportunity to share its views on the *Radio Spectrum Policy Group DRAFT Work Programme for 2022 and beyond* and wants to express its full availability to collaborate and discuss with RSPG on all related issues.

As a general comment to the RSPG Draft Work Programme, we reckon that the proposed draft program addresses a series of timely and challenging goals to which BNE will be keen to contribute, in particular in our area of focus the preparation of “WRC-23” and the “*Role of Radio Spectrum Policy to help combat Climate Change*”. However, **we would like to express our concern about the inclusion in this work program of the work item on the “Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU”.**

The debate on the long-term strategy for the sub700MHz band in Europe concluded in 2017 with the UHF Decision. This Decision was a long-term European win-win agreement for the whole European ecosystem including regulators, policy makers and industry. It enabled the deployment of 5G in the 700MHz band whilst providing certainty and long-term stability for broadcasting and PMSE, with access to the sub 700 MHz band assured in a Decision which has no time limit and includes no review, while providing a guarantee until at least 2030.

Therefore, Europe has a clear regulatory framework and the industry is operating, investing and competing; the telecom sector is deploying mobile broadband and the Audiovisual sector is working on UHD, hybrid broadcast-broadband TV systems (HbbTV) and 5G Broadcasting. The migration of broadcast services out of the 700MHz band is ongoing and will be completed on time (2022). The industry trusted the policy makers decision and assumed the issue as settled for many years in Europe.

Revisiting the UHF Decision during 2022 only 4 years since its publication and well ahead of the review 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. In our opinion, such a high-

¹ BNE represents Europe’s terrestrial network operators in Europe and internationally. Terrestrial broadcast operators are responsible for managing and maintaining infrastructure, TV network design, multiplexing, distribution, transmission and carriage deliver so that TV, radio and other over-the-air services can reach their audiences.

We are securing for 250 million European viewers universal access to the over-the-air services, radio and TV that they watch and enjoy for more than 3h30 on average per person per day.

BNE’s 18 members are operating in 20 European countries: Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Monaco, Norway, Poland, Romania, Serbia, Spain, Switzerland, UK and Sweden.

level political initiative can only come after the report to the European Parliament and the Council foreseen in Article 7. Therefore, the strategic nature of the work proposed in the draft RSPG work program cannot be warranted at this stage.

In addition, opening at this stage such a work item **looks 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 WRC23 AI 1.5 has a final outcome or, otherwise, this work item **will interfere with the discussions on the European Common Position for the WRC23 and on the RSPG work item on WRC23**.

In conclusion, BNE proposes to remove for now the "Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU" work item from the RSPG 2022 work program, and add it to the RSPG work program at later stage after WRC23, if needed and in the spirit of the UHF decision and the Lamy report.

Please find below specific comments to some of the working items identified by RSPG.

- [WRC-23](#)

We fully agree on the work item as a common European position is the **greatest way to defend European interests** and this would mean, in our view, **NO CHANGE on AI 1.5 at WRC23**.

Europe has experience of the 800 and 700MHz processes. In this regard, it seems quite unrealistic to assume that any position other than NO CHANGE at a European level would mean a third Digital Dividend and a lethal stab to the European Audiovisual industry including distribution and production. Changing the spectrum attribution would mean losing a free-to-air universal platform with a massive impact for citizens, mainly for the elderly and less privileged, and for the European Audiovisual 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 spectrum².

In the debates on AI1.5 of WRC-23, a recurrent argument for an eventual co-primary allocation is a supposed increase of flexibility for Member States. A sort of *additional* flexibility that is already envisaged in the UHF Decision but remains to be developed. However, technical studies and experience show that this 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. Today, the use of the UHF band is an example of flexibility and sharing, two of the main goals of spectrum management. A switch to mobile would mean the disappearance of this ecosystem without any proven incremental benefit.

Considering the potential pressure from outside Europe, despite high pressure from few countries to use this spectrum for mobile, we learned at the recent ITU workshop on WRC-23 that there are no regional organisations asking for a mobile allocation in the sub 700 MHz spectrum. Rather than looking at how this may end with a primary allocation, consideration should be given to a secondary allocation with Article 5 footnote as this appears to be a more appropriate way forward; giving those that want to use the spectrum for mobile an option whilst protecting and not undermining the existing use, broadcasting, PMSE etc.

² 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.

Regarding the proposed process of this work item, we are glad to see that a Public Consultation is envisaged as we assume that RSPG and European policy makers will take all views into account and will consider not only technical but also the politic, social, economic, cultural and international aspects affecting the use of the sub-700MHz frequency.

- **Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU**

As commented in the introduction, BNE proposes to remove for now the "Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU" work item from the RSPG 2022 work program, and add it to the RSPG work program at later stage after WRC23, if needed and in the spirit of the UHF decision and the Lamy report.

The UHF debate is one of the *hottest* spectrum topics in Europe and even around the world. Europe has done its work on the subject and reached an agreement only 4 years ago in the UHF Decision, a *win-win* solution which included concessions from all affected parties.

The European ecosystem has a clear regulatory framework and the broader broadcasting, media and content industry is investing and competing by developing several new services like UHD, hybrid broadcast-broadband TV systems, 5G Broadcasting to support the competitiveness of the broadcasting platform. The telecom sector in turn is developing and investing in 5G mobile services.

Now, only 4 years since the Decision:

- The Broadcasting industry has done or is doing its part of the deal. In the different countries, investments have been made or are ongoing in order to migrate broadcast services out of the 700MHz band;
- The 700MHz band remains to be assigned in 40%³ and no data about the usage is available.
- There has not been any disruptive change in the market.

In this framework, RSPG proposes to reopen the debate. The same RSPG that, only few months ago, decided **not to include the sub 700MHz band discussion in the RSPP** according to its own opinion⁴. The proposal to reopen the debate also comes far before 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, with a view to ensuring efficient use of spectrum, pursuant to the applicable Union Law according to the Article 7 of the UHF Decision.

Therefore, we are surprised of the request and we do not see any sustained reason or legal obligation to reopen this debate at this stage.

Also, it does not seem realistic to assume that this proposed work item will not interfere with the WRC23 item when discussing AI 1.5.

By reopening this debate before WRC-23, industry would receive clear messages:

European Commission, Parliament and Council decisions do not provide long term legal certainty.

- The UHF Decision mandates to keep the long-term access to the sub 700MHz for the terrestrial provision of broadcasting services, including free television, and for use by wireless audio PMSE. Also, some Member states transposed this into their national laws.
- With this work item, RSPG is proposing to undermine this certainty 9 years before.

³ See <https://5gobservatory.eu/observatory-overview/5g-scoreboards/>

⁴ See https://rspg-spectrum.eu/wp-content/uploads/2021/06/RSPG21-033final-RSPG_Opinion_on_RSPP.pdf

European broadcast industry to stop its investments and innovation track.

- The European industry has a risk of losing its remaining spectrum in exchange of nothing and without any alternative for keep operating. This includes Audiovisual distribution and production.
- Hence, innovation processes and investments would be put at risk. Some promising technologies such as 5G Broadcast (where substantial efforts are undertaken by the European Audiovisual industry) would have been in vain.
- Policy makers do not recognise the value provided by the European Audiovisual industry, including Public Service.
- Investment decisions by the broadcast network operators and broadcasters to clear the 700 MHz band have been made assuming a stable, reasonable and long-term regulatory framework. Investments are on-going or already completed to migrate services from the 700 MHz band and in many cases also to introduce new and more efficient transmission standards. Investments are long term and very significant not only for the broadcasting industry but also for European consumers. It must be remembered that investments are made assuming regulatory stability and that if this proves not to be the case we are facing a situation of “regulatory taking”.

Free-to-air and competition between platforms will be reduced.

- Without a long-term roadmap ahead, European broadcasters will see reduced scope to compete, mainly with the large non-European players.
- Citizens will see diversity, privacy and freedom of choice reduced and their costs increased due to unstated technical reasons and in exchange for nothing.
- For all reasons expressed, we believe the timing for the proposed work item is wrong and such a debate should not start before WRC23. It is too early; it makes no sense to set up a strategy for post 2030 spectrum use on February 2023 whilst pretending to be independent of the WRC23 process.

All in all, BNE proposes to remove for now the "Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU" work item from the RSPG 2022 work program, and add it to the RSPG work program at later stage after WRC23, if needed and in the spirit of the UHF decision and the Lamy report.

Role of Radio Spectrum Policy to help combat Climate Change

BNE and its members, are committed to responsibly combat climate change. We recognise the importance, relevance and momentum of such a work item.

Together with some other stakeholders, BNE has commissioned a study to assess the carbon footprint of the terrestrial distribution of Audiovisual content. The result is recently published in the LoCaT report⁵ done by Carnstone. The report shows that content distribution via DTT is much more efficient in terms of energy consumption when compared to IP distribution or OTT. Furthermore, the study showed that this conclusion is valid in the long term and also in countries where DTT penetration is very low.

A conclusion is that distribution of linear content via DTT contributes significantly in the battle against climate change.

BNE would be happy to share more information on the study and further collaborate with RSPG on this work item as the goal is fully shared.

⁵ See <https://carnstone.com/insight?insight=98>