

Broadcast Networks Europe comments to the [Draft] RSPG Opinion on a Radio Spectrum Policy Programme (RSPP)

[Broadcast Networks Europe \(BNE\)](#) welcomes the opportunity to provide its comments on the [Draft] RSPG Opinion on a Radio Spectrum Policy Programme (RSPP) (*Draft Opinion*). BNE is the trade association for terrestrial broadcast network operators, whose main activity is to build, maintain and operate the technical infrastructures for terrestrial broadcasting of TV and radio.

According to the *Draft Opinion*:

- It is crucial that a new RSPP benefits the internal market, EU economy and society as a whole;
- Audio-Visual Media has been identified as one of the policy initiatives to which Member States shall, in cooperation with the Commission, ensure that sufficient spectrum is available based on spectrum needs.

BNE fully agrees with this but regrets that the draft opinion has not taken the opportunity to provide additional certainty beyond 2030 for terrestrial broadcasting.

As part of the European Audio-visual Media ecosystem, BNE is of the opinion that there is a need for a political regulatory roadmap for the post 2030 scenario in the *Draft Opinion*. European Audio-visual Media including PMSE and its terrestrial distribution are essential for upholding European values, they benefit the European internal market, the EU economy and society as a whole. They are vital for the European Content and Cultural industry for the foreseeable future, including beyond 2030 (see Annex I).

BNE comments on section 3.4:

- The reference for the new RSPP being the UHF Decision, BNE thinks it is important in that aspect to reuse the wording that has been agreed in the UHF Decision, and add 'at least' and "and PMSE" in the sentence. The text would be as follows:
 - *"The current Council and European Parliament Decision⁶ is providing legal certainty until **at least** 2030 to terrestrial broadcasting⁷ **and PMSE** including conditioned national flexibility⁸".*
- In addition, BNE proposes to reorder and slightly rephrase the bullet points as follows:
 - *"The current Council and European Parliament Decision⁶ is providing legal certainty until **at least** 2030 to terrestrial broadcasting⁷ **and PMSE** including conditioned national flexibility⁸".*
 - *Therefore, the RSPG is of the view that the future of broadcasting and PMSE in regard of the UHF Band 470-694 MHz shall not be subject of a new RSPP (see also section 6.6)*
 - *The UHF 470-960 MHz band is on the agenda for the upcoming WRC23 conference and RSPG intends to provide a recommendation to the EC on an EU position accordingly in its opinion towards WRC23.*

Such order would reflect the current reference situation, the RSPG position on the RSPP followed by a comment on the ITU ongoing process.

As a remark on the last bullet above, BNE notes the RSPG intention to provide a recommendation to the EC on an EU position in its opinion towards WRC23. The view of BNE is that the sub-700 MHz band will remain important for media distribution beyond 2030 and that there should be “no-change” of the allocation to the Broadcasting Service at WRC-23. Furthermore, it should be noted that flexibility for use of the sub-700 MHz spectrum is already provided by the UHF Decision and the GE-06 agreement.

BNE comments on section 6.6

In section 6.6, the *Draft Opinion* indicates its support for a smooth transition to new technologies and a convergence of services. BNE believes that a singular one-fits-all technology/network is not realistic, feasible or desirable. Cooperation between networks and using fit-for-purpose technologies will be more efficient allowing different services and platforms to provide what they do best for the benefit of citizens/customers.

Looking at market developments, citizens have become accustomed wide variety of services being delivered via different platforms. Free TV is one such key service for most Europeans. Distorting competition in the European Audio Visual media market by, in practice, weakening or eliminating terrestrial broadcasting by policy and regulatory decisions, would result in fewer platforms, a reduction in competition and an increase in the costs for citizens. On the contrary, general interest is better catered for by network diversity. This includes securing redundancy and resilience needed for emergencies, as the pandemic has demonstrated.

Furthermore, BNE is not sure that changes that eliminate the free television from more than half of European households, as may happen if spectrum is not accessible for terrestrial broadcasting, have been assessed. Also, we are not aware of any cost-benefit analysis of the real incremental value that any alternative use of the sub-700 MHz band may bring to the citizens. As the *Draft Opinion* and the article 7 of the UHF decision recognize, BNE believes that European policy makers should broaden the scope of analysis and discussions on spectrum issues and also take full account the societal, social, economic, cultural and international aspects related to the use of the sub-700 MHz frequency band.

Our proposal would be to have the second bullet point revised to incorporate the need for cooperation between networks as follow:

- “The RSPG supports smooth transition to new technologies, **cooperation between networks and convergence of services** to benefit consumers and make the most efficient use of limited spectrum resources”.

Annex I: The European Audiovisual sector is strategic

- European AV market (turnover) is 110 Bn€ (source EAO Yearbook 2019/2020) .
- SVOD is growing rapidly but still accounts for only 5% of the AV market (source EAO ib.)
- The AV sector contributed €46.9 Billion of GDP in Europe in 2018. (source AVdata4Europe, researched by EY)
- The role of broadcasters is essential. For example, each year Public Service Media invest €19.5 Bn in content creation; 89% of the TV output is of domestic or EU origin (source EBU –how PSM deliver value 2019).
- The film and audiovisual sectors employ more than 1 million people and another 1 million through indirect jobs (source AV data 4 Europe, researched by EY)
- This is part of a wider economy of the Content and Cultural Industry which in total represents about 7% of EU GDP.
- This wider group includes sectors like PMSE, live performance and Radio, and has agreed on a policy platform asking in particular to

“Take decisions on critical resources such as spectrum allocation regarding the use of the UHF band on the basis of a comprehensive examination of the impact on cultural and creative sector growth and jobs, particularly in the context of the upcoming World Radio Conferences, of the European Electronic Communications’ Code or any revision of the Radio Spectrum Policy Program” (source the [Wider Spectrum Group](#))

Terrestrial broadcasting is the backbone of the European Audio-visual media sector because:

- It is the key for the access to the mass audience (counter example: BBC3 market share went from 22% to 8% among 16-34 when it left DTT and went nonlinear; and now considering going back to ‘linear’ - source BBC news May 2020)
- It is a regulated area facilitating the respect of qualitative and quantitative policy objectives such as public service, pluralism and universality
- It provides the broadcasters a fully neutral network where their content is emphasized, and where they are not subject to gate keepers.
- While the terrestrial television platform is well established in Member States, it is true that penetration varies between Member States. However, a strong European broadcasting industry benefits all Members states that are active in the Audiovisual Market.