



## **EBU Comments to the Study of Aegis, IDATE and Indepen consultants on Spectrum Management in the field of Broadcasting**

The EBU welcomes the opportunity to present its comments on the Final Report on Implications of Digital Switchover for Spectrum Management in the field of Broadcasting.

### **Switchover timescale**

The European Commission Communication of 22 September 2003 on the transition from analogue to digital broadcasting emphasises that the digital switchover is mainly a market-driven process which should be accompanied by political measures of the Member States in a transparent, justified and adequate manner. The EBU believes that a Europe-wide consensus on the switch off date cannot be expected, but the European Union may help in encouraging Member States to adopt a common timetable for the switchover so that the total plan for the digital environment can be implemented as early as possible. Simulcasting is very expensive for terrestrial broadcasters and, consequently, an important priority for public service broadcasters would be a switchover period that is as short as possible, subject to ensuring the continuity of services to viewers and listeners.

### **Spectrum Planning Activities**

The management of the broadcasting spectrum in Europe is exercised by the National Regulatory Administrations (NRAs) who have been asked to decide what their service requirements for television and sound radio will be in the all-digital future. This is their formal task for the period following the completion of the first Session of the ITU's RRC 2004 in May. It is expected that in one year's time we will have a first idea of just how crowded the broadcast bands may be in order to meet these demands, or more importantly, whether these demands can actually be met with the available spectrum. However, the planning process has several stages, and only after the completion of the second Session in summer 2006 will the spectrum implications be fully understood. There are early indications, for instance, that many administrations will request provision for typically 6 television multiplexes, and that, except perhaps at the geographical edges of Europe, this will consume the entire spectrum available in the broadcasting Bands III, IV and V.

Digital broadcasting is, like for like, more efficient than analogue broadcasting, but in moving to digital, there are new public expectations for broadcasting. The public must be persuaded to invest in new digital receivers and equipment, and it seems that an enlarged choice of services of significant critical mass is recognised by NRAs as a pre-requirement to provide sufficient incentive to stimulate a healthy market place as consumers expect and demand more.

## **Non-broadcast use of broadcast spectrum**

As mentioned in the Report, extensive secondary use is made of broadcasting spectrum by broadcasters and others for services ancillary to broadcasting, public entertainment and other special events. The introduction of digital terrestrial services in simulcast with existing analogue services has already displaced these ancillary services which made use of the gaps in the spectrum between high power TV transmissions. These gaps could not be used in the analogue world for further TV services, but are being exploited to introduce digital terrestrial television (DTT). The frequency requirements for services ancillary to broadcasting, which are an essential part of programme making, are said by the Report to be expected to represent the equivalent of ten 8 MHz channels. The EBU agrees with the report's authors when they say; "Whilst the broadcasting community is able to coordinate SAB/SAP services in a manner which avoids interference to primary services, this may be more difficult to achieve if new non-broadcast services are introduced".

## **Differentiating between "General Interest" and new broadcasting services**

The Report recommendation differentiates between existing "general interest provisions" and "service enhancements" by suggesting that from a certain moment in time only the market should determine which enhancements are provided. The EBU believes that the market should not be the only determining factor on how the current broadcast spectrum will be used in the long term and does not agree that additional programmes and enhanced services such as HDTV or mobile reception of TV are beyond the remit of 'general interest'. The study seems to have ignored the 'citizen perspective' in which citizens/viewers should be entitled to equal access to digital services - whether on demand, portable and personalised, or HDTV. Restricting new service offerings to a market-only approach would disregard the democratic, social and cultural needs of each society and the need to safeguard media pluralism, and would not necessarily meet the aim of maximising economic returns.

Public services broadcasters have a critical role in ensuring that no one is excluded from the new technological digital environment, and have a continuing leading role in introducing new and enhanced service offerings as an integral part of their public service mission. They have an enviable reputation for innovation, and provide a stability which can help prevent various kinds of market failure in the uncertainties of the new digital world in terms of quality, choice, diversity and social value.

## **Access to transmission capacity**

The EBU disagrees with the suggestion made in the Report recommendation for setting aside part of the capacity of a digital television multiplex for trialling new applications or services. The management of digital multiplexes has been growing in efficiency since digital broadcasting began, with the introduction of sophisticated tools such as statistical multiplexing, and improved picture coding. Setting aside 20% of the capacity for independently managed applications would have a dramatic effect on this efficiency by restricting the available flexibility for dynamic control of the capacity used by all sharing services. There is also growing evidence that the

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increasingly popular consumer flat panel displays are intolerant of some picture artefacts, present in digital services, but less noticeable on today's television sets. This is likely to pressure broadcasters to use higher bit rates for future transmissions, which will reduce the number of services carried per multiplex.

### **Spectrum Refarming**

The EBU is very concerned about the suggestion to extend primary allocation status in the broadcasting bands to mobile services. This goes much beyond the interests of convergent applications, and is unnecessary. The current ITU regulations already allow for a certain flexibility through footnotes for countries which wish to put these bands to other uses. In most European countries, as noted above, we do not expect to find any free frequency spectrum which could be applied to mobile communications.

### **Regulation**

In the telecom package, there is no strict separation between the regulation of network transmission and the regulation of the content. The links between the two, in particular in order to guarantee media pluralism, cultural diversity and consumer protection have been recognized by the Framework Directive.

Public service broadcasters have an important public mission, expressly acknowledged by the EC Treaty in the Amsterdam Protocol, which includes promoting national culture and social cohesion and providing reliable, unbiased information and varied and balanced programming for all sections of the population. Public service broadcasters in Europe are also required to provide universal coverage, which means that public service programmes should be available to virtually every citizen throughout the national territory. In providing universal coverage it would be wise to use different means of delivery, as complementary distribution platforms, for efficiency in reaching all citizens, but also as competitive offers to provide the public with alternative suppliers, and provide the necessary degree of security backup.

To this end, public service broadcasters need adequate radio frequency spectrum for transmitting their programmes and services both now and in the future. The European Commission Communication of 22 September 2003 on the transition from analogue to digital broadcasting states that even in the case of a more efficient and flexible use of frequency spectrum the public service mission of broadcasting must be preserved.

### **Sound radio**

The EBU regrets that the study, addressing Spectrum Management in the field of Broadcasting, fails to deal with T-DAB sound radio in Band III, which is also being planned by the ITU's RRC.

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