



**Declaration of the Committee of Ministers
on the allocation and management of the digital dividend and the public interest**

*(Adopted by the Committee of Ministers on 20 February 2008
at the 1018th meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Recalling the commitment of member states to the fundamental right to freedom of expression and information, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights – ETS No. 5);

Stressing the importance for democratic societies of the existence of a wide variety of independent and autonomous media, permitting the reflection of diversity of ideas and opinions, as stated in the Committee of Ministers' Declaration on the freedom of expression and information (29 April 1982);

Conscious of the advantages and opportunities but also the challenges for free and pluralist communication offered by digital technology, and of the need to safeguard essential public interest objectives in the digital environment, including freedom of expression and access to information, media pluralism and cultural diversity, social cohesion, democratic participation, consumer protection and privacy;

Aware of the fact that technical and legislative choices involved in the switchover to the digital environment should not be determined by economic factors alone but ought also to take account of social, cultural and political factors, and agreeing that a balance must be struck between economic interests and objectives of common interest;

Conscious that a balance might need to be struck between the development of a purely market-based approach to spectrum allocation and management, on the one hand, and the promotion of pluralism, cultural and linguistic diversity and access of the public to audiovisual services in Europe, in particular free-to-air broadcasting, on the other hand;

Aware, in particular, that radio spectrum will be freed as a result of the switchover from analogue to digital broadcasting and conscious of the need for states to take decisions in respect of the allocation and management of this scarce public resource in the common interest;

Stressing that the digital dividend¹ is an excellent opportunity to meet the rapidly growing demand for new services and that it can open up the spectrum for broadcasters to significantly develop and expand their services while, at the same time, ensuring that other important social and economic uses, such as broadband applications or mobile multimedia capable of contributing to overcome the digital divide, are taken into account when allocating and managing this valuable resource;

¹ The radio spectrum freed as a result of the switchover from analogue to digital broadcasting.

Mindful of the importance of stepping up efforts to ensure effective and equitable access for all persons to the new communication services, education and knowledge, especially with a view to preventing digital exclusion and to narrowing or, ideally, bridging the digital divide;

Recalling Recommendation Rec(2003)9 on measures to promote the democratic and social contribution of digital broadcasting, and in particular its citizen-oriented approach and stipulations regarding the transition to digital broadcasting;

Recalling also Recommendation Rec(2007)3 on the remit of public service media in the information society, underlining the fundamental role of public service media in the new digital environment, which is to promote the values of democratic societies, in particular respect for human rights, cultures and political pluralism, offering a wide choice of programmes and services to all sectors of the public and promoting social cohesion, cultural diversity and pluralist communication accessible to everyone;

Recognising, without prejudice to ongoing efforts within other international fora to find a harmonised approach, the right of member states to define their own policies regarding the transition from analogue to digital broadcasting, and the use of the digital dividend, understood as radio spectrum capacity freed as a result of the switchover to the digital environment;

Aware of the different situations in which various member states find themselves with regard to the digital dividend for geographical, historical, political, cultural, linguistic or other reasons, which may be accommodated through international co-ordination and planning, but make rigid harmonisation difficult;

Stressing the need to guarantee to users stable reception of digital terrestrial broadcasting services and to resolve interference problems before a decision, if any, is taken to put broadcasting services and mobile telephone services in the same or adjacent bands,

Declares that member states:

- i. should acknowledge the public nature of the digital dividend resulting from the switchover and the need to manage such a public resource efficiently in the public interest, taking account of present and foreseeable future needs for radio spectrum;
- ii. should pay special attention to the promotion of innovation, pluralism, cultural and linguistic diversity, and access of the public to audiovisual services in the allocation and management of the digital dividend and, for this purpose, take in due account the needs of broadcasters and of the media at large, both public service and commercial media, as well as those of other existing or incoming spectrum users;
- iii. should also consider the benefit that the allocation and management of the digital dividend may bring to society in terms of an increased number of diversified audiovisual services, including mobile services, with potentially improved geographical coverage and interactive capability, as well as services offering high definition technology, mobile reception, or easier and more affordable access.