



Europe's creative sector calls on policy makers to provide safeguards on UHF spectrum vital to sustaining free to air television and content creation

Brussels, December 2, 2016

Ahead of triologue negotiations on the proposed EU decision on the use of the 470-790 MHz frequency band in the Union, the Wider Spectrum Group calls upon EU policymakers to ensure that the wording of Article 4 fully reflects a clear, solid and unambiguous guarantee that the creative sector can access the 470-694 MHz spectrum (sub 700 MHz band) at least until 2030. We also welcome proposals to mitigate the impact of the transfer to mobile services of the 700 MHz band.

The decision proposed by the European Commission on the 470-790 MHz Band addresses a band currently used exclusively on a primary basis by digital television services and shared with audio PMSE¹ as secondary users. Other parts of the UHF Band are already used by mobile services (800 MHz and 900 MHz bands).

The proposed decision organizes the split of this part of the UHF spectrum between broadcasting and mobile services. The band 694-790 MHz (700 MHz band) would be re-farmed to be used by mobile services while the band 470-694 MHz (sub 700 MHz band) would remain for broadcasting services.

Band below 700 MHz

Once the 700 MHz band is assigned to mobile use, the spectrum band below 700 MHz will be the only one left for the usage of broadcasting and the absolute core band for professional audio PMSE services. The Wider Spectrum Group welcomes that both the Council and the European Parliament Industry Committee intend to guarantee priority to broadcasting and audio PMSE services in the sub-700 MHz band (470-694 MHz) until 2030, consistent with the conclusions of the Lamy report and the RSPG Opinion on a long term strategy on the future use of the UHF band.

This is key for platform competition and for the continuity and universality of availability of free-to-air television, radio, and locally created content in Europe. The UHF radio frequency spectrum used by digital terrestrial broadcasting (DTT) and audio PMSE is a key resource for the European Creative Sector, which is the third largest economic employer in Europe, providing 14 million qualified and local jobs across the continent. 250 million Europeans appreciate daily the free-to-air television and other services carried by the DTT networks, while countless audio engineering professionals and live performers share the same spectrum by relying on wireless audio PMSE equipment to deliver vibrant, dynamic, world class content, often exported globally. Many radio infrastructures are also shared with DTT networks.

To ensure that the intended long-term legal certainty for the sub 700 MHz band is fully and consistently reflected, we make the following comments with regard to Article 4 and Article 6, with reference to the proposed Commission Decision, as amended by the Industry Committee on November 10.

- **Article 4(2)** considers the use of the sub 700 MHz for electronic communications services without limitation to downlink only as in the Commission's proposal. **The Wider Spectrum Group requests the removal of such article 4(2) in line with the Council's general approach of May 2016.** Firstly, the introduction of Article 4(2) is not consistent with the technical incompatibility presented in recital 6 of the proposal and more importantly not consistent with the decision at the 2015 ITU World Radio Conference (WRC-15) to retain the bands below 700 MHz for broadcasting use.

¹ Programme Making and Special Events, encompassing professional and community production services based on wireless microphones and live performance

- **In order to avoid any doubt over the interpretation over the 2030 minimum guarantee for broadcasters and to ensure a climate conducive to investment in these vital industries through the 2020s**, the Wider Spectrum Group suggests that the wording in article 4 should be amended to “**at least until 2030**”.
- **Article 4, paragraph 1 should not impose obligations on Member States to promote cooperation between broadcasters, broadcasting operators and mobile network operators in order to facilitate convergence of Audiovisual and Internet platforms and shared spectrum use.** First, such obligations are not substantiated by any impact study of the benefits or feasibility of convergence of platforms, on the contrary the reference study by the Commission concluded that there was currently no business case. Second, such obligations would go against the interest of the consumers, by diminishing competition between platforms. Finally, the reference to “shared spectrum use” disregards the fact that the spectrum has already been shared in the proposed decision between the 700 MHz Band and the sub 700 MHz Band.
- **Article 4 appropriately considers the protection of the terrestrial broadcasting services** in the case of other uses made possible by international radio regulations. However, the sentence “does not cause harmful interference with the terrestrial provision of broadcasting services in a neighbouring Member State” **should be clarified** by replacing “interference with” by “interference to, nor claim protection from, the terrestrial provision of broadcasting ...”

The Wider Spectrum Group is supporting a removal of Article 6, or at least of its last sentence. From an industrial policy standpoint, it is not reasonable nor proportionate to review before 2023, right after a new infrastructure is put in place by the broadcasting and audio PMSE sector, if “it is necessary to change the use of the 470-694 MHz frequency band” in Europe. WRC-23 is important but will only address a possible change of *radio regulation allocations*, not a change of *use* in Europe, and can be prepared without a legislation.

700 MHz band

The Wider Spectrum Group welcomes that both the Council and the Industry Committee intend to mitigate the impact of the transfer to mobile services of the 700 MHz band by providing flexibility on the deadline of the re-farming of the 700 MHz band for up to two years (2022) in Member States where this is justified and by facilitating national cost compensation measures.

Article 5a addresses the possibility for Member States to ensure that the direct cost of reallocation of spectrum is compensated adequately, which the Wider Spectrum Group welcomes. **The Wider Spectrum Group emphasizes that such principle should also apply to the cost of reallocation for the broadcasting and PMSE sectors in addition to end-users**, and therefore insists to add “in particular for end-users *and the broadcasting and PMSE sectors*”.

About the Wider Spectrum Group: The Wider Spectrum Group is the coalition of 13 European or national associations united around a common vision of the crucial importance of spectrum for the European creative and cultural industries. The creative and cultural industries are the third largest economic sector in Europe providing 14 million qualified and local jobs, and play also a unique role in asserting European identity, cultural values and pluralism.

The Wider Spectrum Group brings together three key stakeholders groups:

- Employer’ associations and companies in audiovisual, radio, live performance, programme making and special events;
- Viewers and listeners;
- European trade union organizations representing journalists, creators, technicians and other works in the media, entertainment and arts.

For more information:

Please visit our website at www.widerspectrum.org and read our shared vision ([direct link](#))