

RSPG should recommend more clearly to maintain the harmonization of the 470-694 MHz band for Culture in Europe

[Wider Spectrum Group](#)'s response to RSPG public consultation on its Draft Opinion on the Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU (see Annex 2 about the Wider Spectrum Group).

25 August 2023

Comment 1

Europe has created a unique asset by having harmonized a band suited for the long-term needs of Culture in Europe. This strength must be preserved as a first objective. This is the meaning of the engagement of the various societal constituencies of the Wider Spectrum Group, one of the 100+ European organizations that are participating in the [Call to Europe](#).

The RSPG draft opinion is based on the recognition, which we welcome, that terrestrial broadcasting and PMSE will remain very important usages in Europe at the horizon 2040, with a prevalent use of DTT in coexistence with PMSE in 2 national scenarios out of the 3 presented.

However, maintaining the harmonization of the 470-694 MHz band for culture, as established in the UHF Decision, is an implicit conclusion left to the reader in the draft opinion.

Therefore, we respectfully invite RSPG to explicitly emphasize the continued need for harmonization in a single market for content creation, production, and delivery, for events and culture, in addition to the draft recommendations addressing European diversity.

Comment 2

Recommendation #9 refers to WRC-23. As this subject is addressed nowhere else in the Draft Opinion, we can only understand that the intent is to recall that EU policy regarding the sub 700 MHz band and WRC-23 regulations are separate subjects. The draft wording is so broad in terms ("any, any, no prejudice nor constraint") that it could be read as if the outcome of WRC-23 did not matter *at all* for the future use of the sub 700 MHz band in Europe. We respectfully disagree, and we note that Agenda 1.5 is one of the most debated subjects in WRC-23 preparatory work, including in RSPG and other EU institutions. Moreover, Recommendation 9 could give an unhelpful signal in international negotiations, undermining **a carefully crafted EU position**.

As WRC-23 is already the subject of another RSPG Opinion, and we expect the outcome will also be addressed in a RSPG Report, we think recommendation 9 is not necessary here and we would therefore suggest removing Recommendation #9 from the final version of the Opinion.

Comment 3

In Opinion Annex 1, we note that some articles of RSPP are not mentioned although they are important and relevant. Also we want to draw the attention of RSPG on the European declaration on digital rights and principles, many of which are supported by the use of the 470-694 MHz band for broadcasting and PMSE (see our Annex 1).

Proposals to the Draft RSPG Opinion:

- Add a new Recommendation #3: *RSPG notes that the 470-694 MHz band is harmonized in Europe for terrestrial broadcasting and PMSE through the UHF Decision. This contributes to a single European market for content creation, production and delivery, for events and culture. RSPG recommends that this harmonization is maintained in the Union. This will provide Member States and stakeholders with a stable framework and European scale to develop broadcasting and PMSE applications according to their needs.*
- Remove Recommendation 9 regarding WRC-23.
- In the Opinion Annex 1
 - o on RSPP, also refer to Article 1.1 and 8.5 in addition to Article 7.
 - o Mention the European declaration on digital rights and principles

Why it is important.

- Frequencies within the UHF band are essential to secure European content creation, production, and delivery through broadcasting and PMSE, for the benefit of all users – viewers and listeners. Qualified and local employment is fostered. Moreover, the current spectrum allocation supports a democratic and

safer Europe, by ensuring quality news, pluralism, and freedom of speech through trusted and regulated media, available free-to-air, and through local events and debates.

- The harmonization of the 470-694 MHz band for broadcasting and PMSE is in line with the European policy to harmonize spectrum resources contributive to the internal market as set in the RSPP. This usage of the band is one of the most efficient ways to fulfill many of the commitments taken in the European declaration of Digital Rights and Principles.
- Harmonization and assurance of a continued access to spectrum for broadcasting and PMSE are the prerequisite to the innovation roadmaps which will not develop if limited to a national scale.

For more details

- Annex 1 Relevant extracts from RSPP and European Declaration on Digital Rights and Principles in the Digital Decade – highlighting in italics why 470-694 MHz band is a vital input to implement and support these principles
- Annex 2 about the Wider Spectrum Group
- Annex 3 Why UHF Frequencies matter so much to the members of the Wider Spectrum Group



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Annex 1 Relevant extracts from RSPP and European declaration on Digital Rights and Principles in the Digital Decade

[Radio Spectrum Policy Programme](#) RSPP (DECISION No 243/2012/EU)

- **Article 1.1** This Decision establishes a multiannual radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market in the Union policy areas involving the use of spectrum, such as electronic communications, research, technological development and space, transport, energy and audiovisual policies.
- **Article 7.** In order to support the further development of innovative audiovisual media and other services to Union citizens, taking into account the economic and social benefits of a single digital market, Member States shall, in cooperation with the Commission, aim at ensuring there is sufficient spectrum available for satellite and terrestrial provision of such services, if the need is clearly substantiated.
- **Article 8.5.** Member States shall, in cooperation with the Commission, seek to ensure the necessary frequency bands for PMSE, in accordance with the Union's objectives to improve the integration of the internal market and access to culture.

[European Declaration on Digital Rights and Principles for the Digital Decade](#) (2023/C 23/01) (extracts, highlighting the relevance for the RSPG work)

- **Solidarity and inclusion** 2. Technology should be used to unite, and not divide, people. The digital transformation should contribute to a fair and inclusive society and economy in the EU. We commit to: [...] b) a digital transformation that leaves nobody behind. It should benefit everyone, achieve gender balance, and include notably elderly people, people living in rural areas, persons with disabilities, or marginalised, vulnerable or disenfranchised people and those who act on their behalf. It should also promote cultural and linguistic diversity;
 - o *Why is 470-694 MHz spectrum a vital input to support these principles: Terrestrial broadcasting contributes by its quasi universal reach, by being the support of free-to-air TV and by fulfilling the needed coverage for public service media obligations – thereby guaranteeing universal access for all citizens to audiovisual services, including vulnerable users and consumers groups for economic, cultural, geographic, gender or disability reasons. PMSEs allow the needed creation of content and the holding of events (cultural, political, religious, etc.) that are major sources of social cohesion and sense of belonging.*
- **Fair and just working conditions** 5. Everyone has the right to fair, just, healthy and safe working conditions and appropriate protection in the digital environment as in the physical work place, regardless of their employment status, modality or duration. 6. Trade unions and employers' organisations play an important role in the digital transformation, particularly in relation to the definition of fair and just working conditions, including with regard to the use of digital tools at work.
 - o *Why is 470-694 MHz spectrum a vital input to support these principles: The European content and cultural industry is a job creating sector ensuring local and qualified jobs. Employee organizations covering the European media, live performance and journalistic sectors, are engaged in the Wider Spectrum Group in the defense of a harmonized spectrum band, recognizing spectrum as a key input.*
- **A fair digital environment** 11. Everyone should have the possibility to compete fairly and innovate in the digital environment. This should also benefit businesses, including SME. We Commit to: a) ensuring a safe and secure digital environment based on fair competition, where fundamental rights are protected, users rights and consumer protection in the Digital Single Market are ensured, and responsibilities of platforms, especially large players and gatekeepers, are well defined;
 - o *Why is 470-694 MHz spectrum a vital input to support these principles: For broadcasters, terrestrial broadcasting is more than just a robust and reliable distribution network delivering an extensive footprint, high quality of service and high reach: it is also a strategic asset. Thanks to this platform, European broadcasters secure their direct access to their viewers via a free and easy-to-use platform. Furthermore, DTT ensures their prominence and findability in an increasingly crowded offer.*
- **Participation in the digital public space** 12. Everyone should have access to a trustworthy, diverse and multilingual digital environment. Access to diverse content contributes to a pluralistic public debate and effective participation in democracy in a non-discriminatory manner. 13. Everyone has the right to freedom of expression and information, as well as freedom of assembly and of association in the digital environment. 14. Everyone should be able to access information on who owns or controls the media services they are using. [...] We commit to: a) continuing safeguarding all fundamental rights online, notably the freedom of expression and information, including media freedom and pluralism; [...] b) supporting the development and best use of digital technologies to stimulate people's engagement and democratic participation; c) taking proportionate measures to tackle all forms of illegal content, in full

respect for fundamental rights, including the right to freedom of expression and information, and without establishing any general monitoring obligations or censorship; d) creating a digital environment where people are protected against disinformation and information manipulation and other forms of harmful content, including harassment and gender-based violence; e) supporting effective access to digital content reflecting the cultural and linguistic diversity in the EU; f) empowering individuals to make freely given, specific choices and limiting the exploitation of vulnerabilities and biases, namely through targeted advertising.

- *Why is 470-694 MHz spectrum a vital input to support these principles: While democracy is often taken for granted in Europe, it needs to be nurtured, strengthened and promoted. By allowing events and public debate, PMSE undoubtedly contribute to the functioning of democracy and citizen engagement. Among all media, broadcasters are a primary source of trusted information (radio and TV are the most trusted media in Europe as regularly repeated in the Eurobarometer survey). Terrestrial broadcasting where obligations are strictly monitored and enforced sets the standards for news and media freedom and are essential levers for a fair democratic debate.*

Annex 2 - About the Wider Spectrum Group (widerspectrum.org):

Created in 2015, the Wider Spectrum Group (WSG) brings together 10 European and 8 national organisations representing civil society as well as employee and employer representatives.

- Trade associations and companies in audio, audiovisual and film creation, production and distribution; in radio and tv (broadcasting); in live performance, programme making and special events;
- Viewers, listeners and consumer organisations;
- European trade union organisations representing journalists, creators, technicians and other works in the media, entertainment, and arts.

Those organisations share a common view on the need to ensure that European and national policies regarding frequency allocation preserve the potential for European growth, innovation and sustainable employment.

European organisations: AER, APWPT, BNE, CEPI, EBU, EFJ, EURALVA, PEARLE, SOS, UNI MEI

National Organisations : AUC, Everyone TV, IC MEDIA, SPIO, Television Abierta, UTECA, VAUNET, VLV



Wider Spectrum Group

Frequencies for a creative Europe



