



Wider Spectrum Group
Frequencies for a creative Europe



Response to the Public consultation on the Draft RSPG Work Programme for 2022 and beyond

(Version 5 January 2022)

The Wider Spectrum Group¹ welcomes the opportunity to provide comments on the draft RSPG Work Programme for 2022 and beyond. Founded in January 2015, the Wider Spectrum Group (WSG) now brings together 10 European and 6 national organizations representing civil society as well as employee and employer representatives. Together these organizations represent the interests of consumers, listeners and viewers, workers and businesses in the field of audiovisual, radio, live performances, programme-making and special events.

General

The creative and cultural sector, acknowledged as a leading employer and value driver in Europe, deserves a strong industrial strategy that reinforces the pillars it rests on. Spectrum allocation is one of those pillars. Free-to-air universally available radio and TV, live performance and PMSE make available to the public local, diverse and plural European works and information.

Regarding the 470-694 MHz band which is the core spectrum used by the Content and Cultural Industry, it is a fact that the EU policy and the general interest have been recently agreed at the level of the EP and Council after proposal by the Commission. They are fully reflected by the UHF Decision on 470-790 MHz band. It is reminded in Article 7 of the text that “the social, economic, cultural and international aspects affecting the use of the sub-700 MHz frequency band” are to be taken into account by European decision makers.

From the spectrum management standpoint, this balanced agreement is in essence establishing for the foreseeable future a harmonized exclusive primary status to terrestrial broadcasting in the 470-694 MHz bands, with the associated secondary status for PMSE. Other national uses can be accommodated on a basis secondary to broadcasting service. The counterpart of that long term certainty to terrestrial broadcasting and PMSE is the immediate effort imposed on the incumbent services and the EU citizens and professionals to clear the 700 MHz band in an orderly and timely manner². As a result, the same decision is also allowing Europe to reach its goals for spectrum for Wireless Broadband and establish in a timely and harmonized way the EU 5G pioneer low-band at 700 MHz.

From the strategic standpoint of the Content and Cultural industry and the interest of citizens, workers and undertakings in that field, the UHF Decision is fostering long term platform coexistence in full support of the European Audio-Visual Model³.

¹ A description of the Wider Spectrum Group and its members is provided in appendix

² when the ITU coprimary status of that band would otherwise allow Member States to pursue different national strategies in that band.

³ A model where citizens can have access to free television; public service missions can be fulfilled and quality information can reach a mass audience; content can be created, financed and exposed; local and

Therefore, the Wider Spectrum Group is watchful that the RSPG work program takes full account of the letter and the intent of the relevant Union law, namely the UHF Decision, when addressing questions relative to the 470-694 MHz band.

This has 3 practical consequences on the RSPG work program for 2022 and beyond:

1. For WRC-23 preparation, regarding Agenda 1.5, the work of the RSPG should be focused on maintaining the integrity of the exclusive primary allocation to broadcasting with secondary allocation to PMSE, thereby maintaining at the ITU an international framework non-threatening to that of the UHF Decision.
2. For WRC-23 preparation, the draft opinion of RSPG regarding agenda item 1.5 should be communicated in full transparency and subject to public scrutiny through a public consultation.
3. The inclusion of the work item on “Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU”, which is envisaged in the draft RSPG work program, seems to be premature at this stage and should therefore be withdrawn.

The rationale for those proposals is the following:

- 1- For the preparation of WRC-23 Agenda Item 1.5, the defense of the EU UHF Decision should be the guiding point
 - It is considered a commonplace that agenda item 1.5 will be contentious⁴. However, we don't think it should be the case in EU. The purview of RSPG emphasize the implementation of Union law. Therefore, in international negotiations, the letter and clear intent of the UHF Decision should be defended.
 - The 2 previous changes from Primary Broadcasting to Co-primary in the UHF Band resulted within less than 5 years in the EU in a notice of eviction delivered to Broadcasting and PMSE. Therefore, the Wider Spectrum Group cannot take at face value the expectation that a Co-Primary decision applying to Region 1 would be of no consequences in the EU before or after 2030.
 - The Wider Spectrum Group supports the position to maintain the exclusive primary allocation to broadcasting with secondary allocation to PMSE as it stands today, without further changes at WRC-23. While we cannot ignore that some countries outside of EU foresee a change of use in their national situation, we note that possibilities⁵ exist at the ITU level to provide for national flexibility while still ensuring the exclusive primary status to Broadcasting as the common rule.
- 2- Regarding the transparency during the preparation of WRC-23
 - While agenda 1.5 is one item among many for spectrum managers, for the Wider Spectrum Group it is a subject of the highest relevance with impact also on millions of EU citizens and workers. The transparency of the process is even more essential as issues are complex and have differed and long-term consequences.

large-scale live events can happen; broadcasters can have a direct distribution channel; and all this is under European and national scrutiny with enforceable law. This model contrasts with one where the content would be exclusively controlled by the internet platforms and the distribution networks would be exclusively controlled by the telcos.

⁴ Refer to data provided by CEPT preparatory chair during the CE/CEPT workshop.

⁵ Such as foreseen in GE06 or in the flexibility option in the EU framework

- The Wider Spectrum Group notes that in the previous WRC preparations, the opinion of the RSPG was put under scrutiny in a public consultation.
 - On the specific case of the UHF Band, precision and nuances are important. The Wider Spectrum Group like other stakeholders has always been keen in providing feedback in RSPG consultations, some of it deemed constructive and useful enough to be considered by RSPG in the wording of the final opinions.
- 3- Strategy on the future use of the frequency band 470-694 MHz beyond 2030 in the EU
- Opening now such a work item would undermine the certainty established by the UHF Decision.
 - o The UHF Decision is affording certainty to the Broadcasting and PMSE sector as to their long-term access to the 470-694 MHz band in Europe. The Decision states that the access is secured until *at least* 2030, does not include a review or an expiry time. Therefore, the Decision expands by default beyond 2030. As put by Lamy “for the foreseeable future”.
 - o Opening now a discussion on alternative options for the future can only undermine the certainty intended by the Decision and according to our understanding the “need for the RSPG to contribute, from an EU perspective, with a strategic vision for sub-700 MHz spectrum use”, as mentioned in the Commission draft work programme for 2022 cannot be derived from Article 7 of the UHF decision. Regulatory work needs to be fair between sectors. Noting that 20 years is considered the appropriate legal time span for certainty for the spectrum rights of the wireless broadband sector, it is not welcome by the viewers, the industries, and the workers to rediscuss the prospects that concern the broadcasting and PMSE sector just 4 years after a EU strategy was agreed.
 - o In this context, we would also like to stress the highly devastating consequences of the Covid-19 pandemic for our sectors and severe economic losses made during that time. Legal certainty as to the material and equipment used for the years to come is essential to help the media and live performance sector recover from the crisis, especially as it would be impossible for companies and organisations in the current situation to invest in new equipment, if available at all.
 - o From the formal standpoint, Article 7 of the UHF Decision includes a report to the Parliament and the Council which hasn’t been drafted yet. Therefore, the intent of a review seems to overlook formal procedures guaranteeing a future-proof and effective policy making.
 - There are many reasons why even a preliminary reflection on scenarios is premature:
 - o While potential interest from new sectors have emerged in the wake of WRC-23 preparation, and interest from IMT has been restated, very little evidence has been provided as to the extent of the alleged new needs considering existing spectrum assignments. To our knowledge no effort has been made to address those needs within the flexibility afforded by the current Union law framework.
 - o In contrast, there is considerable effort made by the broadcasting and PMSE sectors and viewers and professionals to make efficient and forward-looking use of the core remaining spectrum.

- In many EU countries⁶, consumers and professionals have just bought the new broadcast transmit and receive equipment allowing the clearance of the 700 MHz or the new wireless microphones.
- In other EU countries, new laws are passed to facilitate the next upgrade of the DTT platform⁷, or political engagements are made ensuring long term certainty for access to the spectrum⁸. Outside of the European Union licenses for the DTT are extended⁹, or current trend and forecast for the DTT platform show significant growth¹⁰.
- A strong effort is made to explore 5G Broadcast as a complementary technology opening new possibilities within the existing legal framework.
- There is now Union wide evidence¹¹ of the long-term benefits of a strong terrestrial broadcasting platform in energy savings contributing to the fight against climate change.
In PMSE the lifespan of wireless microphone technology is 15-20 years, which is reasonable period of use in professional context, equipment is then sometimes further used in non-professional context, thus contributing to circular economy. Any shorter and forced replacement of equipment adds to waste belts, which goes against Europe's priority on the Green Deal and specifically the action plan on the circular economy.
- Opening the work item would in practice prejudice the outcome of WRC-23:
 - This would send a signal outside which can only weaken the defense of the allocation to Broadcasting and PMSE at WRC-23.
 - if there is NO CHANGE at the WRC-23, why would one now reflect on the future use of the UHF Band in Europe?
- As a subsidiary point, it is hard to reconcile the opening of such work item in 2022 with the RSPG opinion on a new RSPP¹² dated 16 June 2021 to exclude the same subject from the issues to be included in a RSPP.

⁶ eg. Italy, Spain, Croatia, Poland, Czech Republic...

⁷ eg. France

⁸ Germany

⁹ Eg UK

¹⁰ Eg USA

¹¹ LOCAT study thelocatproject.org

¹² RSPG21-033, section 3.4 on Broadcasting and PMSE

Appendix - About the Wider Spectrum Group

Founded on January 2015, the Wider Spectrum Group (WSG) now brings together 10 European and 6 national organisations representing civil society as well as employee and employer representatives. Together these organisations represent the interests of consumers, listeners and viewers, workers and businesses in the field of audiovisual, radio, live performances, programme-making and special events.

WSG members 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 and global organisations:

- AER (the association of European radios)
- APWPT (the association of professional wireless production technologies)
- BNE (broadcast networks Europe)
- CEPI (the European coordination of independent producers)
- EBU (the European broadcasting union)
- Euralva (the European alliance of listeners' and viewers' associations)
- EFJ (the European federation of journalists)
- Pearle* Live Performance Europe (the European sector federation of performing arts organisations)
- Save Our Spectrum initiative
- UNI-MEI (the global union of media and entertainment workers' trade unions)

National organisations

- AUC (the association of communication users, Spain)
- Digital UK (strategy, policy and service development for digital terrestrial television in the UK)
- IcMedia (the Spanish federation of consumers and media users association)
- Uteca (the Spanish association of the private owned DTT broadcasters)
- VLV (Voice of the listener and viewer, UK)
- VAUNET (Association of Commercial Broadcasters and Audiovisual Services in Germany)

[Click here to learn more about the Members of the Wider Spectrum Group](#)

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