



Wider Spectrum Group
Frequencies for a creative Europe



Response to the Public consultation on the Draft RSPG Opinion on a Radio Spectrum Policy Programme

(Final – 26 March 2021)

The Wider Spectrum Group¹ welcomes the opportunity to provide comments on the draft RSPG Opinion on a Radio Spectrum Policy Programme. 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.

General comment

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 general public local, diverse and plural European works and information.

The Wider Spectrum Group welcomes the fact that spectrum needs for Audio-Visual Media are clearly identified in section 3 among those for which sufficient availability must be a priority, and that the RSPG opinion devotes two sections which are relevant in emphasizing spectrum as a critical asset for the Creative sector: section 3.4 Broadcasting and PMSE and section 6 Audio-visual Media Policy. In addition to comments on those sections, we provide some comments to section 2.1 on Spectrum Sharing, on section 3 initial presentation, and section 6.5 on the pandemic response. They are presented in the order of the sections in the draft opinion. Any specific suggestion for text inclusion in the final opinion is highlighted in a box.

Section 2.1 Spectrum sharing

We would take the opportunity of this response to highlight that broadcasting and PMSE share the spectrum in a practical and efficient way. The GE06 agreement provides a practical framework for sharing between countries including flexibility for other uses. For decades broadcasting and PMSE have shared the spectrum without interference. Use of wireless microphones and other production equipment is very widespread across all countries and everywhere inside a given country, from large concert halls to small community city halls or churches, playing an essential role both in content creation but also in fostering social link and local economy (eg festivals).

Section 3 Spectrum needs and supporting EU vision/policies

For clarity because the EU framework sometimes distinguish between radio and other audiovisual media, we suggest:

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

Proposal 1- "... transport communications, Audio-visual (**including radio**) Media, Member States shall..."

Section 3.4 Broadcasting and PMSE

The Wider Spectrum Group regrets that the draft opinion has not taken the opportunity to provide additional certainty beyond 2030.

Considering the timeframe for the new Radio Spectrum Policy, ie mostly 2025-2030, the Wider Spectrum Group considers that the EU policy has been already set at the level of the Parliament and the Council by the Decision (EU) 2017/899 with a guaranteed access to the 470-694 MHz band for the foreseeable future, defined by law as "until at least 2030".

While we interpret the draft opinion in this light, we are concerned that the wording might be misinterpreted and therefore the WSG would like to make two specific comments.

Because the RSPP covers a period not yet entirely defined and possibly extending beyond 2030, it is important to recall that in the UHF decision, as evidenced by the wording in Article 4, 2030 is by no means a hard limit. Also, the article 4 covers PMSE, and this is certainly relevant to section 3.4 of the opinion.

Proposal 2- Therefore, we think that the text in section 3.4 should be amended to state "... is providing legal certainty until **at least** 2030 to terrestrial broadcasting **and PMSE**..."

For clarity it seems necessary that the orders of the statements in the section 3.4 be reversed. Current order is

- "shall be no subject of a new RSPP" (which would seem odd if there were no prior EU policy),
- followed by a reference to WRC-23 (which might be misread as the policy of the EU might be defined at the ITU)
- then concluded by a reference to the UHF decision;

In our view the reverse order should be adopted with the logic highlighted, in the suggested following way:

Proposal 3- "The current Council and European Parliament Decision is **already setting the EU policy in regard of the UHF Band 470-694 MHz for broadcasting and PMSE** by providing legal certainty until **at least** 2030 to terrestrial broadcasting **and PMSE** including conditioned national flexibility.

Therefore, the RSPG is of the view that the future of broadcasting and PMSE in regard of the UHF Band 470-694 MHz shall not be subject of a new RSPP (see also section 6.6).

The UHF 470-960 MHz band is on the agenda for the upcoming WRC23 conference and RSPG intends to provide a recommendation to the EC on an EU position accordingly in its opinion towards WRC23. "

Section 6.5 Pandemic response

During the peak of the COVID crisis and throughout the current pandemic period, television and radio play a key role in informing and entertaining citizens and fighting disinformation² as evidenced by an increase in viewing and listening time, across all age groups Usage of PMSE remained essential for content creation and events especially through digital platforms, answering a need for social bonding. Moreover, through their high reliability, universal coverage and strong penetration, the terrestrial TV and radio broadcasting platforms add to the resiliency of the overall communications infrastructure.

Proposal 4 – incorporate that fact into the first bullet “...to promote the role of wireless connectivity **including terrestrial broadcasting and PMSE** for the functioning of our economy and society during all sorts of crisis...”

Section 6.6 Audio-visual Media Policy

The draft opinion highlights some of the many challenges which the Audio-visual Media faces in terms of new technologies, convergence of services and accessibility of contents over different platforms. In view of the challenges, Europe must support, not weaken, its valuable Audio-visual and radio ecosystem. Moreover, adequate access to spectrum is vital for upholding democracy and other European values and fostering the cultural and creative sector growth and jobs. The benefits of terrestrial broadcasting are recognised in European law as an integral part of the general interest; for instance television and radio broadcasting are noted in Article 45 of the EEC Directive EU 2018/1972 as promoting “cultural and linguistic diversity and media pluralism”.

Proposal 5- This aspect should be highlighted in the opinion, by adding as a first remark “**The benefits of terrestrial broadcasting are recognised in European law as an integral part of the general interest which may justify specificities in the management of radio spectrum.**”

The Wider Spectrum Group welcomes the statement that any initiatives should encompass all different dimensions. However we are concerned that the choice of word “consumer/user” as the final yardstick may be too limitative: the COVID crisis has reminded everyone that the general interest may go beyond purely consumerist interests, and the dimensions of employment, especially local, resiliency of networks, and access to culture, education, news and entertainment in a pluralist way are also essential dimensions of a successful society.

Proposal 6- Therefore we would suggest the following wording “The overall objective is to strike a balance to the benefit of **the general interest** in all Member States.

Regarding the second bullet, transitions to new technologies and convergence of services are not an objective in themselves and should be seen as means to achieve greater benefits in the Audio-visual media policy taking into account the Member States situation.

Proposal 7– Qualify the statement in the following manner “The RSPG supports smooth transition to new technologies, **potentially complementing already existing technologies**, and convergence of services **according to the dimensions above and based on national decisions**”.

² Refer for instance to <https://www.ebu.ch/publications/covid-19-report> or similar reports by commercial tv and radios in Europe.

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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