

**RTÉ and RTÉNL Response to the
European Commission Consultation on
'Transforming the digital dividend opportunity
into social benefits and economic growth in
Europe'**

4th September 2009

Introduction

RTÉ, Ireland's primary Public Service Broadcaster (PSB), together with RTÉNL, the wholly owned subsidiary company that operates and maintains the national transmission network, welcome this European Commission Consultation on the Digital Dividend in Europe.¹ Any initiatives that can help reinstate regulatory certainty for broadcasters during a time of considerable change in terrestrial broadcasting are very welcome.

Radio spectrum is a significant national asset for Member States, and RTÉ has in recent years engaged with all relevant consultations regarding the potential 'digital dividend' arising from the switchover from analogue to digital broadcasting. RTÉ recognises the potential economic importance of the potential availability of spectrum below 1 GHz arising from the creation of opportunities for additional electronic communications networks and services, such as wireless broadband and mobile multimedia services, alongside the future development of the broadcasting sector.²

RTÉ also wishes to state that it is entitled to sufficient and adequate spectrum for the carrying out of its obligations as the national Public Service Broadcasting organisation. The quality and availability of that spectrum available to RTÉ to fulfil its obligations of national, free-to-air and universal access services must be safeguarded to ensure that the quality of that resource cannot be degraded in any way. RTÉ, therefore, must preserve any and all of its rights relevant to the future allocation of spectrum which would in any way affect its rights and entitlements. RTÉ looks forward to seeing the future relative importance of Public Service Broadcasting reflected in the European Commission study on the socioeconomic aspects of the Digital Dividend.

While RTÉ supports the need to ensure that spectrum is managed as efficiently and flexibly as possible, it wishes to re-state its concerns about potential interference issues arising where the sharing of spectrum among different services is proposed. For Irish broadcasting, the growth potential of DTT in Ireland must also be acknowledged, and any proposals for new spectrum usage must be evaluated in this context. Broadcasters throughout Europe are highlighting the importance of flexibility for the future evolution of the DTT platform and for switchover phases to new technologies (such as High Definition, DVB-T2 and 3DTV). The current development of Hybrid Broadcast Broadband technical standards is an example of the fact that broadcasting continues to evolve and national governments must ensure that they retain sufficient spectrum availability for new technologies.

¹http://ec.europa.eu/information_society/policy/ecom/radio_spectrum/_document_storage/c_onsultations/2009_digitaldividend/2009_0710_0904_digitaldividendconsultation.pdf

² Refer to Ofcom 30 June 2009 regulatory statement: <http://www.ofcom.org.uk/consult/condocs/800mhz/statement/>; RSPG Opinion 13th May 2009: http://rspg.groups.eu.int/_documents/documents/meeting/rspg19/rspg09_272_draft_Opinion_digitaldividend.pdf; and various responses, such as the ETNO Response July 2009: http://rspg.groups.eu.int/_documents/consultations/comments_spectruminterestswrc_090515_0715/090715_pcsi07_etno.pdf; and cf. other EBU, ComReg publications in this regard.

It must also be noted that the pace of technological development, and of digital switchover, varies quite widely throughout the European Union: different countries are at different stages on their roadmap to digital switchover. Therefore caution must be observed, as legislating for all will not automatically fit with specific national circumstances.

Therefore, RTÉ would also encourage a cautious approach in developing a roadmap, and supports the suggestion that a roadmap should not be more prescriptive than necessary to achieve the main objectives. Although a harmonised approach to the use and release of digital dividend spectrum is the best option, any policy or roadmap needs to reflect the different rates of Digital Terrestrial Television (DTT) market development among Member States. Attempting to move all Member States at the same rate as the leading countries could damage the potential for emerging DTT markets in other countries. The optimal approach in each Member State is likely to vary where pressure on existing mobile and broadband spectrum is not so marked.

RTÉ would also like to see some contingency built into a roadmap that would further enable development of broadcasting should the demand emerge; and if the demand for wireless broadband is not as great as is currently anticipated in some Member States. In particular, the ability to facilitate broadcasting in the 790 to 862MHz band, should it be required, should be included in this contingency.

With regard to the definition of a ‘common way forward: towards an EU Roadmap’, in the section entitled *Endorsement of the roadmap by the European Parliament and Council*, RTÉ would caution that the priorities and expediencies of “a political nature” cannot be allowed to dictate policy in the area of frequency spectrum management. However RTÉ fully supports the resolution to ensure that the European Parliament and Council “be fully involved in both the preparation and the main decisions concerning the strategic parts of the roadmap.”

Finally, the total costs of migration must also be addressed, as the EC Consultation document refers to the ‘economic returns’ expected from the release of digital dividend spectrum, but the calculations behind these expectations have not been disclosed. Some consideration should be given to providing compensation for existing users of this spectrum who will be forced to change their frequency allocations, given the potential for the regulatory bodies to recoup substantial revenue through sale of this spectrum.

Response to Consultation Action Points

4.1. Improving consumers’ experience by ensuring high quality standards for terrestrial digital television receivers in Europe.

- a) RTÉ welcomes initiatives aimed at improving consumers’ experience by ensuring high quality standards for terrestrial digital television receivers in Europe, and the development of HBB (Hybrid Broadcast Broadband) technical standards.
- b) RTÉ supports the requirement to ensure the availability of receivers capable of compression standards as high as MPEG4, and would support a harmonised approach to adopting standards without becoming over-prescriptive. The

application of high quality standards will be important as broadcasting continues to develop to provide improved consumer experiences through applications such as HD and 3DTV.

- c) RTÉ would also welcome any initiatives that could help raise the standard of receivers in terms of interference rejection, particularly in a standardised approach such as through CENELEC, without increasing the cost of receivers to end users. These additional developments will be necessary to offset the losses in potential broadcasting coverage caused by the implementation of the 800 MHz digital dividend.

4.2. Increasing the size of the digital dividend through further spectrum efficiency gains.

a) RTÉ would continue to support appropriate initiatives to encourage collaboration between Member States on network deployment plans. Member States should extend this cooperation to the other potential users of digital dividend spectrum, encouraging them to make similar gains in spectrum efficiency as they move into additional new spectrum.

b) The deployment of large scale Single Frequency Networks (SFNs) for Digital Terrestrial Television is still relatively untested, particularly with less robust, more data efficient transmission modes. RTÉNL is deploying an advanced SFN as part of its national DTT infrastructure. While increased efficiency should be supported, the choice of network topology remains to be decided by the individual network operators to find the most efficient and economically viable solutions, based on the available technology, topology, demographic, and market conditions. An over-prescriptive common solution risks introducing inefficiencies in network deployment.

c) RTÉ agrees that the Commission should support research into frequency agile and other advanced wireless technologies, but cautions against developing any short to medium term spectrum strategy based on the availability of these technologies. Initially, highly advanced technologies are likely to be expensive. Furthermore, frequency agile systems introduce significant new challenges for spectrum management authorities to safeguard existing users against rogue and malfunctioning equipment. A coordinated approach to tackling these serious new challenges is essential prior to any implementation of this type of technology.

4.3. Making the 800MHz band available for low/medium power electronic communications networks, under harmonised technical conditions, following the principle of technology and service neutrality

RTÉ would welcome regulatory certainty on the 790 to 862 MHz band, and would support an EU harmonised approach over individual implementations. RTÉ supports that idea that a final implementation date should not be set, and agrees that a long transitional period should be anticipated. This spectrum will be essential to broadcasters to enable them to migrate to more efficient technologies and more advanced services, without overly disrupting existing services.

A regulatory regime that enables co-existence between low/medium power electronic communications networks and broadcasting services would be difficult to implement, and is likely to reduce the value/quality of the spectrum to all users.

RTÉ does not believe that association with footnote 5.316 of the ITU radio regulations is necessary to encourage progress on the release of the 800 MHz band for services other than broadcasting. Member States need to be able to rely on the regulatory certainty set out in the GE06 agreement to successfully complete their analogue switch-off strategies. GE06 specifies that analogue TV services be protected until the end of 2015. This is likely to be the actual date of analogue switch-off in many countries.

RTÉ notes that significant cost implications arise in the migration of existing DTT services to a band below 790 MHz. In consultation with other broadcasters in Europe, through the European Broadcasting Union (EBU), RTÉ wishes to highlight the potential impact such costs of migration may have on broadcasting services.

4.4. Adopting a common position on the potential use of the “white spaces” as part of a possible extension of the digital dividend.

There are risks associated with making use of “white spaces” that should be assessed when considering any common position. The risks of utilising so called “white space” spectrum include limiting the ability of broadcasters to enhance coverage with additional low power infill stations; and limiting the availability of spectrum for existing and future DTT, or SAP/SAB (services ancillary to programming, broadcasting) use. The availability of “white space” spectrum will be significantly reduced as broadcasters migrate from the 790 to 862 MHz band. Therefore the availability of “white space” spectrum needs to be continuously reassessed.

4.5. Ensuring the continuity and further development of wireless microphone applications and other secondary uses of the UHF spectrum.

As an essential element in broadcast production, and with important social applications, wireless microphones should be given ample spectrum to continue to develop. In the event that wireless microphones are required to migrate, then a common approach to funding this throughout the EU would be useful, as the costs involved could be considerable.

The RTÉ Television Production department relies on wireless microphones and wireless in-ear-monitoring in the UHF frequency bands. Use of these frequencies allows maximum coverage and flexibility at low powers. These services are best provided in the current UHF frequency range. Therefore RTÉ would caution against exploring alternative uses for UHF spectrum until spectrum for these applications is safeguarded. It is likely, therefore, that other broadcasters in Europe also rely on using the UHF spectrum for these purposes.

4.6. *More effective cross-border coordination with non-EU countries*

RTÉ would encourage efforts to increase cross-border coordination, and has always found it beneficial as a national broadcaster to participate in coordination activities.

4.7. *Addressing future challenges*

Increases in efficiency in broadband wireless technology should also be taken into account when evaluating the potential future requirements of broadband wireless.

In addition to future broadcasting developments such as HD and 3DTV, the emergence of unforeseen broadcasting uses (for example, public services) should be considered alongside any unforeseen broadband uses.

5.1. *Accelerating analogue switch-off by 2012*

Member States in the process of migrating to Digital TV need to be able to continue to rely on regulatory certainty, as provided by the GE06 plan with respect to analogue switch-off. This enables them to migrate to Digital TV at an appropriate pace to suit their own particular national circumstances.

5.2. *Taking steps towards the opening of the 800MHz band for electronic communications services by adopting harmonised technical conditions of use in Europe.*

Please note responses supplied in section 4.3 above.

Opening up the 790 to 862 MHz band to other uses such as mobile broadband will require additional protection for existing broadcast users, and Member States need to be in a position to be able to apply this protection. RTÉ would support a recommendation to Member States to refrain from any regulatory action regarding the use of the 790 to 862 MHz band that would contradict, or complicate the application of, the technical harmonisation measure being planned at EU level. Furthermore, RTÉ suggests that this recommendation should be extended to cover spectrum below 790 MHz including white spaces/interleaved spectrum.

RTÉ also believes that recommendations should include a harmonised approach to how existing users of digital dividend spectrum are reimbursed for the costs associated with reconfiguring their networks. Such recommendations are likely to result in more efficient and accelerated re-use of digital dividend spectrum.

Finally, reference should be made to the Ofcom regulatory statement regarding 'Digital dividend: clearing the 800 MHz band', where 'Next Steps' for the UK are outlined, such as re-negotiating international rights to spectrum use etc., as these issues should also be addressed at EU level.³

RTÉ and RTÉNL, 4th September 2009.

³ See <http://www.ofcom.org.uk/consult/condocs/800mhz/statement/> page 6.