

## **LAGARDERE ACTIVE RESPONSE TO THE EC CONSULTATION DOCUMENT 'TRANSFORMING THE DIGITAL DIVIDEND OPPORTUNITY INTO SOCIAL BENEFITS AND ECONOMIC GROWTH IN EUROPE', 10 JULY 2009**

Lagardère Active welcomes the opportunity to present its response to the Consultation document 'Transforming the digital dividend opportunity into social benefits and economic growth in Europe', which was published by the European Commission on July 10<sup>th</sup> 2009.

Lagardère Active fully supports the EBU response. Considering the fact that French authorities have already decided to allocate the 790-862 MHz frequency band to the mobile broadband services, Lagardère Active would like to address specific details to the questions 4.2.b, 4.3, and 5.2.

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

*The Commission study concluded that a significant part of the total potential spectrum efficiency gains could be achieved economically if the following initiatives were agreed and implemented with the appropriate level of EU coordination:*

#### **b. Encouraging the deployment of Single Frequency Networks (SFNs) over Multiple Frequency Networks (Mons).**

*This could include considerations to migrate progressively to lower power/higher density broadcasting network topologies. As this approach may require very significant investments, which could exceed benefits in many Member States, the proposed action would be limited to requiring Member States to exchange experience of SFN deployment with the assistance of the radio Spectrum Committee to gather and assess the information.*

### **LAGARDERE ACTIVE RESPONSE**

Lagardère Active recommends Member States to exchange their experiences of SFN deployment within the Radio Spectrum Committee.

The SFN approach does not always lead to the most efficient use of spectrum and lower power/higher density broadcasting network topology is not suitable in all cases. In practice, DTT network configuration needs to be optimised with regard to a number of parameters, such as the size of the service area, terrain, population distribution and availability of transmission infrastructure.

In addition, a SFN topology, even with high guard intervals, generates areas of interference. In order to estimate DTT household disruption, field tests are needed as this can not be estimated by software planning alone.

The SFN approach may be favourable for large service areas on condition that limitation of the maximum achievable network size is taken into account and where the same frequency is available across such a large area. It is often necessary to undertake a large scale frequency re-arrangement to free up such frequencies for national SFNs. This may include the need for international frequency coordination.

Moreover, adopting an SFN-based architecture would lead to extra costs for broadcasters arising from equipment purchase, parameters definition and the elaboration of new network architecture.

The advantage of the MFN approach is that a significant part of the existing analogue network infrastructure may be re-used, which has obvious cost-saving advantages for the network operators and broadcasters but also provides benefits for the viewers (e.g. the possibility to re-use their existing receiving antenna and feeder system).

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

*The Commission study analysed how economic outcomes and costs/benefits vary under a combination of scenarios (with varying forecasts for demand for broadcasting and wireless broadband services over time) for spectrum supply and demand. This exercise showed, depending on the scenario that was examined, that opening up the digital dividend to wireless broadband services creates a value<sup>21</sup> of anywhere between EUR 3 billion and EUR 97 billion.*

*At present, the study identifies the opening of the **790-862 MHz band**, which is already under consideration in several Member States, as **the most pragmatic way forward** to optimise the impact of the digital dividend. This is why the Commission is proposing to take **immediate action on this particular band** (please also refer to section 5). EU harmonisation would allow greater economies of scale and ensure that there is no fragmentation between Member States regarding the technical conditions of use.*

***Member States would be requested to implement the measure as soon as possible but no final implementation date would be specified in the technical harmonisation measure; instead, the measure would ensure that any Member State developing its spectrum planning beyond the current broadcasting use would do so in accordance with the technical parameters of the Decision. In the long transitional period to be anticipated, it would also provide technical parameters for co-ordination between Member States that continue with high-power broadcasting in the band and those that move to medium to low-power electronic communications usage.***

*This is in line with the position of the Radio Spectrum Policy Group (RSPG), set out in detail in its (draft) Opinion on the digital dividend, which recommends that the Commission act swiftly to support the availability of the upper part of the digital dividend (790-862 MHz band) on a neutral basis for electronic communications services. The RSPG further advises that the Commission make its final proposal regarding this band at the latest by 31 October 2009 in order to give sufficient time to stakeholders to plan investments and complete the necessary technical preparation before the actual availability of the band following analogue switch-off in 2012.*

*In order to optimise the potential impact of the 800 MHz band, and after further investigations, the **Commission may still consider proposing a final date for implementation beyond which the measure would have to be implemented by those Member States that have not already done so, in the context of strategic discussions on the development and implementation of the roadmap in to the context of the multi-annual spectrum policy programme.***

*As a secondary measure, and in absence of a more generic allocation of the UHF band in the ITU, Member States could also be requested to show commitment to the digital dividend policy at international level by adhering to footnote 5.316 of the ITU Radio Regulations, which allocates the band 790–862 MHz to the mobile service on a co-primary basis (except aeronautical mobile). Those Member States which are not yet associated with this footnote would be requested to do so at the forthcoming WRC-11.*

#### **LAGARDERE ACTIVE RESPONSE**

In France, authorities have already decided to allocate the 790-862 MHz frequency band to the mobile broadband services. However, the allocation of the 800 MHz for low/medium power electronic communication networks before the end of the DTT roll-out and before the planning of additional services will result in a deficiency of frequencies.

In addition to this there is already a deficiency of frequencies: in order to satisfy the needs of broadcasters (existing DTT services and additional services such as HD TV, Mobile TV or interactive service) 12 multiplexes are needed. However, the CSA will not be able to plan more than 8 national multiplexes.

Therefore, based on this situation, Lagardère Active considers that it could be harmful for other countries to define the digital dividend before assessing more clearly the needs of audiovisual services.

Regarding the other issues linked to the use of the 800 MHz frequency band, Lagardère Active endorses the views of the EBU:

When the frequency band 790-862 MHz is made available for low/medium power electronic communications networks this band is no longer available for broadcasting. The consequences of this change will be significant for broadcasters. It is the view of the EBU that the following issues must be given due consideration:

#### I. Migration of the existing DTT services to the band below 790 MHz

A clear and feasible migration strategy is necessary to ensure continuation of the existing DTT services (on the new frequency) with a minimum disruption for viewers. National broadcasters should be involved in the development of such a strategy.

In those countries which have not yet completed the analogue switch-off this migration could delay the overall switchover process. Nevertheless, it may be beneficial to adjust the original plan for the switch-over in order to minimise subsequent changes to the DTT networks and frequencies.

In some countries the analogue switch off has already been completed, resulting in some DTT services being implemented in the band 790-862 MHz. These countries may need an additional migration period to clear the band from the recently deployed digital broadcasting services.

In all cases there will be costs associated with the migration, in particular due to:

- changes to the transmission networks (e.g. denser networks to compensate for the increase of interference levels, new transmission equipment and antenna systems)
- changes to the user equipment (e.g. new aerials)
- Information campaign and support the viewers in the affected areas.

The Commission should encourage national administrations to ensure sufficient and timely funds to cover these costs.

#### II. Protection of broadcasting services from mobile interference in the long term

EC and CEPT are in the process of establishing the necessary technical conditions that should permit co-existence of mobile communication networks in the frequency band 790-862 MHz and broadcasting below 790 MHz. However, this does not imply that protection of broadcasting services is guaranteed in all cases.

It has been recognised by the CEPT and reflected in the draft CEPT Report 30 that *'block edge masks do not always provide full protection of victim services and in order to resolve*

*the remaining cases of interference additional mitigation techniques would need to be applied.* Therefore, it cannot be assumed that broadcasting services would be automatically protected by applying the minimum restrictive conditions alone, e.g. without additional mitigation techniques, where necessary.

National administrations should be required to apply additional measures, where necessary, on a national/local basis to ensure protection of broadcasting services from this additional interference.

- III. Alternative frequencies for broadcasting services should be identified below 790 MHz to compensate the 'lost' channels for the existing and planned DTT services above 790 MHz. It is recognised that this issue is relevant only in some countries as not all countries will be equally affected by the re-allocation of the band 790-862 MHz.

In some cases it may not be possible to find such replacement frequencies in the current GE06 Plan; thus additional frequencies will need to be found. This will require bi- or multilateral co-ordination in accordance with the provisions of GE06 Agreement.

Additional frequencies should not have an adverse impact on the existing and planned DTT services, e.g. by significantly increasing the interference levels or reducing the coverage.

National broadcasters should be involved in the co-ordination activities and frequency planning, wherever possible.

- IV. According to the GE06 Agreement analogue TV services are protected until 2015. This is particularly relevant for those countries that will have completed the digital switchover by an earlier date but will have to accept constraints on their DTT networks in order to protect analogue TV services in the neighbouring countries. This may make it more difficult to free the band 790-862 MHz from the existing DTT services.

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

The suggestion regarding the adoption of an EC decision according to the comitology procedure on the technical harmonisation of the 790-862 MHz band seems premature. Member States are competent in how they open up the UHF band, and certain Member States are still in the phase of preparing an opening of this band.

This band is of strategic and political importance and any decision in relation to harmonisation of this band at such an early stage should be subject to the co-decision procedure, as it may have an impact on audiovisual services being situated in the band below.

Such a harmonisation today would clearly be a strategic decision, and as such it should be subject to the co-decision procedure, with the involvement of the European Parliament and the Council. This would mirror the recent agreement by the European Parliament and the

Council on spectrum policy in the legislative proposal on the electronic communication framework.

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