



**COUNCIL OF
THE EUROPEAN UNION**

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Subject : Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions
- Reaping the full benefits of the digital dividend in Europe: A common approach to the use of the spectrum released by the digital switchover

- Council conclusions

On 12 June 2008 the Council adopted conclusions on the Commission communication on "Reaping the full benefits of the digital dividend in Europe : A common approach to the use of the spectrum released by the digital switchover".

The Council conclusions adopted are annexed to the present note.

**COUNCIL CONCLUSIONS ON
"REAPING THE FULL BENEFITS OF THE DIGITAL DIVIDEND IN EUROPE : A COMMON APPROACH TO
THE USE OF THE SPECTRUM RELEASED BY THE DIGITAL SWITCHOVER"**

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

The Commission Communication on "Reaping the full benefits of the digital dividend in Europe: A common approach to the use of the spectrum released by the digital switchover"¹.

2. RECALLS

- a) The Council Conclusions of 1 December 2005 on "Accelerating the transition from analogue to digital broadcasting"²;
- b) The Presidency Conclusions of the European Council of December 2006, stating in particular that immediate priorities include the development of spectrum allocation models meeting all objectives, the fast promotion of advanced mobile services and to the extent possible a coordinated approach of the use of spectrum capacity becoming available as a result of digital switchover³;
- c) The Council Conclusions of 6/8 June 2007 on "i2010 – Annual Information Society Report 2007"⁴;
- d) The Council Conclusions of 1 October 2007 on the Communication from the Commission on the ITU World Radiocommunications Conference 2007 (WRC-07)⁵.

¹ Doc. 15365/07

² Doc. 14636/1/05 REV1 (Presse 303)

³ Doc. 16879/1/06 REV1(para. 30, p. 14)

⁴ Doc. 10456/07 (Presse 133)

⁵ Doc. 13066/07 (Presse 203)

3. TAKES NOTE OF

- a) The Opinion of the Radio Spectrum Policy Group of 14 February 2007 on "EU Spectrum Policy implications of the digital dividend"⁶;
- b) The Opinion of the Radio Spectrum Policy Group of 19 November 2004 on "Spectrum Implications of Switchover to Digital Broadcasting"⁷;
- c) The reports from CEPT in response to the Commission mandates on the digital dividend, pursuant to the Radio Spectrum Decision.

4. RECOGNISES

- a) The importance of the i2010 initiative forming part of the renewed Lisbon strategy, which emphasises the importance of ICT in delivering growth and jobs as a major driver of innovation and productivity gains;
- b) That, following the transition to digital broadcasting transmission, existing broadcasting services may be provided in a fully digital environment by using less spectrum than historically dedicated to analogue broadcasting in the UHF band. In general, this gain in spectrum shall be termed the "digital dividend";
- c) The principle to ensure flexibility of usage of the digital dividend notwithstanding constraints necessary to avoid harmful interference or to promote general interest objectives such as large availability of the service or media pluralism and cultural and linguistic diversity;
- d) That, besides the extension of broadcasting services a potential of the digital dividend is to support the achievement of the Lisbon goals by *inter alia* increasing the availability of broadband access services to citizens and economic players throughout the EU territory, addressing the digital divide in the provision of ICT services, particularly providing, where appropriate, benefits for under-privileged, remote or rural areas;
- e) That the ITU Geneva-06 Agreement⁸ (RRC-06) and the Final Acts of the World Radiocommunications Conference 2007 (WRC-07) to the reorganisation of the UHF band provides the basis of the international framework within which spectrum coordination of the digital dividend can be undertaken;

⁶ http://rspg.ec.europa.eu/doc/documents/opinions/rspg07_161_final_op_digdiv.pdf

⁷ http://rspg.groups.eu.int/doc/documents/opinions/rspg04_55_op_dig_switch.pdf

⁸ COM (2005) 461 on »EU spectrum policy priorities for the digital switchover in the context of the upcoming ITU Regional Radiocommunication Conference 2006 (RRC-06)«

- f) The potential benefits of a coordinated EU approach in allocating the digital dividend to other electronic communication services than the broadcasting services, while taking into account the principle of subsidiarity and general interest objectives of the EU and of the Member States, such as cultural diversity and media pluralism, as well as individual national situations and time plans for the switchover;
- g) That in many Member States plans for switchover are either highly developed or being implemented, while in a few switchover has already taken place.

5. UNDERLINES

- a) The need to make the best use of the digital dividend taking into account all the potential social, cultural and economic benefits, while considering also the different national circumstances in Member States;
- b) The potential use of the digital dividend as an opportunity both to extend broadcasting services and to provide for example a better picture and audio quality as well as to introduce new communication services such as wireless broadband communications, additional terrestrial broadcasting services and mobile multimedia services;
- c) The genuine right of Member States to determine the amount of spectrum from the digital dividend to be used for the achievement of general interest objectives in conformity with Community law, including broadcasting services;
- d) The need for close cooperation between Member States in coordinating spectrum usage in the EU in order to enhance its more efficient use and to avoid harmful cross-border interference among Member States and between Member States and third countries;
- e) The potential benefits of identifying the parts of the UHF bands for non mandatory use by uni – and bidirectional networks in the interest of achieving more efficient spectrum use; in order to facilitate the emergence of innovative and successful national or cross-border services the radio interference potential arising from the co-existence of uni – and bidirectional networks in the same band as well as existing authorisations should be taken into account;
- f) The potential benefits of close cooperation between Member States in coordinating spectrum usage in the EU in terms of economies of scale;
- g) The benefits of ensuring flexibility of usage of the digital dividend with the exception of services of general interest, including those serving cultural and linguistic diversity and media pluralism, while taking into account constraints necessary to avoid harmful interference and to safeguard efficient spectrum use;

- h) The need to take into account different situations regarding current uses of spectrum in the UHF band in different Member States, as well as differences in national plans regarding the digital switchover when coordinating usage of spectrum in the UHF band;
- i) The desirability of Member States releasing their digital dividends as quickly as possible after the switchover, depending on national switchover dates, allowing European citizens and consumers to benefit from the deployment of new, innovative and competitive services.

6. INVITES THE MEMBER STATES TO

- a) Actively engage in the debate and help define the shared objectives and the elements for close cooperation between Member States for coordinating spectrum usage in the UHF band;
- b) Work together for identifying the relevant parts of the UHF bands which could be made available for services using uni – and bidirectional –networks respectively, on a non-exclusive, non-mandatory basis, without prejudice to subsequent agreements between Member States;
- c) Facilitate cross-border spectrum coordination based on the results of the RRC 06 and the WRC 07;
- d) Use the UHF radio spectrum in accordance with the provisions adopted at ITU level (RRC 06, WRC 07).

7. INVITES THE COMMISSION

- a) To initiate the studies and consultations necessary to define a coherent basis for the coordinated usage of spectrum on a non exclusive, non mandatory basis, notably including the technical aspects, the cost analysis and the socio-economic impact of different options and the regulatory conditions for accessing spectrum;
- b) To facilitate a wide and open investigation, involving all concerned parties, to identify any priorities and options when considering close cooperation between Member States in coordinating spectrum usage in the UHF band in line with the results of the WRC 07;
- c) To recognise previous advice by both the RSPG and CEPT that harmonisation of a sub-band of UHF for mobile communications is feasible provided that it is on a non-mandatory basis;

- d) To support and assist the Member States in the process of achieving close cooperation between Member States in coordinating spectrum usage and of reaping the full benefits of the digital dividend;
 - e) To support and assist the Member States in avoidance of harmful cross –border interference, if and when appropriate, without prejudice to existing bodies;
 - f) To report to Council by December 2008 on the results of this process and on any further steps required.
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