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OPINIONS FOR THE FUTURE USE OF THE UHF TV BROADCASTING BAND: THE LAMY REPORT – OUTCOME OF THE PUBLIC CONSULTATION

This document summarises the contributions made by stakeholders to the European Commission (DG for Communications Networks, Content and Technology) public consultation on the future use of the UHF TV broadcasting band: the Lamy Report.

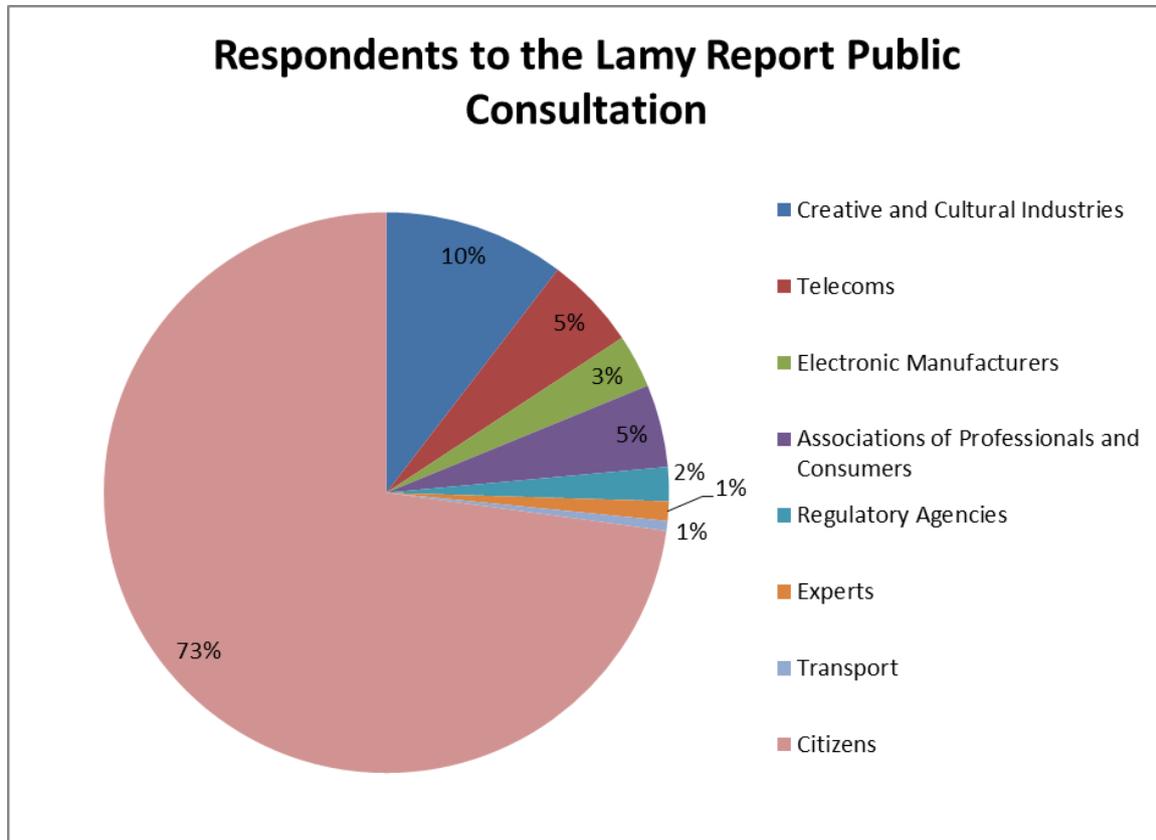
Scope of the Call

The Commission submitted for public consultation a *questionnaire* in order to collect the views of stakeholders of options for the future use of the UHF TV Broadcasting Band: the Lamy Report. The *questionnaire* asked contributors *inter alia* to provide views on the Lamy Report. In particular, the questionnaire included topics such as the potential repurposing of the 700MHz band (694-790MHz); the regulatory certainty for current users of spectrum; the flexibility and harmonisation of use of sub-700MHz TV (470-694MHz) consumption patterns and formats as well as the European approach at the International Telecommunication Union (ITU). Input was also requested on market review of the state-of-play of broadcasting and wireless broadband services. The closing date for comments was 12 April 2015; however contributions received up until the 16 April 2015 are included.

Contributors

The Commission received a total of 356 contributions to the public consultation; 260 citizens and 96 stakeholders representing different industries provided input. Three contributions came from experts, representing universities, research institutes or professional societies. Eight contributions were submitted by regulatory agencies, encompassing public agencies, including local media authorities, and specialised departments of national ministries. 36 Contributions were submitted by stakeholders from the creative and cultural industries, including broadcasting companies, broadcasting network operators, program making and special events (PMSE) manufacturers as well as art and audiovisual associations. Nineteen contributions came from the telecommunication industries and twelve contributions were submitted by stakeholders from the manufacturing and electronic industries, including manufacturers of electronic equipment, producers of telecommunication devices, and developers of communication

systems and networks. Seventeen contributions came from association of professionals, organisations, consumers or other stakeholders. Finally, two responses were from the transport sector. A list detailing all contributors is provided in the Annex I to this document.



A number of contributions presented a common text drawn up by associations or groups of stakeholders. Moreover, some of the contributions from individual organisations reflect the views expressed in the contributions submitted by the associations representing their interests. The contributions and comments received provide valuable insights on the measures under consideration by the Commission as well as possible alternative options.

This document summarises those points of view which are common to several contributors. Furthermore all responses are published on the European Commission's website¹ on radio spectrum policy except where marked as confidential or anonymous.

Summary of contributions

Most of the contributions support an EU coordinated approach (see Annex II) to the release of the 700MHz band in the Union, a common approach is seen to provide clarity and certainty on resources in achieving a timely, properly planned and resourced, as well as, cost efficient transition. EU coordination should cover i) Technical aspects of

¹ <https://ec.europa.eu/digital-agenda/en/news/public-consultation-lamy-report-future-use-uhf-tv-broadcasting-band>

harmonized conditions to create a non-fragmented internal market, this should include the description of network coverage requirements and the receiver standards as well as the development of spectrum strategy for complementary users such as program making and special events (PMSE); ii) bi-lateral/multi-lateral cross-border coordination of frequency rights as well as negotiations with third countries. A vast majority of mobile operators and electronic manufacturers find EU coordination crucial when digital terrestrial television (DTT) and wireless broadband (WBB) will co-exist along bordering territories. iii) Coordination on socio-economic issues to agree on a common and realistic roadmap that allows realistic implementation as well as a coordinated clearance of 700MHz to provide certainty to investors. In particular, cultural and creative industries (mostly represented by broadcasters) ask for a clear EU guidance on the funding and financial resources to be put in place to ensure that Member States progress in a timely manner. Electronic manufacturers urge the EU to promote industry collaboration to reduce delay achieve the benefits of economies of scale; iv) Regulatory coordination that will cover general spectrum management principles to be inspired by license-exempt based mechanisms, and market regulatory intervention where appropriate i.e. funding arrangements. For cultural and creative industries as well as electronic manufacturers, the scope of regulatory coordination should include the reassurance and certainty of DTT below the 700MHz.

A vast majority of the opinions is in favour of establishing a common deadline to clear the 700MHz band and support the Lamy Report proposal of 2020 (+/- 2 years)².

A common deadline to clear the 700MHz band is widely supported by mobile operators, deadline should be in 2020 or earlier (2020 -2). According to the mobile network operators, it is essential that 700MHz is made available for wireless broadband (WBB) within a relatively short and synchronized time window. They generally acknowledge that re-farming of the 700MHz will vary from country to country but this should not deprive Member States to have the flexibility to move sooner. Their basic rationale is that 700MHz band needs to be cleared as soon as possible since Europe has been already hampered by the slow 4G rollouts due to the delayed release of the 800MHz.

On the other side, Cultural and Creative industries have expressed their disagreement to fix a common deadline to release the 700MHz band the rationale behind is the vast diversity of DTT penetration in Member States. Although acknowledging challenge, 2022 (2020 +2) is the most popular deadline³ which is also supported by consumer associations. A number of European broadcasters claim that 2025 or even 2030 would be more realistic deadlines to clear the 700MHz band.

Stakeholders in the manufacturing and electronic industries seem to be particularly divided regarding a common deadline for making the 700 MHz band available. Most stakeholders suggest that the deadline proposed by the Lamy Report (2020 +/- 2 years) is reasonable. Some of them ask the EU to take on leadership to ensure promotion and migration to the new technologies as well as define the future of legacy equipment.

With regard to the measures at the EU level mandating use of the latest most spectrum-efficient technologies for DTT equipment (i.e. DVB-T2 and HEVC), there is a general support to promote spectrum-efficient technologies. However, most of the respondents

² Note that telecom operators generally agree on a common deadline whereas Creative and Cultural Industries reject a common deadline in the EU.

³ Some contributions propose 2025 as a deadline.

reject mandatory measures to use a specific technology as such an approach will be against technological neutrality, industry should be able to decide which technology is the most adequate and suitable. On the top of that, broadcasters claim that receivers have not reached enough market penetration and they see a need to coordinate the EU industry before any further step on making a specific standard mandatory.

Electronic manufacturer stakeholders value the ambition to modernize DTT platform but predict that a sole mandate of technologies alone could be counterproductive, they point out that a technology mandate needs to be synchronized with new added value services, information campaigns and clear timelines. They emphasize the fact that broadcast technology is mainly driven around a consensus between industry and broadcast services, the consensus is built on a confidence of consumers' commercial acceptance to be obtained through better services, new offers, increase number of services.

The views on establishing a common deadline until which safeguarding primary use of the 470-694 MHz band for DTT and PMSE diverge widely.

In general, cultural and creative industries support a common EU deadline that would need to be until 2030 or beyond. Most of them emphasize the fact that DTT needs legal certainty at least until 2030 – the date should not be considered in any case as the 'end-date' as this frequency can continue to be used for DTT after the deadline, subject to market demand.

On the other hand, telecom operators recommend to make spectrum below 700MHz available for wireless broadband as early as possible, and certainly before 2030; to them, the assumption that the DTT platform must be preserved as a whole until at least 2030 is inappropriate. An early review of the spectrum bands below 700MHz, no later than 2020, is essential to ensure that Europe can respond to the rapidly evolving mobile and media markets. Overall, mobile network operators do not support the need to establish a common deadline until which the primary use of the 470-694 MHz band is safeguarded for DTT and PMSE. They recommend Member States should be given freedom to make decisions based on their national circumstances⁴.

A number of electronic manufacturer stakeholders favour a common deadline of 2030. The main reason is that a common deadline allows for regulatory stability and security for DTT in the sub-700 MHz band, and for a smooth transition, encompassing predictability, legal certainty, and especially planning reliability. Consequently, this engenders room for innovation and sustainable investments. Another part of this group (fairly big) of stakeholders asserts that it is too early to set a deadline, given that more deliberation is necessary and more time is needed to lay the foundations for further investments in new technologies. Most of electronic manufacturers stress the need for certainty for DTT in the sub-700Hz but also advocate the introduction of more flexible solutions on a case-by-case basis.

European citizens are likewise divided regarding the desirability of a common deadline to make the 700 MHz band available for WBB services. On the one hand, it is stated that common deadlines do not recognise the fragmented nature of the EU, whereas, on the other hand, it is stated that common deadlines increase homogeneity, allow for certainty and transition time, and engender easier cross-border coordination of spectrum changes.

⁴ This given the fact that DTT varies significantly through Europe.

There is little support for, and considerable questions are raised about the flexible downlink-only use of the spectrum below 700MHz for wireless-broadband services. On the one hand, Cultural and Creative operators do not support flexible downlink as it is not clearly defined by the Lamy Report, hence they express concern about the compatibility with DTT services and found difficult to comment on their desirability and practicability. On the other hand, they consider worth exploring technicalities and economic benefits of co-existing broadband and broadcasting services, also in the light of potential convergent developments. Some of them are sceptical on the economic viability and commercial relevance of this flexibility option.

On the other hand, according to mobile network operators, the flexibility option should include also uplink and MS should be given the right to decide the degree of 'flexibility'. Some of them flag the fact that downlink-only is already foreseen in the current radio-communication regulation. Some stakeholders acknowledge that WBB (uplink and downlink) coexistence with DTT can be technically challenging, consequently, in the interim they support a flexibility approach to be limited to downlink only. Most representatives from the electronic manufacturers reject the possibility of a flexible downlink-only use of the 470-694 MHz band. A number of stakeholders are indeed in favour of a flexible downlink-only use of the 470-694 MHz band. These stakeholders, however, state that the flexible downlink-only use is merely an option that requires further research and exploration while ensuring protection for the DTT platform.

Despite the discrepancies, all stakeholders agree on the scenarios and conditions to be studied, these are on-demand audiovisual potential growth, technical compatibility of co-existence of DTT and WBB, market developments and commercial viability and sustainability.

There is a broad support to a common European approach at the World Radiocommunication Conferences (WRC) (see Annex II). However, the approach to the sub-700MHz band differs widely depending on the stakeholders involved. Whereas telecom operators state that an EU coordinated approach should pursue a co-primary allocation of broadcasting and WBB, cultural and creative industries extensively reject it. They support a 'no-change' approach – to their view the current radio-communications already envisaged some degree of flexibility for alternative services.

Broadcasters' main assumption is that Europe should commit to ensuring access to spectrum for DTT at least until 2030 and a co-primary allocation could risk DTT future in the spectrum bands below 700MHz. On the contrary, mobile network operators state that a co-primary allocation will in no way reduce obligations to continue to protect existing broadcasting services but would provide greater flexibility to react to the market, flexibility should include also the possibility to make decisions based on MS national context.

Most stakeholders from the manufacturing and electronic industries reject also a co-primary allocation. The small number of them that support a co-primary allocation argue that opposing to it could jeopardize the advantage of flexibility proposed by Lamy that would require careful planning and specific restrictions.

The contributing citizens are equally divided about the desirability of a common EU position on the sub700 MHz band at the World Radiocommunication Conference in 2015 (WRC-15) and beyond. Some citizens state that the EU should push for WBB and flexibility in the band, whereas others emphasise the need to support the primacy of DTT and PMSE services in the band.

Finally, while overall, respondents supported the need for a review to re-assess the UHF spectrum usage in the spectrum bands below 700MHz, the proposed date of 2025 was supported by cultural and creative sectors but widely rejected by telecom operators as they consider the review in 2025 far too late, this should be completed in 2022 at the latest. Stakeholders representing electronic manufacturers indicate that there is no need to establish a common deadline but rapid developments will require continuous attention and reviews.

Although disagreeing on a common review date, all respondents agree on the need to undertake a market review (see Annex II) whose objectives and scope should include: consumption trends and patterns; technology and market developments – including platform competition and efficiency, growth and demand for WBB; and regulatory requirements to guarantee access to critical resources, public service needs including coverage.

All in all, the contributions to the Lamy Report public consultation submitted by stakeholders and citizens reflect a discrepancy in views. Whereas some of them do not see any long-term advantages to using the 700 MHz band for WBB services in the EU, others consider using this band for WBB an opportunity to strengthen the internal market and improve connectivity in Europe. In particular, while some emphasize the risk for cultural diversity and pluralism, mention concerns on transition costs, the usability of equipment and potential interferences in the UHF; others stress the potential for innovation, competitiveness and economic growth in Europe, as well as the potential to meet the European Digital Agenda targets through a faster and better broadband coverage in cities, buildings and rural areas alike.

Annex I: List of contributors to the public consultation

Creative and Cultural Industries

Association of European Radios, ARD-Verbindungsbüro Brüssel, BEIRG, Broadcast Networks Europe, Cellnex Telecom, Cyfrowy Polstat S.A. Emitel, European Broadcasting Union, Digital Europe, Digital UK, Federacion de Organismos y Entidades de Radio y Television Autonomicas, ITI Neovision, Media Broadcast, Mediaset, MTV Oy, Norges Televisjon AS, Norwegian Broadcasting Corporation, Österreichische Rundfunksender GmbH & Co KG, PMSE.nl, Polish Chamber of Digital Broadcasting (PIRC), Prague Digital TV s.r.o., RAI, Sky, Telcor, Telewizja Polska S.A. (TVP), Telewizja Polsat Sp. zo.o., Cluster Audiovisual de Catalunya, Confindustria Radio Televisioni, Verband Privater Rundfunk und Telemedien e.V. (VPRT), Yle (Finnish Broadcasting Company), ZDF.

Telecommunications Industries

Alcatel-Lucent, AMETIC, BT, Cable Europe, České Radiokomunikace a.s, Danish Telecom Industry, European Telecommunications Network operators, GSMA, Huawei, Orange Labs Network, SE/Stofa, Sferia SA, Polkomtel, TDF Group. Telecom Italia, Telefónica S.A.

Manufacturers and Electronic Industries

ADS Satellite and Aerials LTD, AS Levira, Association of Professional Wireless Production Technologies (APWPT e.V.), Intel Corporation, Nokia Networks, Sennheiser electronic GmbH & Co. KG, Společné TV a R antény – servis, White Space Alliance, ZVEI (German Electrical and Electronic Manufacturers Association).

Associations of Professionals, Organisations, Consumers, or other Stakeholders

Afnor Normalisation, Associação Portuguesa para a Defesa do Consumidor (DECO) Asociación de Usuarios de la Comunicación (AUC), BITKOM, Dynamic Spectrum Alliance, European Alliance of Listeners' and Viewers' Associations (EURALVA), Fachverbandes Freizeit-/Sportbetriebe, Grande Loge Féminine de France (Institut Maçonnique Européen), HD Forum, Impala, Latvijas Tirgotāju Asociācija, Österreichischen Theatertechnischen Gesellschaft (OETHG), Pearle*-Live Performance Europe, Unión General de Trabajadores (UGT), UNI MEI, Voice of the Listener and Viewer.

Experts

Colegio Oficial de Ingenieros de Telecomunicación (COIT), Institute of Electrical and Electronics Engineers (IEEE), Technische Universität Braunschweig - Institut für Nachrichtentechnik.

Regulatory Agencies

Consell Audiovisual de Catalunya, Department of Telecommunications of the Polish Ministry of Administration and Digitisation, Direktorenkonferenz der Landesmedienanstalten (DLM), Krajowa Rada Radiofonii i Telewizji, Regulatory Authority for Electronic Communications, Postal Services (Slovakia), Ministry of Industry Trade (Czech Republic), and the Estonian Ministry of Economic Affairs and Communications.

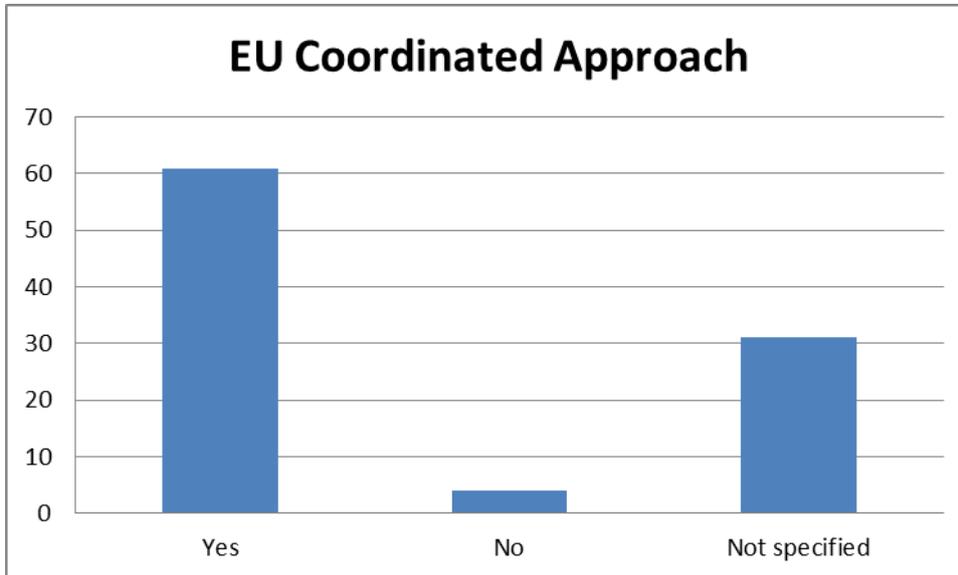
Transport

High Speed Two (HS2) Ltd, Société Nationale des Chemins de fer Français (SNCF).

Annex II EU Coordinated approach- Lamy Report PC organisation's responses

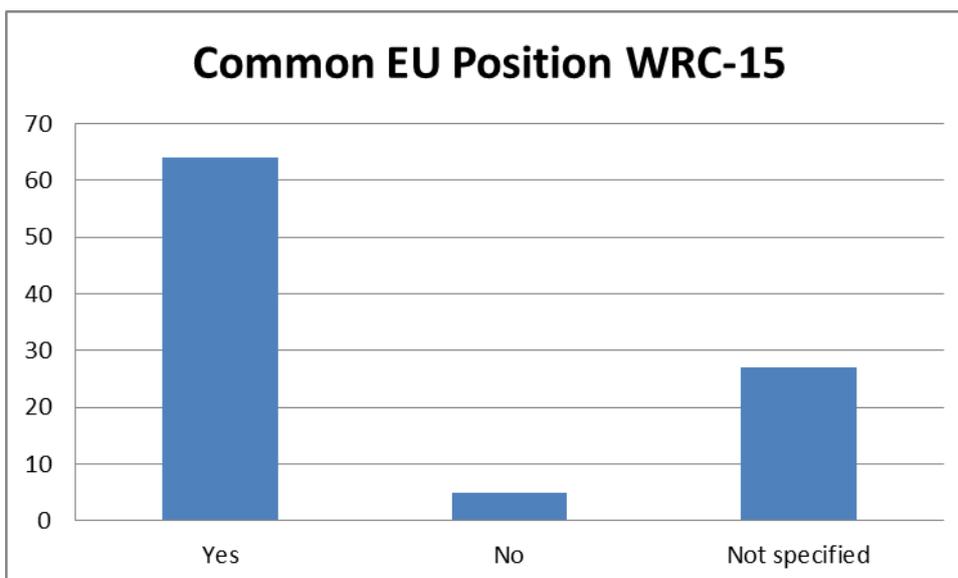
Merits of an EU coordinated approach to release the 700MHz band

Out of 96 organisations, 64 organisations support a common EU position at the WRC-15. This is 66,66%. 27 Organisations have not specified whether or not they see merits in an EU common position at the WRC-15. This is 28,12 %. Lastly, five organisations are not in favour of an EU common position at the WRC-14. This is 5,21%.



A common EU position at the WRC-15

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Most of stakeholders support a common EU deadline for a review exercise

Out of 96 stakeholders 56 supports a common deadline for conducting a review exercise on future market developments. This is 58,33%. Five stakeholders, 5,2% reject a common deadline. 35 Stakeholders, 36,46 % did not specify whether or not they support a common deadline for a review.

