



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2014)

Opinion

Title **DG CONNECT - Impact Assessment on the harmonisation of radio spectrum bands for wireless audio Programme Making and Special Events equipment**

(draft version of 7 January 2014)*

(A) Context

Wireless microphones and associated applications for program making and special events (PMSE) are essential for the production of programs like news coverage as well as the performance and documentation of social and cultural events such as theatrical performances. There is however no minimum amount of spectrum guaranteed to be available for these applications at EU level. Wireless audio PMSE equipment predominantly use the spectrum left unused in some areas by the licenced user in the 490-862 MHz range. The amount of such available spectrum is declining due to the transition from analogue to digital broadcasting and the introduction of wireless broadband services in the 800 MHz frequency range. At the same time wireless audio PMSE needs are growing. Member States address these needs at national or local level by making spectrum available for wireless audio PMSE use on a case-by-case basis. Most Member States are voluntarily following the European Radiocommunications Committee Recommendation to make some spectrum available within a variety of broader tuning ranges.

(B) Overall opinion: NEGATIVE

First, the report should provide a clear and non-technical description of the problem and of the possible solutions. In the introduction, the report should provide further details on the PMSE equipment sector and explain what spectrum-related (cross-border) problems it faces. It should also be explained why Member States cannot effectively address those challenges at their level and why EU action is needed. Second, the content of the options should be clarified (notably regarding the preferred option). Third, the report should assess in more detail the impact of the options, in particular, the possible need to replace PMSE equipment. In addition, the proportionality of the initiative should be better justified comparing estimated costs against the modest identified benefits. The report should better demonstrate the effectiveness of the preferred option in addressing the fragmentation of the internal market for wireless audio PMSE equipment. It should include also the results of the February workshop with stakeholders.

Given the nature of these concerns, the IAB requests DG CONNECT to submit a revised version of the IA report on which it will issue a new opinion.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted
Commission européenne, B-1049 Bruxelles - Belgium. Office: BERL 6/29. E-mail: impact-assessment-board@ec.europa.eu

(C) Main recommendations for improvements

(1) Improve the problem definition and strengthen the justification for EU action.

The report needs to provide a much clearer description of the problem and how it is expected to evolve. It should describe in greater detail the concerned sector: Which is its size and at which rhythm is it expanding? What are the concerned equipment and its typical users? How competitive is the equipment's manufacturer market? The report should also clearly identify the radio spectrum bands that are both available and suitable for wireless audio PMSE equipment use. On this basis, the report should better explain the consequences for both PMSE equipment users and manufacturers of the on-going changes in spectrum use. It should furthermore explain why Member States would not be able to ensure adequate availability of spectrum for wireless audio PMSE and what added value EU level action would have. To that end, the description of the identified cross-border challenges and their magnitude needs to be strengthened. In this context, it should clearly explain who is affected, in which sectors, and in what way. For example, the report should substantiate the stated lack of economies of scale on the manufacturers' side in the present situation.

(2) Better describe the content of the options and justify their rationale. The report should better explain what each of the identified option implies. In particular, more clarity is needed regarding the content of option 3.1 and its main differences vis-à-vis the other options. The report should furthermore describe how stakeholders' concerns have been taken into account when designing the options and explain why some Member States question the need for the 30 MHz of additional spectrum to be made available on demand under option 3.1. Moreover, the report should clarify why the options cover only wireless audio and not other PMSE equipment, such as cordless video-cameras. It should also explain what are the options that have been discarded upfront (e.g. because they are technically unfeasible).

(3) Develop the assessment of impacts. The report should provide a more complete description of the impacts, in particular by providing greater detail on the scale of the necessary equipment replacement costs and by describing how the planned action might affect other spectrum users. Considering the heterogeneity of uses of the concerned equipment, the report should clarify whether smaller users (e.g. churches, schools, charities) risk being disproportionately affected. Furthermore, in view of the degree of flexibility left to Member States and users' reluctance to use the bands that will be harmonised under the preferred option, the report should better explain its effectiveness in strengthening the single market for wireless audio PMSE equipment and, thus, in realising the identified economies of scale.

(4) Better present stakeholders' views. The report should provide a better overview of stakeholders' views throughout the report and, in particular, in the options sections. Discussions during the planned February workshop need to be duly reflected in the revised IA. When reporting views, greater detail on the positions of the different categories of stakeholders (users, manufactures, etc.) should be provided, differentiating where possible, between bigger and smaller actors. The report should also clarify what the views of the different Member States are, in particular, with regards to the appropriateness and effectiveness of the chosen solution.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation.

The readability of the report needs to be considerably enhanced by using plain language as much as possible and by better explaining technical tables and figures. In addition, acronyms should be spelled out in full the first time they are used, links should be provided and graphs clearly sourced.

(E) IAB scrutiny process

Reference number	2012/CNECT/012
External expertise used	No
Date of IAB meeting	05/02/2014