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THE EUROPEAN UNION**

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Subject :	Commission Communication - transforming the digital dividend into social benefits and economic growth - Adoption of Council conclusions

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On 30 October 2009, the Commission transmitted to the Council its communication on "Transforming the Digital Dividend into Social Benefits and Economic Growth".

In this Communication the Commission outlines a set of proposals for a common approach to the digital dividend in Europe. It builds on the Commission Communication of 2007 on Reaping the full benefits of the digital dividend in Europe, the Council conclusions of 12 June 2008 and the European Parliament Resolution of 24 September 2008 adopted in response to that initial policy initiative.

The switchover from analogue to digital terrestrial TV in Europe will free up highly valuable radio frequencies due to the greater efficiency of digital broadcasting transmission. This "digital dividend" has great potential for the provision of a wide range of services. It represents a unique opportunity for Europe to meet the growing demand for radio spectrum, particularly to provide wireless broadband to rural areas, thereby bridging the digital divide, and to stimulate the take-up of new wireless services such as the next generation of mobile broadband, as well as to support the development of terrestrial broadcasting.

The Commission Communication of 2009 encourages Member States which have not yet completed the digital switchover to reaffirm their commitment to the effective switch-off of analogue TV broadcasting by accepting the Commission's target date of 1 January 2012. Certain measures necessary to reap the full benefits of the digital dividend involve important political rather than technical choices, and therefore require that the European Parliament and the Council are fully involved in setting the required strategic orientations. The Commission intends to rely on the future radio spectrum policy programme, as set out in the new regulatory framework for electronic communications, as the means to secure endorsement by the European Parliament and the Council of the main strategic elements in the future EU roadmap concerning the digital dividend.

On 2 December 2009, Coreper discussed the proposed Draft conclusions and reached an agreement in principle on the annexed text. DK has a parliamentary reservation and ES has a linguistic reservation on the attached text.

The Council is invited to examine the text in view of its adoption.

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## COUNCIL CONCLUSIONS

ON TRANSFORMING THE DIGITAL DIVIDEND INTO SOCIAL BENEFITS AND ECONOMIC GROWTH<sup>1</sup>

THE COUNCIL OF THE EUROPEAN UNION,

## 1. WELCOMES

- a) The Commission Communication on " Transforming the digital dividend into social benefits and economic growth "<sup>2</sup>;
- b) The planned involvement of the Council and the Parliament in the development and adoption of multiannual radio spectrum policy programmes<sup>3</sup>, which shall set out the policy orientations and objectives for the strategic planning and harmonisation of the use of radio spectrum.

## 2. RECALLS

- a) The Council Conclusions of 1 December 2005 on "Accelerating the transition from analogue to digital broadcasting"<sup>4</sup>;
- b) The Council Conclusions of 12 June 2008 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"<sup>5</sup>;
- c) European Parliament resolution of 24 September 2008 on "reaping the full benefit of the digital dividend in Europe: a common approach to the use of the spectrum released by the digital switchover"<sup>6</sup>

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<sup>1</sup> DK has a parliamentary reservation on this document and ES has a linguistic reservation.

<sup>2</sup> Doc. 15289/09

<sup>3</sup> PE-CONS 3677/6/09, 3674/1/09, 3675/1/09.

<sup>4</sup> Doc. 14226/05

<sup>5</sup> Doc. 10820/08

<sup>6</sup> 2008/2009(INI)

### 3. TAKES NOTE OF

- a) The Radio Spectrum Policy Group (RSPG) Opinion on Spectrum Issues concerning outer EU Borders of 19 June 2008<sup>7</sup>;
- b) The RSPG Opinion on the Digital Dividend of 18 September 2009<sup>8</sup>;
- c) The Commission Recommendation on "Facilitating the release of the digital dividend in the European Union"<sup>9</sup>.

### 4. RECOGNISES

- a) That the use of the digital dividend could contribute significantly to achieving the goals of future European ICT policy agenda after 2010, and of other related EU initiatives;
- b) That European consumers have high expectations regarding the quality and diversity of broadcasting services;
- c) That the use of the digital dividend will provide a unique opportunity to meet the high demand for new wireless communications services as well as to allow broadcasters to expand their services to meet consumer demands;
- d) That access to the so called 800 MHz band (790-862 MHz) will greatly facilitate broadband service delivery throughout the EU, thereby enhancing the single market, and constituting a key element for productivity and competitiveness in the broader economy and thus a key driver for economic recovery;

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<sup>7</sup> [http://rspg.groups.eu.int/\\_documents/documents/opinions/rspg08232\\_finalopinion\\_outereuborders.pdf](http://rspg.groups.eu.int/_documents/documents/opinions/rspg08232_finalopinion_outereuborders.pdf)

<sup>8</sup> [http://rspg.groups.eu.int/\\_documents/documents/opinions/rspg\\_dd.pdf](http://rspg.groups.eu.int/_documents/documents/opinions/rspg_dd.pdf)

<sup>9</sup> Doc. C(2009) 8287 final

- e) That there is an additional potential economic impact of a harmonised approach to the digital dividend taking into account Member States' specific needs;
- f) That the principle of equitable access to the spectrum between Member States should be respected as well for terrestrial broadcasting services as for the new wireless communications services, taking into account the existing use of the frequencies;
- g) That there are advantages of a common EU approach towards spectrum coordination issues with third countries in relation to the digital dividend. Such an approach is a useful complement to bilateral agreements and could provide support in negotiations with third parties. The European Conference of Postal and Telecommunications Administrations (CEPT) is encouraged to prepare technical input that could ease those negotiations;
- h) That it is important to avoid any significant delay in completing the switch-off of analogue terrestrial television in all Member States as it is a pre-requisite for the large scale availability of the digital dividend throughout the EU;
- i) The measures already being taken by Member States in the use of the 800 MHz band for mobile broadband services;
- j) The constraints faced by Member States in migrating current services in the 800 MHz band and in making use of this band for electronic communications services;
- k) That the process of analogue terrestrial broadcasting switch off is a good opportunity to solve bilaterally any international frequency coordination issues, especially in the 800 MHz band.

## 5. UNDERLINES

- a) The importance that the digital dividend can play in realising the internal market for electronic communications services;
- b) The fact that radio spectrum is a scarce resource that needs to be used efficiently and coordinated appropriately and internationally while respecting Member States' competencies and specific national situations, in line with the regulatory framework for electronic communications networks and services;
- c) The importance of the digital dividend to help bridging the digital divide and providing high speed broadband services in rural areas and to meet European consumers high expectations regarding the quality and diversity of broadcasting services.

## 6. INVITES THE MEMBER STATES TO

- a) Facilitate, as far as possible, a technical harmonisation of the 800 MHz band, as it is the most relevant part of the digital dividend potentially suitable for EU-wide availability, while not being obliged to open up the sub-band to electronic communications services, recognising that Member States may maintain all or a portion of the band for high power broadcasting<sup>10</sup> and other existing applications;
- b) Pursue their efforts to, as far as possible, complete the switchover in 2012 in order to ensure the availability of the digital dividend and reduce uncertainty vis-à-vis potential users of the released spectrum;

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<sup>10</sup> The use of broadcasting in the UHF band is subject to the provisions of the GE-06 Agreement.

- c) Work with the Commission in efforts to pave the way for further spectrum efficiency gains in the future, recognising the dynamic nature of technological evolution and of market demand, to ensure the continued competitiveness of the EU and the availability of attractive services to users;
- d) Facilitate cross-border coordination with the aim of enabling the use of the 800 MHz band for services other than broadcasting transmissions when decided on a national basis, taking into account the need to respect an equitable access to spectrum, while taking into account the existing use of the frequencies in this band;
- e) Contribute, in cooperation with the Commission, to the development of a common EU approach towards spectrum coordination issues with third countries, including candidate countries, in relation to the digital dividend, and in particular regarding the future use of the 800 MHz band for electronic communications services;
- f) Co-operate and exchange experiences on issues in relation to the use of the digital dividend, in particular including issues on interference;
- g) Work with the Commission and the European Parliament to debate priorities for multi-annual spectrum policy programmes, in the context of the regulatory framework for electronic communications networks and services.

7. INVITES THE COMMISSION TO

- a) Adopt in a timely manner, a proposal for a decision harmonising the technical conditions of use of the 800 MHz band when used for new services, which recognises that Member States may maintain all or a portion of the band for high power broadcasting and other existing applications;

- b) Support Member States, at their request, in the process of achieving close cooperation between Member States regarding spectrum coordination issues in relation to the digital dividend, and in particular regarding the future use of the 800 MHz band for electronic communications services;
- c) Assist Member States in the development of a common EU approach for spectrum coordination issues with third countries, including candidate countries, in relation to the digital dividend, and in particular regarding the future use of the 800 MHz band for electronic communications services;
- d) Allow the timely involvement of the Council and European Parliament, by ensuring that any strategic measures regarding the exploitation of the digital dividend are raised in planned multiannual radio spectrum policy programmes, in the context of the regulatory framework for electronic communications networks and services;
- e) In designing the roadmap, liaise with Member States and relevant stakeholders, including standardisation bodies to facilitate the use of the digital dividend taking due account of potential issues on interference regarding inter alia receiver equipment and other applications;
- f) Work with the Member States to consider options for the use of newer, more spectrum efficient, broadcasting transmission and receiver equipment standards.

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