

**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**

**Comments from the French Community of Belgium**

First, we must note that the results of WRC-07 related to the spectrum band 470-862 MHz are as follows:

- In Region 1, the allocation to the mobile service on a primary basis in the frequency band 790-862 MHz (channel 61 to 69) shall come into effect after 17 June 2015. For countries, party to the GE-06 Agreement the use of IMT is subject to the successful application of the procedures of that Agreement. Resolution 224 shall apply.
- Within the EU, in Germany, Denmark, Finland, Greece, the Netherlands, Portugal, the United Kingdom, and Sweden, the band 790-830 MHz, and in these same countries and in Spain, France, and Malta, the band 830-862 MHz, are also allocated to the mobile service on a primary basis. However, stations of the mobile service in these countries shall not cause harmful interference to, or claim protection from, stations of services operating in this band.
- ITU-R is invited to study the compatibility between mobile systems and broadcasting in the sub-band 790-862 MHz (cf. resolution COM4/13).

In practice, it means that it should be possible to introduce mobile services in Region 1 (including EU) in the sub-band 790-862 MHz only from June 17<sup>th</sup>, 2015. Moreover, Resolution 224 protects GE-06 entries. Some Member States can thus already introduce bi-directional mobile services in this sub-band, as far as these services don't cause harmful interference to, or claim protection from broadcasting services operating in this sub-band.

Taking this into account, it is difficult to understand how the Commission could implement its proposals, in short term or even in medium term.

Moreover, the following arguments can set forward against the Commission's proposal:

- GE-06 Plan has been built up on the basis of the principle of equitable sharing of the spectrum between States. Each State has about seven layers to cover its territory. Nevertheless, the spectral distribution of plan entries is not uniform all over band IV/V, and this distribution varies from country to country. The introduction of a sub-band in band IV/V would therefore constitute a breach of this principle of equitable sharing, and it is almost sure that a re-planning of the rest of band IV/V would be necessary should we want to restore this principle.

Moreover, and as far as we cannot make use of the concept of spectral mask for bi-directional services, a re-planning would be necessary for at least Member

States located at the border of EU. We must expect restrictions to protect GE-06 plan entries of States which don't participate to this potential re-planning process (GE-06 is not limited only to EU); reciprocally, harmful interferences should be accepted from entries located in these States.

Finally, as the implementation of the GE-06 plan has already begun, a transition between this plan and a modified plan will be necessary, and this process will add to (and complicate) the current transition process towards GE-06.

- The idea of reserving a sub-band for mobile TV is only seemingly a good idea. If we aim to remain, for this sub-band, within the framework of the GE-06 agreement by making use of the concept of spectral mask, it is not absolutely sure that we will come to build one (or several) layer(s) for each State. To give an example, if we want to build two complete DVB-H layers in the French Community of Belgium with the current plan entries, then we must go down to channel 31. Considering the disparity of the spectral distribution between States, it should be preferable to let the member States determine the flexibility which would be necessary for organizing themselves their mobile TV layers. The Ge-06 agreement and the current plan allow in principle the introduction of mobile TV
- The Commission intends to make its proposals mandatory. It goes against recommendations issued both by RSPG and CEPT's TG4 on the non-mandatory character of a potential harmonization of a sub-band.

In its advice "Final opinion on EU spectrum policy implications of the digital dividend", RSPG consider that "*there should be no mandatory decision to require implementation of any aspect of the digital dividend*".

Moreover, in its report B on the "technical feasibility of harmonizing a sub-band of bands IV and V for fixed/mobile applications (including up-links), minimizing the impact on GE-06", TG4 concluded that "*the harmonisation of a sub-band of the UHF band for mobile communication applications (i.e. including uplinks) is feasible from a technical, regulatory and administrative point of view, provided that it is not made mandatory and any decision about use of the harmonised sub-band is left to individual Administrations, within the framework of the GE-06 Agreement, and without prejudice to existing national licence obligations*".

In addition to that, we refer to the fact that Belgium had made a reservation to this report, worded as follows:

*"The choice of any sub-band will create different important holes in the layers obtained at RRC 06 and the current GE06 plan will not remain intact.*

*In addition the harmonisation of a sub-band will lead to a non-equitable access of remaining GE-06 channels between countries and even within a given country such as Belgium.*

*Belgium has a very high density of plan entries in the upper part of the band. With the choice of this part of the band, Belgium will loosen up to four layers in some parts of the country depending of the size of the sub-band.*

*Bilateral or multilateral discussions will not be sufficient to ensure equitable access to spectrum with our neighbouring countries. Consequently significant re-planning of the GE06 plan will be necessary and this is not an acceptable option for the Communities in Belgium”.*

- It's up to the Member States to decide how they will use the spectrum and for which services. GE-06 agreement remains the reference base in force.