



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 November 2007

15201/07

**TELECOM 142
AUDIO 38
MI 292
COMPET 386**

REPORT

from : COREPER
to : COUNCIL
No. prev. doc. : 14398/07 TELECOM 127 AUDIO 36 MI 257 COMPET 309 + COR1
No. Cion prop. : 12028/07 TELECOM 99 AUDIO 30 MI 188 COMPET 227 + ADD1 +ADD2
Subject : Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Strengthening the Internal Market for Mobile TV"
- Council Conclusions

1. The Commission adopted the afore-mentioned Communication¹, the associated Impact Assessment² and its official summary form³ on 18 July 2007. The Communication seeks to identify and address the issues surrounding emerging mobile TV services, thereby ensuring their successful and rapid take-up within EU markets. Following the results of consultations with stakeholders in 2006, three main factors were recognised as significant:
 - a. Technical aspects (standards/interoperability)
 - b. A regulatory environment conducive to innovation and investment and
 - c. Ensuring a quality spectrum for mobile TV services.

¹ Doc. 12028/07 [COM(2007) 409 final]

² Doc. 12028/07 ADD 1 [SEC(2007) 980]

³ Doc. 12028/07 ADD 2 [SEC(2007) 981]

The Commission outlined a set of policy objectives and called upon Member States and industry to take all appropriate steps in that respect. The Impact Assessment analysed the different options and gave substance to the key recommendations included in the Communication.

2. As a reaction to this Communication, the Presidency submitted to the Working Party on the Telecommunications and Information Society draft Council Conclusions entitled "Strengthening the Internal Market for Mobile TV". At its 14 November 2007 meeting, the Permanent Representatives Committee (COREPER) examined the outstanding issues with the aim of submitting to the Council on 29 November 2007 the text for adoption. The text of the revised draft Council conclusions is set out in the annex to the present document.
3. All delegations maintain general scrutiny and linguistic reservations on the text. The DK delegation maintains a parliamentary scrutiny reservation (*p. 3, fn. 4*).

In addition, the following reservations on the substance remain to be lifted:

- In Section 3 (UNDERLINES THAT, sub-number 3), DE supported by NL maintains a scrutiny reservation on the current text and suggests inserting an additional phrase (*p. 4, fn. 10*);
 - In Section 4 (TAKES NOTE OF THE COMMISSION INITIATIVE TO), the Commission entered a strong reservation on the insertion of "as non-mandatory standard" in the text and proposed its deletion. A number of delegations oppose such a deletion, whilst two are supportive and two others have scrutiny reservations on this idea (*p. 5, fn. 11*).
 - In Section 5 (INVITES THE COMMISSION TO, sub-number 5), the Commission maintains a reservation on the inserted reference to the 2006 Regional Radio-communication Conference (RRC-06) conclusions (*p. 5, fn. 12*).
4. The Council is invited to examine these remaining reserves in view of the final adoption of its draft Conclusions.

**Council Conclusions on
"Strengthening the Internal Market for Mobile Television (Mobile TV)"⁴**

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

the 18 July 2007 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strengthening the Internal Market for Mobile TV"⁵

2. RECALLS

1. the 14/15 December 2006 European Council Presidency Conclusions 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 for the use of spectrum capacity becoming available as a result of digital switch-over⁶;
2. the 1/5 December 2005 Council Conclusions on "Accelerating the transition from analogue to digital broadcasting"⁷;
3. the 22 March 2007 Council Resolution on a Strategy for a Secure Information Society in Europe⁸ acknowledging the importance of adequate network and information security levels from the initiation of the development phase of ground-breaking technologies (including Mobile TV) and highlighting that the early adoption of new and promising innovations is highly important for information society development and European competitiveness;

⁴ DK has a parliamentary scrutiny reserve and a general scrutiny reserve on the draft Council conclusions.

General scrutiny and linguistic reservations by all delegations.

⁵ COM(2007) 409 final (SEC(2007) 980, SEC(2007) 981)

⁶ Doc. 16879/1/06 REV 1, para. 30.

⁷ Doc. 14636/1/05 REV 1 (Presse 303)

⁸ OJ C 68, 24.3.2007, p.1-4.

4. the 6/8 June 2007 Council Conclusions on “i2010 – Annual Information Society Report 2007”⁹.

3. UNDERLINES THAT

1. the emerging EU market of Mobile TV, terrestrial and by satellite, has potential for significant growth, jobs and innovation and could bring significant consumer benefits; start-up efforts for Mobile TV are being launched in many Member States and competition is gradually developing;
2. fostering competition stimulates technological and service innovation and has the potential to create tangible consumer benefits;
3. there is a variety of standards supporting Mobile TV broadcasting services across Europe; however, DVB-H seems to have the potential to become the most-common market-driven standard in the EU for terrestrial Mobile TV¹⁰;
4. a pan-European approach could provide extra support to the successful, rapid and widespread deployment of Mobile TV broadcasting services, sustaining the EU competitive edge in Mobile TV broadcasting services and promoting a clearer regulatory framework for new business cases;
5. this approach could address the facilitating regulatory environment, the fostering of competition, the availability of spectrum in suitable bands and the standards and interoperability issues, taking into account the principle of technological neutrality as well as general interest objectives such as media pluralism and cultural diversity;
6. Mobile TV and other emerging technologies could create economies of scale through the adoption of a general open standards policy which ensures interoperability. In this context, the timely and market-led development of open and interoperable standards, including, if proven necessary, a common Mobile TV standard family, is crucial to reap the full benefits of Mobile TV broadcasting services, whilst the work of the European standardisation bodies in this field should be further encouraged;

⁹ Doc. 9955/07

¹⁰ DE scrutiny reserve. DE, supported by NL and opposed by FR, FI and the Commission, suggested the following addition (in italics):

"3. there is a variety of standards supporting Mobile TV broadcasting services across Europe *that could facilitate a rapid uptake of Mobile TV service throughout the European Union*; however, DVB-H seems to have the potential to become the most-common market-driven standard in the EU for terrestrial Mobile TV;"

7. the great challenge for European audiovisual content providers is to develop new, attractive formats and content availability for mobile consumption;
8. the successful introduction and take-up of Mobile TV in the EU needs the support and active cooperation of all stakeholders.

4. TAKES NOTE OF THE COMMISSION INITIATIVE TO

propose the inclusion of Digital Video Broadcast transmission to handheld terminals (DVB-H), as non-mandatory standard ¹¹, in the official list of standards of the EU, in accordance with Article 17(1) of the Framework Directive 2002/21/EC, in order to accelerate the deployment of terrestrial Mobile TV broadcasting services throughout the EU.

5. INVITES THE COMMISSION TO

1. acknowledge the importance of innovation, technology neutrality and a market-led approach for the successful, long-term deployment of Mobile TV broadcasting services;
2. monitor the implementation of services and standards by industry in the Member States and, if necessary and appropriate, take steps to ensure the interoperability of services and improve freedom of choice for users;
3. where appropriate and aiming at serving market needs, bring forward proposals for adding Mobile TV standards to the official list of EU standards in accordance with Article 17(1) of the Framework Directive 2002/21/EC;
4. identify best practices with regard to the authorisation regimes across the EU and promote through appropriate guidance their consistent adoption by the Member States;
5. co-operate with Member States in identifying, within the framework created by the 2006 Regional Radio-Communication Conference (RRC-06) conclusions,¹² a strategy on suitable bands which could include the spectrum provision for Mobile TV broadcasting services while taking due account of Member States' right to pursue general interest objectives in conformity with Community law and further examine issues aiming at tackling obstacles with regard to the on-line content provision;

¹¹ The Commission maintains a strong reserve on this point and suggested instead the deletion of this part of the sentence. The Commission proposal for deletion could only be supported by FI and FR, whilst CY, CZ, DE, ES, IE, IT, NL, RO, SI and the UK prefer clearly the current text. DK and LU maintain scrutiny reserves on the possible deletion.

¹² Commission reserve on the inclusion of the reference to the RRC-06 conclusions: "...within the framework...(RRC-06) conclusions...".

6. without prejudice to existing procedures, monitor the cross-border frequency assignment coordination regarding the spectrum for Mobile TV broadcasting services;
7. encourage continuous dialogue among all relevant stakeholders to promote conditions for Mobile TV uptake.

6. INVITES MEMBER STATES TO

1. set in place a favourable regulatory environment and supporting innovative business models for the provision of Mobile TV broadcasting services;
2. coordinate with each other in order to exchange authorisation regime best practice and examine the opportunities for the consistent application of authorisation procedures;
3. facilitate the deployment of Mobile TV broadcasting, including the development of pilot projects, taking into account the need to ensure maximum interoperability, including, if necessary, the promotion of a common standard family in their territory.
4. make available adequate spectrum for Mobile TV broadcasting, while taking into account spectrum availability and market demand;
5. deploy Mobile TV while taking into account the need to improve cross-border spectrum co-ordination.

7. INVITES ALL STAKEHOLDERS TO

1. work towards achieving maximum pan-European interoperability between different standards and consumer devices; devoting most efforts to reaching consensus around a common open standard;
2. contribute to the successful Mobile TV uptake in Europe, through sustained dialogue and cooperation, as appropriate.
