

ARD Verbindungsbüro Brüssel

**European Commission Workshop on Mobile Broadcasting
Bridging the policy and industrial interests - Panel Discussion
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The topic of this session is well chosen: how can we – how should we bridge public policy and industrial interests in mobile broadcasting? We have heard a lot this morning about the industrial interests, and I am glad we can take a broader view now.

As we have heard, mobile broadcasting is not at all a new phenomenon. The public interest that has thus far determined the regulation of mobile and terrestrial broadcasting generally has been based on the realisation that broadcasting content makes significant contributions to our societies in terms of public opinion forming, social cohesion, and cultural diversity. Now we have heard quite convincingly that mobile broadcasting will change our TV viewing behaviour rather radically. And because of these changes mobile broadcasting attracts many more potential service providers. They want to encrypt audiovisual content, package and combine it in new ways, and sell it to consumers. Mobile broadcasting is turning into a lucrative industry. And with it, formally “neutral” network

operators are becoming content providers themselves. New, vertically integrated business models are emerging quickly.

But has the public interest in mobile broadcasting changed? And in particular, has it changed as dramatically as has been suggested this morning?

To be sure, business opportunities and economic development are an important public interest. But why are no representatives of consumer organisations speaking at this workshop when – as we have heard – this entire revolution is about their best interests?

When it comes to audiovisual services, European policy is founded on the conviction that these services are not just economic goods, but also important cultural goods. In other words, when we discuss a framework for mobile broadcasting, we need to balance all interests involved. And this means we need to look not just at business, nor even just at consumers, but also at Europeans in their capacity as citizens. Here are some of the issues that public service broadcasters would like national policy makers to consider:

1. We need to start with the recognition that all content is local, and that broadcasting markets for the most part are regional and national in nature. In other words, unlike for mobile telephony, and with perhaps a very few exceptions,

there is no need to harmonise spectrum policy across Europe for mobile broadcasting.

2. In order to achieve mass markets for mobile receiving equipment, all we need are common European standards. These standards, like DVB-H and DMB, have been developed by successful joint industry initiatives without European intervention.
3. In digital broadcasting, we need to maintain a freely accessible public media sphere available to all citizens. We must not allow all audiovisual content to be encrypted and offered only to citizens able to afford it. Public policy must ensure that no digital divide is emerging in the new mobile broadcasting environment. The frequency spectrum which today is considered a public good must not be turned exclusively into a private good.
4. Free-to-air broadcasters, in particular public service broadcasters, but also advertising financed private broadcasters, must have sufficient access to the airwaves in order to offer their freely available and diverse quality content to all citizens. Mobile broadcasting serves citizens in a unique way and in unique situations, and cannot thus be substituted by other networks, such as cable, satellite or broadband. The public service remit of public service broadcasters cannot depend on whether citizens watch audiovisual content at home on their sofas, while standing at a bus stop, or sitting on a commuter train. As a

consequence, participation of free-to-air broadcasters in mobile broadcasting is essential if we are to recognise the social and cultural significance of audiovisual content. And if you want to ensure that these public interests are safeguarded, you cannot allow spectrum trading to occur with these frequencies.

5. National regulators need to address new challenges to the public interest that arise from these new business models. Vertically integrated network operators selling their own content must not endanger media pluralism, and a level playing field for all content providers needs to be safeguarded. Non-discriminatory access of alternative content providers to mobile broadcasting multiplexes needs to be ensured. The same is true for commercial portals on mobile receiving equipment, the electronic services guides as they are called, which organise and choose audiovisual content for users. Regulators should take a fresh look at the possibilities that Annex 1 of the Access Directive offers in terms of ensuring access to electronic services guides. And finally, the must carry rules of the Universal Service Directive are of similar significance in this context.

Thank you very much for attention. I am looking forward to the discussion.