

Brussels, 10 May 2004

OPINION

of the

Committee of the Regions

of 21 April 2004

on the

Communication on Barriers to widespread access to new services and applications of the information society through open platforms in digital television and third generation mobile communications

COM(2003) 410 final

and the

**Communication on the transition from analogue to digital broadcasting:
(from digital "switchover" to analogue "switch-off")**

COM(2003) 541 final

THE COMMITTEE OF THE REGIONS,

Having regard to the European Commission Communications *on barriers to widespread access to new services and applications of the information society through open platforms in digital television and third generation mobile communications* (COM(2003) 410 final) and *on the transition from analogue to digital broadcasting (from digital "switchover" to analogue "switch-off")* (COM(2003) 541 final);

Having regard to the decision of the European Commission of 9 July 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 19 June 2003 to instruct its Commission for Culture and Education to draw up an Opinion on this subject;

Having regard to the conclusions of the Barcelona European Council of March 2002;

Having regard to the conclusions of the Seville European Council of June 2002;

Having regard to its own opinion on *The eEurope Benchmarking report* and on *eEurope 2005: An information society for all* (CdR 136/2002 fin)¹;

Having regard to its own opinion on the *Adoption of a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme)* (CdR 73/2003 fin)²;

Having regard to its own opinion on the *Follow-up to the multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks* (CdR 140/2002 fin)³;

Having regard to its own opinion on the *Proposal for a Council Decision adopting a multi-annual programme (2003-2005) for monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS)* (CdR 252/02 fin)⁴;

Having regard to its own opinion on *eEurope 2002: Accessibility of Public Web Sites and their Content* (CdR 397/2001 fin)⁵;

Having regard to its draft opinion (CdR 308/2003 rev. 2) adopted on 19 February 2004 by its Commission for Culture and Education (rapporteur: **Luigi Sergio Ricca**, Mayor of Bollengo, IT/PES);

WHEREAS:

1) The Barcelona European Council of March 2002 acknowledged that digital television and third-generation (3G) mobile communications will play a key role in providing widespread access to interactive services, and called upon the Member States to foster the use of open platforms to provide freedom of choice to citizens for access to applications and services of the information society. It also invited the Commission to present an analysis of the remaining barriers to the achievement of widespread access to such services and applications;

2) The Seville European Council of June 2002, in adopting the *eEurope 2005 Action Plan*, acknowledged that in order to achieve the Lisbon objective of making the Union the most competitive knowledge-based economy in the world, it was important for the information society to be accessible to all;

3) It is important in the coming years to make possible general access for all citizens, including disabled people and those with other special needs, to new services and applications of the information society;

adopted the following opinion at its 54th plenary session, held on 21-22 April 2004 (meeting of 21 April):

1. **The Committee of the Regions' views**

The Committee of the Regions

1. **expresses** its appreciation of the initiative on the part of the Commission, which has accepted the suggestions put to it that it should examine, and report on, the obstacles which still stand in the way of widespread access to information society services through open platforms in 3G mobile communications and digital television; it also appreciates the broad public consultation carried out on the subject;
2. **agrees** with a vision of the future which sketches out "*an information society for all*" in which sooner or later everyone will routinely access and make full use of electronic services;
3. **endorses** the Commission's choice to concentrate its Communication on the service transmission platforms, i.e. the means of distribution for services, rather than dwelling on the variety of the services themselves;
4. **agrees** that communication infrastructures are characterised nowadays by a series of "*islands of connectivity*" which have little communication between them, that there is a trend towards growing interoperability between these "islands", and that the **technological** element is important in this development: the digitalisation of existing networks contributes substantially to their potential interoperability;
5. **acknowledges** the fact that the trend towards interoperability is determined partly by the **market** (users wish to have access to services offered by various providers on various types of equipment in different places and situations), partly by **regulatory** developments (there is a tendency to create a context of parity which is neutral in terms of technology and provides incentives for a multi-platform competitive environment);
6. **agrees** on the advantages offered by the migration to digital, with the possibility of compiling and compressing digital data, making the use of network capacity much more effective in comparison with analogue signals;
7. **draws** attention to the fact that personal computers are now the most widespread means of accessing information society services and that digital television sets and mobile phones come in second place well behind PCs, while devices which fit into several categories are starting to appear;
8. **points out** that television and sound broadcasting are not at present regarded, under the terms of Directive 89/552/EEC, as information society services because they are not provided on individual request, and that digital television does not necessarily mean interactive television;
9. **points out** that migration to digital ("switchover") is therefore a complex process, with socio-economic implications which go far beyond mere technical migration. If one considers the role of radio and television in modern society, the change has not just economic, but also political and social significance;

10. **supports** the Commission's choice of concentrating its attention on the development of interoperability and, in that context, of focusing on "**open platforms**", associating them with greater freedom of choice for citizens in terms of the applications and services of the information society;
11. **takes note** of the development of mobile telecommunications from the simple provision of voice telephony services plus SMS to the provision of mobile data and multi-media services. However, there are a number of obstacles to third generation (3G) mobile communications which can be summed up as follows:
 - a) high costs of setting up infrastructure;
 - b) considerable ongoing technical problems;
 - c) lack of reliable services;
 - d) lack of "demand" for 3G services;
12. **further notes** that the overall picture emerging from examination of the subject is particularly complex and interlinked, and that no analysis can be regarded as definitive. It therefore appreciates an approach which tends to favour competition conditions based on technological neutrality, and which also takes account of other factors - apart from the "openness" of 3G and digital TV platforms - that concern more particularly consumers among the barriers impeding access to information society services.

2. The Committee of the Regions' recommendations

The Committee of the Regions

1. **recommends** that, in supporting more widespread access to new services and applications of the information society and assisting the transition from analogue to digital broadcasting (from digital "switchover" to analogue "switch-off"), priority should be given above all to the interests of citizens/consumers, so as to avoid a socially retrograde impact: given the role of radio and television in modern society, the consequences are not solely economic but also social and political;

2.2 **regards it as** an essential objective that the European information society should develop fairly in social, cultural, linguistic and regional terms, and that all citizens should be guaranteed the opportunity to benefit from it, so as to avoid new forms of exclusion;

2.3 **calls** therefore for attention to be given to ensuring that:

a) migration to digital does not mean that many families are simply deprived of broadcasting services (at present, digital television is broadcast mainly by satellite on a paying basis). Switch-off should occur only when a very tiny number of analogue television receivers remain in use;

b) services are developed which are useful and attractive to consumers;

c) a secure environment is created which inspires consumers' confidence in the use of interactive services, particularly as regards private life and safeguarding consumers' personal data, e.g. credit card data;

d) an environment of regulatory clarity is created for the new electronic services;

e) access is provided for disabled people and those with other special needs;

f) investment in digital communication infrastructures is speeded up so that society can benefit from the process sooner, all the while ensuring the same degree of access at all territorial levels without creating imbalances or excessive costs for citizens;

2.4 recommends that any specific measures at national or European level which prove to be necessary to provide financial support for the migration from analogue to digital must first and foremost:

a) guarantee pluralism of information, in view of the socio-political impact of the content of radio and television programmes;

b) ensure that the process of change is led by the supply of services, rather than constituting a mere change of infrastructure with no added value which can be perceived by the citizen. Public authorities must encourage the provision of added-value content on television networks, at the same time guaranteeing the broadcasting of public information;

c) support the important role which the regions and local authorities can play as providers of information but also and above all as providers of on-line services, as well as users of information and communication technologies in the fields of education, vocational training, health, promotion of cultural or tourist content and developing interoperability among public administrations;

d) be designed to support the spread of infrastructures for easier access to the services throughout the territory, including the peripheral areas, so as to reduce the gap between the latter and areas with a high concentration of digital services;

e) contribute to the availability of low-cost receivers, so that migration to digital does not involve higher costs for the consumer;

f) ensure that all public authorities in Europe, at all levels, make a commitment to providing an on-line service for the general public, thereby creating a model and referent for the promotion of new digital technology and its spread throughout society;

2.5 underlines the need for any public action not to produce distortions in the system and not to jeopardise the principle of competition. Measures taken by Member States must not be discriminatory and must not favour one market operator in relation to another;

2.6 **calls for** close attention to be paid to the risks linked with public support measures, because on the one hand a failed intervention could jeopardise the public interest objectives involved, and on the other it could work to the detriment of competitiveness and the impulse to innovate. At all events, since public intervention, e.g. in the case of broadcasting "switchover", calls for a political judgment on the part of the relevant national and/or regional authority, the judgment must not be arbitrary but based on a valid market analysis. Account will be taken of the special characteristics of the regions, in particular their size and number of inhabitants, when defining the public support needed to provide infrastructures that guarantee access wherever people live;

2.7 **calls for** attention to be paid to the re-use of the spectrum of frequencies made available by the shutdown of analogue TV: to be re-used entirely for other TV channels, or for new sectors and services, e.g. in the field of mobile telephony;

2.8 a proliferation of the broadcasting channels available could bring problems in the market's capacity to absorb all the opportunities offered by technology: the victims could be the small local broadcasting stations, for which the costs involved in remaining competitive and the reduced advertising income could become an obstacle. It could also have a negative impact on local authorities, which can often make use of local radio and television operators to promote and make the most of specific local cultural and socio-economic features. On the other hand, new technologies should make it possible to distribute more information, accessible to an ever larger number of citizens.

Brussels, 21 April 2004.

The President
of the
Committee of the Regions

The Secretary-General
of the
Committee of the Regions

Peter Straub

Gerhard Stahl

¹ OJ C 128 of 29.5.2003, p.14

² OJ C 244 of 10.10.2003, p.42

³ OJ C 73 of 26.3.2003, p.34

⁴ OJ C 128 of 29.5.2003, p.19

⁵ OJ C 278 of 14.11.2002, p.24

--

CdR 308/2003 fin EN/o

CdR 308/2003 fin EN/o