



28.9.2012

NOTICE TO MEMBERS

Subject: Petition 0330/2012 by Ulrich Neef (German), on the free reception of television and Internet

1. Summary of petition

The petitioner advocates that all appliance manufacturers be obliged to install a DVB-T2 receiver (Digital Video Broadcasting – Second Generation Terrestrial) in their devices. Furthermore, argues for a prohibition on devices which are pre-programmed by the manufacturers for the reception of programming provided exclusively to specific purchasers, so-called ‘certified’ reception equipment or set-top boxes. In addition, he thinks that Apple devices (iPhone, iPad, etc.) should be made completely open to the entire Internet, including the acquisition of software from other suppliers and not exclusively iTunes.

2. Admissibility

Declared admissible on 4 July 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 September 2012

The DVB-T2 standard is a new powerful technology which can be used for terrestrial TV and radio transmission. In Europe, DVB-T2 is currently used in commercial operations in the United Kingdom, Sweden, Finland and Italy. It would therefore currently seem to be disproportionate to mandate this standard at EU level for inclusion in a broad range of electronic communications devices as the petition suggests. Furthermore, there are considerations for example in a report by the Communications Committee for the House of Lords in the UK calling for a second switchover to Internet television. According to the report, the government should develop a plan to broadcast all television programme services from the Internet so that the frequencies currently used by the DTT platform can be allocated to other applications such as mobile telecom services. Under this perspective there would also

be some doubts if mandatory inclusion of DVB-T2 would be fully future-proof at a panEuropean scale.

With regard to digital TV services provided in the EU it has to be stressed that in general operators have considerable freedom to design the services and to choose the contractual arrangements that suit their business model, including equipment certification, rental and sale. Annex VI(1.) of the Universal Service Directive 2002/22/EC as amended by the Citizens' Rights Directive 2009/136/EC provides that "all consumer equipment intended for the reception of conventional digital television signals (i.e. broadcasting via terrestrial, cable or satellite transmission) which is primarily intended for fixed reception, such as DVB-T, DVB-C or DVB-S for sale or rent or otherwise made available in the Community, capable of descrambling digital television signals is to possess the capability to [...] display signals that have been transmitted in the clear [...]".

However, this provision does not apply to equipment which is intended for the reception of IPTV or of TV services provided via the open Internet. If users are not satisfied with the offer of IPTV providers such as Deutsche Telekom they have other options available to receive TV services. At the present stage it seems that banning of certified equipment for TV reception would risk excluding consumers from benefiting from integrated equipment and service offers which can be highly innovative, can provide a high quality of service and an easy and intuitive handling. With regard to reception of TV services via the open Internet consumers have a wide choice of devices and services available and would have other options available if they are not satisfied with a certain device or service provided in the market. The European Institutions will continue to follow these market developments closely, also with regard to their competition policy aspects. The European Commission recently launched a public consultation on specific aspects of transparency, traffic management and switching in an Open Internet. In order to allow consumers to have access to Internet service offers that truly meet their needs and to enable them to effectively exercise their choices, the Commission is envisaging policy measures addressing these issues.