REGULATORY IMPACT ASSESSMENT ON THE DRAFT ROYAL DECREE APPROVING THE NATIONAL TECHNICAL PLAN FOR DIGITAL TERRESTRIAL TELEVISION AND REGULATING CERTAIN MEASURES TO PROMOTE THE TECHNOLOGICAL DEVELOPMENT OF DIGITAL TERRESTRIAL TELEVISION

EXECUTIVE SUMMARY SHEET

Ministry/Body proposer	Ministry for Digital Transformation and the Civil Service. State Secretariat for Telecommunications and Digital Infrastructure	**Date**	24 September 2024
Title of regulation	Royal Decree .../.... approving the National Technical Plan for Digital Terrestrial Television and regulating certain measures to promote the technological evolution of digital terrestrial television.		
Report type	Normal ☒ Abbreviated ☐		
SCOPE OF THE PROPOSAL			
Matter regulated	**The draft approves the National Technical Plan for Digital Terrestrial Television**, and regulates certain measures to boost the technological evolution of digital terrestrial television. In recent years, there has been an intense debate in Europe on the need for technological developments in DTT for the introduction of the most advanced coding and modulation techniques, which offer greater efficiency, robustness and flexibility, and digital terrestrial television broadcasts with DVB-T2 transmission technology are already being carried out in most Member States of the European Union. Once the cessation of digital terrestrial television		

	broadcasts in standard definition (SD) has been completed in Spain, and as all digital terrestrial television broadcasts have been in high definition (HD) since 14 February 2024, this drafts adopts measures to continue advancing in incorporating new standards of technological innovation in the digital terrestrial television service, allowing for a modern and technologically updated digital terrestrial television service that translates into improved efficiency in the use of the radio spectrum. In this way, the evolution to advanced digital terrestrial television standards is planned, including the DVB-T2 transmission technology, which significantly increases the binary regime capacity available in each digital multiplex and therefore allows a more efficient use of the spectrum. With the aim of promoting the implementation of this technology, and in particular the adaptation of the range of TV receivers for being able to receive this new technology, a first phase is established in which the evolution of one of the digital multiplexes to the DVB-T2 transmission technology will take place, in which TV channels with ultra-high definition (UHD) resolution will be broadcast simultaneously, and a second phase focused on the evolution of all the digital multiplexes of digital terrestrial television to the new technological standards. To set the implementation date of phase 2, a series of indicators to be used are established, and the values to be achieved to set that date are defined. Moreover, other measures are included to promote technological innovation in television audiovisual services, to favour the implementation of ultra-high definition (UHD), and measures are established to favour the range of digital terrestrial television receivers evolving to be able to receive broadcasts with the new technological standards. As regards the National Technical Plan for Digital Terrestrial Television, the project introduces the technical specifications for the transmitters of digital terrestrial television stations in the case of using DVB-T2 signal transmission technology, maintains the frequency planning contained in the national technical plan approved by Royal Decree 391/2019 of 21 June 2019, and introduces adjustments in the municipalities included in each of the 75

	geographical areas into which the national territory is divided for the purposes of planning the frequencies to be used for each of the digital multiplexes.
Objectives	The objectives of the draft are as follows: • **Establish measures to boost the technological evolution of digital terrestrial television, and in particular DVB-T2 transmission technology that allows a more efficient use of the spectrum**, avoiding unnecessary inconvenience to citizens as much as possible. • **Introduce, in the national technical plan for digital terrestrial television, the technical specifications of the transmitters of digital terrestrial television stations for the use of DVB-T2 signal transmission technology, and introduce adjustments in the municipalities included in each of the 75 geographical areas** in which the national territory is divided for the purposes of planning the frequencies to be used by each of the digital multiplexes. • **To ensure more effective and efficient use of the radio spectrum** in the field of digital terrestrial television. • To promote **technological innovation and the most advanced and competitive services and technologies.** In particular, the implementation of DVB-T2 transmission technology and the promotion of ultra-high definition.
Main alternatives considered	Taking into account the ongoing debate in Europe on the need for the technological evolution of DTT, and that in most Member States of the European Union digital terrestrial television broadcasts are already being carried out with DVB-T2 transmission technology, once the cessation of digital terrestrial television broadcasts in standard definition (SD) has been completed in Spain, and

	as all digital terrestrial television broadcasts are in high definition (HD) since 14 February 2024, it has been considered necessary to adopt measures to continue advancing in the incorporation of new standards of technological innovation in the digital terrestrial television service, allowing for a modern and technologically updated digital terrestrial television service that translates into improved efficiency in using the radio spectrum. Therefore, regulatory inaction is not deemed possible. The adoption of a Royal Decree approving a new national technical plan for digital terrestrial television, including additional measures to promote technological innovation in digital terrestrial television, in particular to promote the implementation of DVB-T2 transmission technology, in addition to those established in Royal Decree 391/2019 of 21 June 2019, has been deemed more appropriate.
CONTENT AND LEGAL ANALYSIS	
Type of standard	Royal Decree
Structure of the regulation	The draft consists of a preamble, 10 articles, five additional provisions, six transitional provisions, one repeal provision, and three final provisions. It also approves the National Technical Plan for Digital Terrestrial Television, which consists of five articles and three annexes.
Reports received	By agreement of the Council of Ministers of 24 September 2024, the **urgent administrative processing** of the procedure for drawing up and adopting the draft Royal Decree approving the national technical plan for digital terrestrial television and regulating certain measures to promote technological developments in digital terrestrial television, in accordance with Article 27(1)(b) of Government Law 50/1997 of 27 November 1997. This instrument has been subjected to the procedure

	provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of **technical regulations and of rules on Information Society services**, and Royal Decree 1337/1999 of 31 July 1999 on reporting in the field of technical rules and regulations and regulations relating to Information Society services. A report will be obtained from the **National Commission on Markets and Competition,** in accordance with the provisions of Article 5(2)(a) of Law 3/2013 of 4 June 2013, establishing the National Commission on Markets and Competition**.** A report will be requested from the **Technical General Secretariat of the Ministry for Digital Transformation and the Civil Service,** in accordance with the provisions of Article 26(5)(4) of Law 50/1997 of 27 November 1997. There will be a **specific procedure for claims with the Autonomous Communities** pursuant to Article 7 of the Regulation on the use of the public radio domain, approved by Royal Decree 123/2017 of 24 February 2017, and the second additional provision of Law 7/2010 of 31 March 2010 on General Audiovisual Media. The report will be obtained from the **Office of Coordination and Regulatory Quality** of the Ministry of the Presidency, Relations with the Courts and Equality, pursuant to the provisions of Article 26(9) of Law 50/1997, of 27 November 1997, on the Government, In addition, a report will be requested from the **Council of State.**
Procedures for prior public consultation and hearing	Prior to the preparation of this draft legislation, on 23 July 2024, a meeting was held with the sector stakeholders, during which a presentation was made on the general aspects of the measures to be adopted to promote the technological evolution of digital terrestrial television. Comments were noted during this meeting, and have been taken into account in the preparation of the draft Royal Decree.

	The procedure for hearing and public information provided for in Article 133(2) of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations will be carried out through the web portal of the Ministry for Digital Transformation and the Civil Service.	
IMPACT ANALYSIS		
COMPLIANCE WITH THE DISTRIBUTION OF POWERS	The Royal Decree is issued under the **exclusive State competence in the field of telecommunications,** provided for in **Article 149(1)(21) of the Spanish Constitution**.	
ECONOMIC AND BUDGETARY IMPACT	Overall effects on the economy.	**The Royal Decree will have positive effects on economic growth and innovation.**
	With regard to competition	☐ the regulation has no significant effects on competition ☒ the regulation has positive effects on competition ☐ the regulation has negative effects on competition
	From the point of view of administrative burdens	☐ it implies a reduction in administrative burdens. (reduction valued at EUR 20 000) ☐ it increases the

		administrative burden. ☒ it does not affect the administrative burden
	From the point of view of budgets, the regulation ☐ Affects State budgets. ☐ Affects the budgets of other territorial Administrations	☐ involves an expense ☐ entails revenue
GENDER IMPACT	The regulation has a gender impact of the following character	Negative ☐ None ☒ Positive ☐
OTHER IMPACTS CONSIDERED	**SOCIAL IMPACT**	The Royal Decree will promote the digital terrestrial television service evolving to advanced standards, including DVB-T2 transmission technology, which significantly increases the binary regime capacity available in each digital multiplex and thus allows for a more efficient use of the spectrum. This improvement will also allow the provision of digital terrestrial television with ultra-high definition (UHD) technology to be extended and generalised, with the undoubted advantages that

		this brings to citizens in their access to this type of audiovisual media service.
	IMPACT ON CHILDHOOD, ADOLESCENCE AND THE FAMILY	The Royal Decree has no impact on children, adolescents, and the family.
	IMPACT ON EQUAL OPPORTUNITIES, NON-DISCRIMINATION AND UNIVERSAL ACCESSIBILITY BY PERSONS WITH DISABILITIES.	The Royal Decree has a positive impact, by including the possibility of incorporating radio services accessible to the deaf or hearing impaired into DTT.
OTHER CONSIDERATIONS		

A. SCOPE OF THE PROPOSAL.

1. MOTIVATION.

- *Reasons for the proposal.*

The draft approves the National Technical Plan for Digital Terrestrial Television, and incorporates measures aimed at promoting the technological evolution of digital terrestrial television.

At European Union level, Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union was published in the Official Journal of the European Union on 25 May 2017, with the aim of ensuring a coordinated approach to the use of this band in the European Union in accordance with common objectives. There has also been an intense debate in Europe in recent years between the Member States and the European Commission on the future of the UHF band and the uses of the band in the years to come, and in the long term. This debate is mainly taking place within the European Union's Spectrum Policy Group, which has adopted several Opinions. One of the main debates taking place is the need for the technological evolution of DTT for the introduction of the most-advanced coding and modulation techniques, which offer greater efficiency, robustness and flexibility.

At international level, the 2023 World Radiocommunication Conference (WRC-23) organised by the International Telecommunication Union (ITU), held in Dubai, United Arab Emirates, from 20 November to 15 December 2024, included as agenda item 1.5 ‘Examining spectrum utilisation and spectrum needs of existing services in the 470-960 MHz frequency band in Region 1 and considering possible regulatory measures for the 470-694 MHz frequency band in Region 1 on the basis of the review provided for in Resolution 235 (WRC 15)’. Following discussions at WRC-23 on this point, a decision was taken to maintain the allocation of sub-band 470-694 in ITU Region 1, which includes Spain, solely for the broadcasting service, and it was also agreed not to include these aspects as an agenda item for the World Radiocommunication Conference to be held in 2027, and to include it as a preliminary agenda item for the World Radiocommunication Conference to be held in 2031.

Taking into account the existing debates in Europe on the need for the technological evolution of DTT for the introduction of the most-advanced coding and modulation techniques, which offer greater efficiency, robustness, and flexibility, and that in most Member States of the European Union digital terrestrial television broadcasts are already being carried out with DVB-T2

transmission technology, once the cessation of digital terrestrial television broadcasts in standard definition (SD) has been completed in Spain, and that as all digital terrestrial television broadcasts are in high definition (HD) since 14 February 2024, this project adopts measures to continue advancing in the incorporation of the new technological innovation standards in the digital terrestrial television service that allows a modern and technologically updated digital terrestrial television service that translates into the improvement in the efficiency of use of the radio spectrum.

In this way, the evolution to advanced digital terrestrial television standards is planned, including the DVB-T2 transmission technology, which significantly increases the binary regime capacity available in each digital multiplex and therefore allows a more efficient use of the spectrum.

With the aim of promoting the implementation of this technology, and in particular the adaptation of the range of TV receivers for being able to receive this new technology, a first phase is established in which the evolution of one of the digital multiplexes to the DVB-T2 transmission technology will take place, in which TV channels with ultra-high definition (UHD) resolution will be broadcast simultaneously, and a second phase focused on the evolution of all the digital multiplexes of digital terrestrial television to the new technological standards. The redistribution in the organisation of television channels among the different digital multiplexes, which must be carried out for the execution of the first phase, results in a quarter of the capacity of the MPE5 digital multiplex being freed.

The project foresees that this spare capacity will be awarded through the call for tender for the granting of a licence to provide the state-wide television audiovisual media service with HD resolution, in accordance with the provisions of Article 26 of Law 13/2022, of 7 July 2022, General Audiovisual Media. Once this licence has been granted, the planned actions will be carried out for the distribution of the capacity of the digital multiplexes of state coverage and the start of emissions with the signal transmission technology in accordance with the European telecommunications standard EN 302 755 (DVB-T2) in the digital multiplex RGE2.

To set the implementation date of phase 2, a series of indicators are established to be used, and the values to be achieved to set that date are defined.

Moreover, other measures are included to promote technological innovation in television audiovisual services, to favour the implementation of ultra-high definition (UHD), and measures are established to favour the range of digital terrestrial television receivers evolving to be able to receive broadcasts with the new technological standards.

As regards the National Technical Plan for Digital Terrestrial Television, the project introduces the technical specifications for the transmitters of digital terrestrial television stations in the case of using DVB-T2 signal transmission technology, maintains the frequency planning contained in the national technical plan approved by Royal Decree 391/2019 of 21 June 2019, and introduces adjustments in the municipalities included in each of the 75 geographical areas into which the national territory is divided for the purposes of planning the frequencies to be used for each of the digital multiplexes.

- *Identification of the groups affected*

The project affects all **providers of digital terrestrial television services**, whether of state, regional or local coverage, whether public or private. In particular, the Corporación de Radio y Televisión Española, Atresmedia Corporación de Medios de Comunicación, S.A., Mediaset España Comunicación, S.A., and Radio Blanca, S.A. are most directly affected in the first phase, since they have to change the location of some of their digital multiplex television channels.

Finally, the project concerns **citizens in general**, although the project aims to minimise the inconvenience that the actions to be carried out may cause them, and, on the other hand, they will benefit from technological improvements in the digital terrestrial television service caused by the change of frequencies of digital terrestrial television.

Considering the recognised importance of the broadcasting service at European level as a means to allow broad access of the population to a large amount of information and content and to enable the transmission of individual opinions and public opinion, it is necessary to guarantee the technological evolution of the digital terrestrial television service, taking into account the social and informative relevance that currently continues to characterise this service, which remains in Spain the main way of access for citizens to audiovisual media services.

- *Public interest issues.*

The draft addresses in the simplest possible way the necessary process for the technological evolution of the digital terrestrial television service, in particular for the deployment of the DVB-T2 transmission technology that significantly increases the binary regime capacity available in each digital multiplex and thus allows a more efficient use of spectrum.

The draft guarantees the continuity of the full current offering of national, regional and local channels. The reserved capacity moreover facilitates technological evolution and quality improvements, and allows the evolution of all channels in the future to ultra-high definition broadcasts.

2. OBJECTIVES

The objectives of the draft are as follows:

- Establish measures to boost the technological evolution of digital terrestrial television, and in particular the DVB-T2 transmission technology that allows a more efficient use of the spectrum.

- Introduce, in the national technical plan for digital terrestrial television, the technical specifications for transmitters of digital terrestrial television stations for the use of DVB-T2 signal transmission technology.

- Introduce adjustments in the municipalities included in each of the 75 geographical areas into which the national territory is divided for the purposes of planning the frequencies to be used by each of the digital multiplexes.

- To ensure more effective and efficient use of the radio spectrum in the field of digital terrestrial television.

- To promote technological innovation and the most advanced and competitive services and technologies. In particular, the implementation of DVB-T2 transmission technology and the promotion of ultra-high definition

3. PRINCIPLES OF SOUND REGULATION.

This regulation was drafted and processed according to the principles for sound regulation set out in Article 129 of Law 39/2015 of 1 October 2015 on Common Administrative Procedures in Public Administration. The following in particular:

- Principle of necessity: the technological evolution of the DTT service to enable a more efficient use of the spectrum entails that a new National Technical Plan for Digital Terrestrial Television must be approved.

- Principle of proportionality: provided that the strictly necessary measures are taken with the least-possible impact on citizens and providers of television audiovisual media services.

- Principle of legal certainty: this Royal Decree guarantees legal certainty, as it is aligned with the European regulations that require the efficient use of spectrum,

- Principle of transparency: the reasons justifying this regulation and the new Plan that it approves have been explained, the objectives have been presented to the agents of the sector, and the process of hearing and public information provided for in Article 133 of Law 39/2015, of 1 October 2015, on the Common Administrative Procedure of the Public Administrations will be carried out.

- Principle of efficiency: as it allows the achievement of the objectives of more modern and innovative digital terrestrial television services and greater efficiency in using the public radio domain, while at the same time imposing the least possible burdens on providers of television audiovisual media services.

4. ALTERNATIVES.

Taking into account the ongoing debate in Europe on the need for the technological evolution of DTT, and that in most Member States of the European Union digital terrestrial television broadcasts are already being carried out with DVB-T2 transmission technology, once the cessation of digital terrestrial television broadcasts in standard definition (SD) has been completed in Spain, and as all digital terrestrial television broadcasts are in high definition (HD) since 14 February 2024, it has been considered necessary to adopt measures to continue advancing in the incorporation of new standards of technological innovation in the digital terrestrial television service, allowing for a modern and technologically updated digital terrestrial television service that translates into improved efficiency in using the radio spectrum. Therefore, the alternative of regulatory inaction is not deemed possible.

The adoption of a Royal Decree approving a new national technical plan for digital terrestrial television, including additional measures to promote technological innovation in digital terrestrial television, in particular to promote the implementation of DVB-T2 transmission technology, in addition to those established in Royal Decree 391/2019 of 21 June 2019, has been deemed more appropriate.

B. CONTENT, LEGAL ANALYSIS AND DESCRIPTION OF THE PROCESS.

1. CONTENTS.

The draft consists of a preamble, 10 articles, five additional provisions, six transitional provisions, one repeal provision, and three final provisions.

It also approves the National Technical Plan for Digital Terrestrial Television, which consists of five articles and three annexes.

The content of the draft is discussed below:

- *Articles of the Royal Decree*

The provisions of the Royal Decree approve the new National Technical Plan for Digital Terrestrial Television, and then regulate the measures to promote the technological evolution of digital terrestrial television.

Article 1 approves the National Technical Plan for Digital Terrestrial Television. The digital terrestrial television service shall be provided in the 470 to 694 MHz frequency band (radio channels 21 to 48).

Article 2 regulates the use of state and regional coverage digital multiplexes provided for in the technical plan.

In the case of the Corporación Radio y Televisión Española, the capacity of the digital multiplex RGE1 and half of the capacity of the digital multiplex RGE2 are reserved for operation by the national public service.

Holders of licences for the State-covered television audiovisual media service will use the transmission capacity of the State-covered digital multiplexes necessary to operate the television channels to which their licences entitle them. In particular, they will have access to the transmission capacity of the digital multiplexes MPE1, MPE2, MPE3, MPE4, and MPE5, and to half the capacity of the multiplex RGE2.

Article 3 establishes that the plan includes the radio channels on which the eight state or regional coverage digital multiplexes (RGE1, RGE2, MPE1, MPE2, MPE3, MPE4, MPE5 and MAUT) will be operated, in each of the geographical areas set out in the plan.

Article 4 determines the number of television channels in each digital multiplex so that each of them, regardless of their coverage area, has the capacity to integrate four television channels, in high definition for digital multiplexes with transmission technology in accordance with the European telecommunications standard EN 300 744 (DVB-T), and in ultra-high definition for digital multiplexes with transmission technology in accordance with the European telecommunications standard EN 302 755 (DVB-T2).

The remaining transmission capacity of the digital multiplex may be used as a measure to boost the Information Society and promote innovation in information and communications technologies, to enable holders of licences for the terrestrial digital television audiovisual media service to provide related or interactive services other than television broadcasting, such as electronic programming guides, teletext, services to improve accessibility for persons with disabilities, such as radio services accessible to the deaf or hearing impaired in DTT, transmission of data files and applications, software updates for equipment, among others.

Moreover, the Royal Decree regulates the process for the technological evolution of DTT to DVB-T2 transmission technology.

Article 5 establishes that the technological evolution from DTT to signal transmission technology according to the European telecommunications standard EN 302 755 (DVB-T2) will be carried out in two phases:

> Phase 1: Implementation of signal transmission technology in accordance with the European telecommunications standard EN 302 755 (DVB-T2) in the state multiplex RGE2.
>
> Phase 2: Implementation of signal transmission technology in accordance with the European telecommunications standard EN 302 755 (DVB-T2) in all digital multiplexes of DTT, regardless of their scope of coverage.

Article 6 establishes distribution of the digital multiplexes and the actions to be carried out in phase 1, and stipulates that a quarter of the spare capacity in the digital multiplex MPE5 will be awarded through a call for tender for the granting of a license to provide the state-wide television audiovisual media service with HD resolution, in

accordance with the provisions of Article 26 of Law 13/2022, of 7 July 2022, General Audiovisual Media.

Article 7, for phase 2, lays down a series of indicators to be used are established to be used for establishing the date by which all digital multiplexes must evolve to the new technological standards, and the values to be achieved in these indicators for setting that date are defined. It is established that, once this phase 2 is executed, all digital multiplexes of DTT, whatever their scope of coverage, will broadcast using DVB-T2 transmission technology and capacity will be reserved so that all the television channels integrated in them can evolve to broadcasts with ultra-high definition resolution.

Article 8 establishes the characteristics that digital terrestrial television receivers must have, requiring them to have open, compatible interfaces that allow interoperability.

Article 9 lays down the technical specifications for digital terrestrial television broadcasts in high definition, and **Article 10** establishes the technical specifications for ultra-high-definition digital terrestrial television broadcasts.

- *Additional provisions*

The additional provisions regulate certain issues related to the national technical plan for digital terrestrial television.

The **first additional provision** provides for the definitions for the purposes of this Royal Decree and the approved National Technical Plan for Digital Terrestrial Television, as defined in Annex III.

The **second additional provision** authorises the Secretary of State for Telecommunications and Digital Infrastructure to resolve technical adjustments or adaptations, including the change of radio channels, resulting from international coordination, for reasons of achieving greater efficiency in the use of radio spectrum or to resolve problems of radio compatibility, in particular those that may occur during the commissioning of broadcasting stations.

The **third additional provision** concerns the maintenance of the register of service information parameters for digital terrestrial television and provides for its management, assignment and allocation.

The **fourth additional provision** regulates the information to be provided to the user of digital terrestrial television services in ultra-high definition.

The **fifth additional provision** refers to experimental technical broadcasts of DTT.

- *Transitional, repealing and final provisions*

The **first transitional provision** refers to the transitional use of allocated capacity in the multiplexes, and the **second transitional provision** establishes that, during phase 1 of the process for the technological evolution from DTT to DVB-T2 transmission technology, the state-wide digital multiplexes RGE1, MPE2 and MPE3, whose integrated operation is assigned to the same entity, may integrate five high-definition television channels.

The **third and fourth transitional provisions** relate to amendments to the licences granted for the provision of the DTT service on the one hand and, on the other, for the use of the public radio domain.

The **fifth transitional provision** establishes that as a measure to promote technological innovation in audiovisual television services and the implementation of ultra-high definition television, in the case of digital multiplexes where high-definition television channels are being broadcast, audiovisual television media service providers may use the remaining transmission capacity of the digital multiplex to carry out full and simultaneous broadcasts in ultra-high definition resolution of their digital terrestrial high-definition television channels.

The **sixth transitional provision** provides for the technological adaptation of digital terrestrial television receivers.

The **single repeal provision** repeals Articles 1, 2, 3.1, 7, 8, 9 and 10 and the first, eighth, ninth and thirteenth additional provisions of Royal Decree 391/2019 of 21 June 2019, approving the National Technical Plan for Digital Terrestrial Television and regulating certain aspects for the release of the second digital dividend.

The **first final provision** affirms that this Royal Decree is issued under the exclusive competence of the State in the field of telecommunications recognised in Article 149(1)(21) of the Spanish Constitution.

The **second final provision** provides for the *regulatory development and implementation in favour of the* holder of the Ministry for Digital

Transformation and the Civil Service and the holder of the Secretary of State for Telecommunications and Digital Infrastructure.

And the **third final provision** provides that the Royal Decree will enter into force on the day following that of its publication in the *Official State Gazette*.

As already indicated, the approval and entry into force of this Royal Decree is urgent, as stated in the Agreement of the Council of Ministers of 24 March 2024, which authorised the urgent administrative processing of the procedure for the preparation and approval of this draft Royal Decree.

The speed and urgency in the adoption of modern technical standards, which is the main objective of this Royal Decree, aimed at updating and improving the transmission and reception of the digital terrestrial television service in Spain, also serve the purpose of facilitating, as soon as possible, the provision of new technical possibilities and technological availabilities for the digital terrestrial television service. This will enable it to compete with other types of audiovisual media services that have already incorporated these technical innovations, positioning the Spanish audiovisual market as one of the most diverse, competitive, and technologically advanced markets in Europe.

- National Technical Plan for Digital Terrestrial Television

The National Technical Plan for Digital Terrestrial Television consists of five articles and four annexes.

The articles are:

- ✓ Article 1: Frequency band.
- ✓ Article 2: Digital multiplexes.
- ✓ Article 3: Technical specifications for transmitters.
- ✓ Article 4. Technical characteristics of the stations.
- ✓ Article 5: International coordination.

The annexes are:

- ✓ Annex I: Geographical areas
- ✓ Annex II: Planning of the digital multiplexes with state and regional
- ✓ coverage.
- ✓ Annex III: Definitions

2. LEGAL ANALYSIS

- *Background and relationship with other regulations*

In relation to the administration of the public radio domain, Article 85(1) of the General Telecommunications Law 11/2022 of 28 June 2022, establishes the following:

> *'Article 85. Administration of the radioelectric public domain.*
>
> *1. The radio spectrum is a public commodity, owned and managed by the State. This administration shall be exercised in accordance with the provisions of this Title and the international treaties and agreements to which Spain is a party, taking into account the regulations applicable in the European Union and the resolutions and recommendations of the International Telecommunication Union and other international organisations.*

In turn, Article 85(4) of Law 11/2022 of 28 June 2022, General Telecommunications Law, provides that:

> '4. The administration of the public-radio domain aims to establish a legal framework that ensures harmonised conditions for its use, and that allows its availability and efficient use, and covers a set of actions including the following:
>
> a) Planning: Preparation and approval of the utilisation plans.
>
> b) Management: Establishment, in accordance with prior planning, of the technical conditions for operation and granting of rights of use.
>
> c) Control: Technical verification of emissions, detection and elimination of interference, technical inspection of radio installations, equipment and apparatus, as well as the control of the placing on the market of the latter.
>
> It also includes the protection of the radioelectric public domain, consisting, among other actions, of broadcasting without substantive content on those radio frequencies and channels whose rights of use, in the corresponding territorial scope, have not been granted, regardless of whether said radio frequencies or channels are subject in practice to occupation or effective use.

d) Application of the penalty system'.

Finally, and much more specifically, Article 86 of Law 11/2022, of 28 June 2022, General Telecommunications Law, establishes that it is for the Government to approve the national technical plans for broadcasting and television, within the exclusive competence of the State for the planning, management and control of the public radioelectric domain recognised in Article 149(1)(21) of the Spanish Constitution.

Royal Decree 391/2019 of 21 June 2019 approved the national technical plan for digital terrestrial television and regulated certain aspects for the release of the second digital dividend. This Royal Decree established the actions to be carried out for the release of the band of the second digital dividend (band 694-790 MHz), from use for the provision of digital terrestrial television (DTT) service, to be used for the provision of mobile broadband communications services. The process of releasing this band was completed on 31 October 2020, and this band is currently being used for the provision of wireless broadband electronic communications services, subject to the technical conditions laid down in Implementing Decision (EU) 2016/687 of 28 April 2016 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union. In accordance with the provisions of the National Technical Plan, the digital terrestrial television service is provided in the 470 to 694 MHz frequency band (radio channels 21 to 48).

Among other aspects, Royal Decree 391/2019 of 21 June 2019 also included some measures to boost technological innovation in audiovisual television services, in particular the implementation of high-definition television (HD) and the introduction of ultra-high definition (UHD), as well as measures to favour the future evolution of broadcasting equipment towards more spectrally efficient technologies, and to favour the evolution of the fleet of digital terrestrial television receivers to be able to receive these broadcasts.

Likewise, the cessation of DTT broadcasts in standard definition was completed on 14 February 2024, meaning that since that date all digital terrestrial television broadcasts in Spain are in high definition (HD).

At European Union level, Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union was published in the Official Journal of the European Union on 25 May 2017, with the aim of ensuring a coordinated approach to the use of this band in the European Union in accordance with common objectives. There has also been an intense debate in Europe in recent years between the Member States and the European Commission on the future of the UHF band

and the uses of the band in the years to come, and in the long term. This debate is mainly taking place within the European Union's Spectrum Policy Group, which has adopted several Opinions. One of the main debates taking place is the need for the technological evolution of DTT for the introduction of the most-advanced coding and modulation techniques, which offer greater efficiency, robustness and flexibility.

At international level, the 2023 World Radiocommunication Conference (WRC-23) organised by the International Telecommunication Union (ITU), held in Dubai, United Arab Emirates, from 20 November to 15 December 2024, included as agenda item 1.5 ‘Examining spectrum utilisation and spectrum needs of existing services in the 470-960 MHz frequency band in Region 1 and considering possible regulatory measures for the 470-694 MHz frequency band in Region 1 on the basis of the review provided for in Resolution 235 (WRC 15)’. Following discussions at WRC-23 on this point, a decision was taken to maintain the allocation of sub-band 470-694 in ITU Region 1, which includes Spain, solely for the broadcasting service, and it was also agreed not to include these aspects as an agenda item for the World Radiocommunication Conference to be held in 2027, and to include it as a preliminary agenda item for the World Radiocommunication Conference to be held in 2031.

In most Member States of the European Union, digital terrestrial television broadcasts are already being carried out with DVB-T2 transmission technology. This means that once the cessation of digital terrestrial television broadcasts in standard definition (SD) has been completed, and as all digital terrestrial television broadcasts are in high definition (HD) since 14 February 2024, Spain must adopt measures to continue advancing in the incorporation of new standards of technological innovation in the digital terrestrial television service. This will enable a modern and technologically updated digital terrestrial television service, resulting in improved efficiency in the use of the radio spectrum and, ultimately, a higher quality and more attractive service for citizens. This is particularly important given the social and informative relevance that continues to characterise the digital terrestrial television service in Spain, which remains the main route of access for citizens to audiovisual media services.

In accordance with the initiatives being carried out in the European Union, and taking into account the results of the World Radiocommunication Conference 2023, once the cessation of broadcasts in standard definition has been completed in Spain and all digital terrestrial television broadcasts in Spain are in high definition, it is deemed necessary to plan more precisely the evolution to advanced digital terrestrial television standards, including DVB-T2 transmission technology, which significantly increases the binary regime capacity available in each digital multiplex and thus allows a more efficient use of the spectrum.

This improvement in the efficiency in using the public radio domain of DVB-T2 transmission technology will also allow the provision of digital terrestrial television service with ultra-high definition (UHD) technology to be extended and generalised, with the undoubted advantages that this brings to citizens in their access to this modality of audiovisual media service.

The design of each of the actions to be carried out, provided for in this Royal Decree, has as its final objective the evolution to DVB-T2 transmission technology for all digital multiplexes of DTT, and the use of HEVC as a new, more efficient coding standard, guaranteeing the necessary capacity for all television channels to evolve in the future to broadcasts with UHD resolution.

To make headway with this objective, it is deemed necessary to initially have a digital multiplex that evolves to DVB-T2 transmission technology, in which TV channels with UHD resolution will be broadcast simultaneously. It has been identified that the multiplex RGE2, which currently includes a TV channel in UHD, is the most suitable to evolve to the DVB-T2 transmission technology from the first phase of the execution of the Plan, with the aim of favouring the implementation of this technology, and in particular the adaptation of the range of TV receivers to be able to receive this new technology.

Moreover, other measures to promote technological innovation in television audiovisual services are included, to favour the implementation of ultra-high definition (UHD). It is also expected that the Secretary of State for Telecommunications and Digital Infrastructures may authorise experimental technical broadcasts that make use of other technologies in the digital terrestrial television service with technologies of greater spectral efficiency, subject to the availability of frequencies and the limitations derived from international frequency coordination agreements.

Likewise, measures are established to promote the development of the range of digital terrestrial television receivers to enable them to receive broadcasts with the new technological standards.

For the establishment of the date on which all digital multiplexes must evolve to the new technological standards, a series of indicators are established that must be used, and the values to be reached to set that date are defined.

The digital terrestrial television service will be provided in the 470 to 694 MHz frequency band (radio channels 21 to 48) and, in accordance with the objective indicated above, it is established in this regulation that the same digital terrestrial television networks (digital multiplexes) and territorial disconnections that existed in the Technical Plan prior to the one approved by this Royal Decree will be available in said frequency band. The current offer of digital

terrestrial television channels will furthermore be maintained in this new Technical Plan.

This measure ensures the continuity of all existing licences for terrestrial audiovisual media service through radio waves and territorial disconnections of public televisions, and reserves the necessary capacity to ensure that all DTT broadcasts will be able to evolve to UHD-resolution broadcasts.

In accordance with the above, this regulation establishes that the digital terrestrial television service is provided through eight digital multiplexes for broadcasts of state and regional coverage, the radio-channel planning of which is included in the technical plan that is approved by this Royal Decree.

The eight digital multiplexes (RGE1, RGE2, MPE1, MPE2, MPE3, MPE4, MPE5 and MAUT) provided for in the technical plan approved by this Royal Decree are the same as those already in service under the previous Technical Plan, and the necessary adjustments are made to achieve the objectives indicated above.

In the case of Corporación Radio y Televisión Española, the capacity of the digital multiplex RGE1 and half of the capacity of the digital multiplex RGE2 are reserved for operation by the national public service. The digital multiplex of regional coverage MAUT is also reserved for each of the Autonomous Communities in its corresponding territorial scope.

State-wide digital terrestrial television broadcast licence-holders will use the transmission capacity of the state-wide broadcasting digital multiplexes required to operate the television channels to which their licences entitle them; specifically, they will access the transmission capacity of the MPE1, MPE2, MPE3, MPE4 and MPE5 digital multiplexes and half the capacity of the RGE2 digital multiplex.

Annex II of the plan lists the radio channels on which the eight digital multiplexes of state or regional coverage will be operated, in each of the 75 geographical areas provided for therein. Moreover, Annex I of the plan lists the municipalities included in each of these 75 geographical areas.

The purpose of this Royal Decree is therefore to approve a new national technical plan for digital terrestrial television, and to establish measures to promote technological developments in this service.

- *European Union law*

At European Union level, Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union was published in the Official Journal of the European Union on 25 May 2017, with the aim of ensuring a coordinated approach to the use of this band in the European Union in accordance with common objectives. There has also been an intense debate in Europe in recent years between the Member States and the European Commission on the future of the UHF band and the uses of the band in the years to come, and in the long term. This debate is mainly taking place within the European Union's Spectrum Policy Group, which has adopted several opinions. One of the main debates taking place is the need for the technological evolution of DTT for the introduction of the most-advanced coding and modulation techniques, which offer greater efficiency, robustness and flexibility.

At international level, the 2023 World Radiocommunication Conference (WRC-23) organised by the International Telecommunication Union (ITU), held in Dubai, United Arab Emirates, from 20 November to 15 December 2024, included as agenda item 1.5 ‘Examining spectrum utilisation and spectrum needs of existing services in the 470-960 MHz frequency band in Region 1 and considering possible regulatory measures for the 470-694 MHz frequency band in Region 1 on the basis of the review provided for in Resolution 235 (WRC 15)’. Following discussions at WRC-23 on this point, a decision was taken to maintain the allocation of sub-band 470-694 in ITU Region 1, which includes Spain, solely for the broadcasting service, and it was also agreed not to include these aspects as an agenda item for the World Radiocommunication Conference to be held in 2027, and to include it as a preliminary agenda item for the World Radiocommunication Conference to be held in 2031.

In most Member States of the European Union, digital terrestrial television broadcasts are already being carried out with DVB-T2 transmission technology. This means that once the cessation of digital terrestrial television broadcasts in standard definition (SD) has been completed, and as all digital terrestrial television broadcasts are in high definition (HD) since 14 February 2024, Spain must adopt measures to continue advancing in the incorporation of new standards of technological innovation in the digital terrestrial television service. This will enable a modern and technologically updated digital terrestrial television service, resulting in improved efficiency in the use of the radio spectrum and, ultimately, a higher quality and more attractive service for citizens. This is particularly important given the social and informative relevance that continues to characterise the digital terrestrial television service in Spain, which remains the main route of access for citizens to audiovisual media services.

- *List of regulations that are hereby amended*

- *List of regulations repealed.*

The entry into force of the project will entail the repeal of Articles 1, 2, 3(1), 7, 8, 9 and 10 and the first, eighth, ninth and thirteenth additional provisions of Royal Decree 391/2019, of 21 June 2019, approving the National Technical Plan for Digital Terrestrial Television and regulating certain aspects for the release of the second digital dividend.

3. DESCRIPTION OF THE PROCEDURE.

By agreement of the Council of Ministers of 24 September 2024, the **urgent administrative processing** of the procedure for drawing up and adopting the draft Royal Decree approving the national technical plan for digital terrestrial television and regulating certain aspects for the release of the second digital dividend has been authorised, pursuant to Article 27(1)(b) of Law 50/1997 of 27 November 1997 on the Government.

The following procedures must be followed in the processing of this Royal Decree:

- Prior to the preparation of this draft legislation, on 23 July 2024, a meeting was held with the sector stakeholders, during which a presentation was made on the general aspects of the measures to be adopted to promote the technological evolution of digital terrestrial television. Comments were noted during this meeting, and have been taken into account in the preparation of the draft Royal Decree.

- The procedure for hearing and public information provided for in Article 133(2) of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations will be carried out through the web portal of the Ministry for Digital Transformation and the Civil Service.

- This instrument has been subjected to the procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and Royal Decree 1337/1999 of 31 July

1999 on reporting in the field of technical rules and regulations and regulations relating to Information Society services.

- A report will be obtained from the National Commission on Markets and Competition, in accordance with the provisions of Article 5(2)(a) of Law 3/2013 of 4 June 2013, establishing the National Commission on Markets and Competition.

- A report will be requested from the Technical General Secretariat of the Ministry for Digital Transformation and the Civil Service, in accordance with the provisions of Article 26(5)(4) of Law 50/1997 of 27 November 1997.

- There will be a specific procedure for claims with the Autonomous Communities pursuant to Article 7 of the Regulation on the use of the public radio domain, approved by Royal Decree 123/2017 of 24 February 2017, and the second additional provision of Law 7/2010 of 31 March 2010 on General Audiovisual Media.

- The report will be obtained from the Office of Coordination and Regulatory Quality of the Ministry of the Presidency, Relations with the Courts and Equality, pursuant to the provisions of Article 26(9) of Law 50/1997, of 27 November 1997, on the Government,

- A report will be requested from the Council of State.

C. IMPACT ANALYSIS

1. COMPLIANCE OF THE REGULATION WITH THE DISTRIBUTION OF POWERS

- *Analysis of the attribution of powers.*

With respect to the distribution of powers, it is issued under the protection of the **exclusive State competence in telecommunications matters, provided for in Article 149(1)(21) of the Spanish Constitution.**

- *Analysis of the participation of the Autonomous Communities and local governments in preparing the draft*

As mentioned above, the project has been submitted to the hearing procedure provided for in Article 133(2) of Law 39/2015, of 1 October 2015, on the Common Administrative Procedure of Public Administrations.

Likewise, a specific procedure for allegations will be carried out with the Autonomous Communities under the provisions of Article 7 of the Regulation on the use of the public radio domain, approved by Royal Decree 123/2017, of 24 February 2017.

2. ECONOMIC AND BUDGETARY IMPACT.

- *General economic impact*

The Royal Decree is intended to have positive effects on economic growth and innovation.

- *Impact on competition in the market*

The draft will have positive effects on competition in the market.

- *Budgetary impact.*

There is none

3. GENDER IMPACT

For the purposes of the provisions of Article 19 of Organic Law 3/2007, of 22 March 2007, on effective equality between women and men, and Article 26.3(f) of Law 50/1997, of 27 November 1997, on the Government, it is noted that the project **has a zero gender impact,** in so far as its content does not include any measure likely to undermine equal opportunities for men and women.

Moreover, bearing in mind that the main recipients are the operators of audiovisual services, both public and private, these will have a corporate viewpoint, without obligations or ‘burdens’ that for them derive from the draft being neither linked or even tangentially related to the possibility of undermining

the measures envisaged in Organic Law 3/2007 of 22 March 2007 for effective equality between men and women.

4. SOCIAL IMPACT

The regulation is expected to have a **significant social impact in developing television audiovisual media services, particularly the highest quality services, such as ultra-high definition.**

From an audiovisual point of view, the **continuity of the entire current supply of national, regional, and local channels is ensured**, and the awarding of a new television channel is foreseen. With the available capacity, it is even possible to facilitate the future evolution of all channels to ultra-high definition broadcasts.

5. IMPACT ON CHILDHOOD, ADOLESCENCE AND THE FAMILY.

In accordance with the provisions of Article 22 quinquies of Organic Law 1/1996 of 15 January 1996 on the Legal Protection of Minors, partially amending the Civil Code and the Law on Civil Procedure, as amended by Law 26/2015 of 28 July 2015, amending the system for the protection of children and adolescents, and Article 2(1)(f) of Royal Decree 931/2017 of 27 October 2017, the draft legislation has no impact on this matter.

In accordance with the tenth additional provision of Law 40/2003, of 18 November 2003, on the protection of large families, introduced by the fifth final provision of Law 26/2015, of 28 July 2015, amending the system of protection for children and adolescents, the content of the project has no impact on the family.

6. IMPACT ON EQUAL OPPORTUNITIES, NON-DISCRIMINATION AND UNIVERSAL ACCESSIBILITY BY PERSONS WITH DISABILITIES.

The draft regulation has a positive impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities by including the possibility of incorporating accessible radio services for the deaf or hearing impaired into DTT.

7. IDENTIFICATION OF ADMINISTRATIVE BURDENS.

It does not affect.