[PL] Working Document on the Transition to Digital Broadcasting

IRIS 2008-3:1/25

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On 4 May 2005 the Polish government adopted “the transition from analogue to digital broadcasting strategy”, a long-term act guiding national policy in the area of the digital media (see IRIS 2005-7: 17). According to the strategy, on 8 August 2007, the Ministry of Transport (MT) in cooperation with the Office of Electronic Communications (OEC) and the National Broadcasting Council (NBC) prepared a working document entitled: “Plan for implementing terrestrial digital television in the DVB-T standard”. In the context of a wide consultation procedure some ministries, broadcasters and interested governmental and non-governmental institutions have presented a number of detailed remarks to this document concerning technical, economic and legal issues. Some of these are included in a new version of the Plan of 14 January 2008.

The Plan represents the first stage of implementing digital television in Poland up until the moment of the switch-off of terrestrial analogue transmissions. Thus a new autonomous legal act implementing and regulating this convergent environment is envisaged; it should be a *lex specialis* to both Telecommunication Law and the Broadcasting Act. The project of the Act should be prepared by 31 July 2008 and should focus on issues related to creating a nation-wide primary multiplex. It should ensure, in particular, the continuity of access to television broadcasting for all citizens during the transition period and determine the transitory period between the first general accessible digital transmissions and the term of analogue switch-off. Then, taking into consideration technical (e.g. the means for future management of the “digital dividend”), social and other factors, the comprehensive system for making use of free frequencies will be established. In particular, the social demand for particular TV channels, which should be transmitted via terrestrial means and which have not been included in primary multiplexes should be determined.

According to the schedule of activities, which form a major part of the Plan, the following issues should be noted:

1) Digital television broadcasting should start after 1 January 2009. The precise date will be determined on the basis of detailed schedules of nation-wide primary multiplexes prepared by the OEC. These schedules should include technical conditions (based on ETSI standards). After 31 December 2012, which is the term

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of analogue switch-off, at most 8 nation-wide terrestrial digital networks will be in use; the exact number will depend on the future management of free frequencies after the completion of the switchover procedure. The term of analogue switch-off can be rescheduled, to a date up until 17 June 2015, by the Council of Ministers.

2) The transition to digital transmission should be achieved gradually in the territory of the whole country. The simulcast of analogue and digital transmission will continue for at least one year after digital broadcasting has been introduced in a particular area; the analogue switch-off in a given region will then be acceptable, taking into consideration indicators such as accessibility of digital transmission for the public.

Terrestrial broadcasters, such as public television channels, TVN, Polsat, TV4, TV Puls will have an authorisation to be placed within the scope of multiplex services. Technical capabilities required to meet the broadcasters' needs and possible ways of assisting them in the digital switchover should be prepared.

3) Prevention of social exclusion is one of the major but also difficult problems to be solved. It seems to be difficult to “achieve” a social acceptance of the costs of transition to digital switch-over; the high costs are a crucial obstacle to this process. There is no doubt that some kind of support policy is necessary in Poland if digital transmission is to replace analogue. First of all, it is necessary to ensure broad availability of set-top-boxes (digital receivers). Support for different undertakings willing to subsidise the costs of transition is important, as well as support for (also local) producers and suppliers of advanced digital TV receivers for interactive platforms. It is expected that an adequate programme concerning the support for individual viewers will be prepared, mainly by the Minister of Labour and Social Policy, by 30 June 2008.

Last but not least, a friendly environment for the provision of digital broadcasting shall be created. The widespread popularisation of digital broadcasting shall be a basic element of a governmental information campaign, which is to be prepared by the Ministry of Culture, the OCE and the NBC by 30 June 2008.

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