[FR] Competition Law and Cable Networks

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On 18 April 2000 the Court of Cassation rejected the appeal lodged by France Télécom in the dispute between the "incumbent operator" and the cable television networks operator Numéricâble. The company is a concessionaire of local authorities and broadcasts audiovisual services on a cable network owned by France Télécom. The incumbent operator notified the company of a substantial increase in the cost of access to its network for the transport of audiovisual signals by cable at the time of renewing current contracts. Invoking the serious worsening of the financial straits that would result from such an increase, which it found unjustified, the risk of suffering suspension of the availability of signal transport and distribution capacity, and its replacement by another operator, the company Numéricâble had referred the matter to the Competition Board. It claimed that France Télécom was exercising unlawful practices contrary to Section III of the order of 1 December 1986, and asked for measures to be ordered that would preserve the present position. The Competition Board had found in favour of Numéricâble in a decision on 1-2 January 1999, upheld by the Court of Appeal in Paris on 15 March 1999. The Court of Cassation, to which the dispute was referred by France Télécom, confirmed the competence of the Competition Board to order such measures, the purpose of which was to prevent any risk of abusive exploitation of a state of economic dependence, since France Télécom intended to fix its rates unilaterally under threat of sanctions which would endanger the survival of Numéricâble. The Competition Board now has the task of deliberating on the merits of the dispute.

Cour de cassation (chambre commerciale), 18 avril 2000 □ France Télécom c/ NC Numéricâble.

Court of Cassation (commercial chamber), 18 April 2000 □ France Télécom v. NC Numéricâble.

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