[DE] Cable Operator Must Revise Cable Allocation

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The dispute between the Sächsische Landesanstalt für privaten Rundfunk und neue Medien (Saxony Land Authority for Independent Broadcasting and New Media - SLM) and cable network operator PrimaCom over cable allocations in Leipzig is, for the time being, being kept out of court.

Targeting several hundred households in Leipzig on an experimental basis, PrimaCom had moved several freely-available independent channels such as ProSieben, RTL 2 and VOX from its analogue package to its digital subscription service. This had aroused fierce protests from the selected households and broadcasters. The SLM claimed that this arrangement breached the legal provisions set out in the Sächsisches Privatrundfunkgesetz (Saxony Independent Broadcasting Act - SächsPRG).

The SLM wanted the dispute to be settled by the court in a test case. It intended to pass a decree requiring PrimaCom to include in its "basic package" in both analogue and digital formats the "must-carry" channels described in Article 38 paragraphs 1 and 3 of the SächsPRG at the very least. Moreover, the selection of channels should depend essentially on viewers' wishes and on the principle that there should be a balanced range of public and independent broadcasters. PrimaCom had already declared its intention to appeal against any such decree.

In a completely separate development, the Wohnungsbaugenossenschaft Leipzig (Leipzig housing co-operative) obtained a ruling from the Landgericht Leipzig (Leipzig District Court) whereby PrimaCom had immediately to restore the original package of 34 analogue TV channels. This was a civil law judgement relating only to the contractual relations between PrimaCom and the co-operative.

As a result of this ruling, the dispute between PrimaCom and SLM has been put on ice. The case will not resume unless SLM decides to issue a decree, which it will only do if it believes that the structure of PrimaCom's programme packages elsewhere in its Saxony cable network is illegal.

Pressemitteilungen Nr. 27/2000 und Nr. 29/2000 der Sächsischen Landesanstalt für privaten Rundfunk und neue Medien (SLM)

Saxony Land Authority for Independent Broadcasting and New Media SLM, press releases 27/2000 and 29/2000

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