[DE] on German Cable Industry Restructuring

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On 10 April, the Gemeinsame Stelle Digitaler Zugang (Joint Digital Access Board) of the Direktorenkonferenz der Landesmedienanstalten (Congress of Land Media Authority Directors - DLM) adopted a policy document on the sale of the level 3 cable networks by the Deutsche Telekom Aktiengesellschaft (German telecommunications company - DTAG). In the document, the DLM assesses the prospects and risks connected with the restructuring of the cable market and discusses the cable networks' position at the crossroads of media, telecommunications and cartel law. The DLM then announces practical measures it intends to take in order to make the most of the opportunities and avoid running unnecessary risks.

In general terms, the DLM believes that cable can become the ideal gateway to the Information Society. The sale of the cable networks would be a way of overcoming the current obstacles to the development of cable. It would also mean that a structural basis could be created for the expansion of cable transmission capacity and for the installation of a return channel [I have not come across the term "return channel" before; if it is a new development, it might be interesting to have a brief explanation of it], thus opening the door to new types of service. The sell-off would also, however, be accompanied by horizontal and vertical concentration. Germany's networks would be dominated by no more than three American-run global companies, which would own major shareholdings in TV companies as well as operating the cable networks. This might impede or hinder open, equal access to the cable networks and jeopardise diversity of opinion. Access to the "opinion market" should remain open, while fair journalistic and economic competition should be guaranteed. It is therefore important to develop a framework in which these needs continue to be met despite the high level of market concentration, while at the same time maintaining an incentive to invest. Imposing a code of conduct alone is simply not enough; structural safeguards for diversity and competition are more important. In this connection, the conditions being sought include open technical platforms for the hard- and software for set top boxes, prospects for the development of European content, consumer choice (ie no exclusive customer ties) and conditions and fees which guarantee access for smaller and regional operators. Alongside the provisions of the Rundfunkstaatsvertrag (Inter-State Agreement on Broadcasting) and telecommunications law, there would be two main avenues for developing structures designed to guarantee diversity and competition: the cartel control procedure that would be triggered by the sale and a dialogue between the cable

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companies, programme providers and the Land media authorities.

Positionspapier der Gemeinsamen Stelle Digitaler Zugang der DLM

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