[DE] PrimaCom Instructed to Carry Channels

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On 22 April 2002, the Media Council of the Sächsische Landesanstalt für privaten Rundfunk (Saxony private broadcasting authority - SLM) issued an order, instructing cable network operator PrimaCom AG to carry certain channels. The order arose from a complaint lodged by the two public service broadcasters ARD and ZDF against PrimaCom AG at the end of January. ARD and ZDF claimed that PrimaCom was not making their digital programme bundle fully available to viewers in Leipzig. They argued, inter alia, that by refusing to retransmit them as part of the bundle, PrimaCom had withheld from viewers important programme elements such as the regional TV channel operated by the public service broadcaster SWR in Rheinland-Pfalz, or the private channel CNBC, which co-operated with ZDF and was included in its digital bundle. They claimed that PrimaCom had therefore breached the Rundfunkstaatsvertrag (Inter-State Agreement on Broadcasting). PrimaCom, which had agreed a separate contract with CNBC to retransmit its programmes, refuted the accusations. It argued that it had met its duty to retransmit "ARD Digital" and "ZDF vision" and failed to see why it should be obliged to carry private third-party channels that were financed entirely through advertising. The SLM therefore launched an investigation, as a result of which it issued the aforementioned order.

The SLM states in the order that, in accordance with Article 19 para. 3 of the Inter-State Agreement on Broadcasting, public-service broadcasters are allowed to include commercial channels in their digital bundles and that these are included in the duty of retransmission enshrined in Article 52 of the Agreement. PrimaCom AG may yet lodge a complaint about the order with an administrative court.

Pressemitteilung der SLM vom 13. Mai 2002

http://www.slm-online.de/aktuell/prm02_13.htm#punkt3

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