[DE] Consequences of Cable Digitisation for Analogue Channels Under Discussion

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At the end of July, the Verwaltungsgericht Berlin (Berlin Administrative Court - VG) issued an important decision concerning the switch-over to digital broadcasting. Its ruling contains guidelines on how users might be expected to keep up with technical advances in relation to the switch from analogue to digital transmission.

The dispute between the European cultural channel ARTE and the Medienanstalt Berlin-Brandenburg (BerlinBrandenburg Media Authority - MABB) concerned the broadcaster's right to analogue transmission capacity within the broadband cable network for its afternoon programmes which were shown from 2pm onwards and which had also been broadcast digitally via satellite for some time. The cable capacity in question was currently shared between the Kinderkanal (children's channel) and ARTE. Since the children's programmes were broadcast until 7pm, ARTE could only be received in analogue form after 7pm. The cultural channel's afternoon programmes, which were broadcast on another cable channel reserved exclusively for digital transmission, could only be received by viewers equipped with a digital receiver.

Referring to the Staatsvertrag zwischen Berlin und Brandenburg über die Zusammenarbeit im Bereich des Rundfunks (Inter-State Agreement between Berlin and Brandenburg concerning co-operation in the broadcasting sector - MStV), the VG considered ARTE to be one of the public service channels organised on the basis of provisions of law or Inter-State Agreement which should be given priority in terms of transmission capacity. It was also of the view that the technical innovation of digital transmission should not mean that the current overwhelming majority of "analogue users" should be forced to update their equipment in order to receive all such priority channels. ARTE should therefore be broadcast in analogue form via cable throughout the day. The MABB said that it would appeal.

Verwaltungsgericht Berlin, Urteil vom 25. Juli 2002, Az.: 27 A 87.01 und 86.02

Berlin Administrative Court, judgment of 25 July 2002, case no.: 27 A 87.01 und 86.02

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