# [NL] Access to cable networks hotly disputed

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In the Netherlands, providers of commercial satellite-to-cable programming services have clashed with cable operators in a battle over cable access and carriage fees. Pay TV provider Multichoice (of the Nethold group), the pan-european sports channel, Eurosport, and the Arcade Group (providing music and "golden oldie" television) all claim Dutch cable operators are abusing their dominant positions in unduly restricting access, overcharging or granting unfair advantages to cable-owned programming services. Attempts to gain access under equitable terms through court procedures have, until now, been only partly successful. In November the President of the District Court of The Hague decided the Hague municipal network must carry two Arcade programmes. In contrast, in December the President of the Amsterdam District Court refused to grant Eurosport provisional relief in its quest to obtain access to the Amsterdam network without incurring a carriage fee. Complaints filed under the Competition Act with the Dutch Minister of Economic Affairs are still pending.

On the political front, commercial satellite stations have been more successful. In January, the Second Chamber of Parliamant amended the Dutch Media Act to ensure fair treatment of programme providers by cable operators. The amendment grants broad discretionary powers to the Dutch Media Authority ( Commissariaat voor de Media). The new Act was expected to be adopted by the Dutch Senate this February. (P. Bernt Hugenholtz, Institute for Information Law / STIBBE SIMONT MONAHAN DUHOT Attorneys, Amsterdam)

### *Pres. RB. Amsterdam, 16.11.1995, EUROSPORT v. KTA c.s.*

*Pres. RB. Amsterdam, 16 November 1995, EUROSPORT v. KTA c.s.*

### *Pres. RB 's-Gravenhage, 14.11.1995, MTV/ARCADE v. Gem. Den Haag/CASEMA.*

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