European Commission: Agreement on Dutch Regulator's Competition Enhancing Proposal

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On 10 February 2009, the European Commission (EC) cleared the proposal on broadcasting market regulation by the Dutch regulator *Onafhankelijke Post en Telecommunicatie Autoriteit* (OPTA). As a result, OPTA can now impose several regulatory obligations on the four largest cable operators in the Netherlands, Ziggo, UPC, Delta and CAIW, who currently hold dominant positions in Dutch broadcasting markets.

First of all, in order to enhance competition, UPC and Ziggo are now obliged to resell their analogue cable network based on regulated prices to other market parties. This will enable these parties to sell the same analogue TV programmes as UPC and Ziggo. Consumers can completely switch their analogue radio and television service from these two operators to alternative operators.

Second, the four largest cable operators in the Netherlands are now obliged to grant access to other market parties to distribute their signals over their digital television network to the consumer. KPN, a formerly State-owned network operator, is excluded from this access right. In return, cable operators do not have access to KPN's network. The exclusion of KPN is intended to stimulate other operators to invest in their own network.

The procedure for the granting of the Commission's approval began on 9 January 2009. On that date, OPTA notified the Commission of its draft decision on the market for wholesale broadcasting transmission services in the Netherlands. This notification is an obligation required by Article 7 of Directive 2002/21/EC on a common regulatory framework (EU Framework Directive). After receiving the Commission's approval, the Dutch regulator will consult with UPC, Ziggo and the alternative operators on the administrative and technological measures needed to allow the operators access to UPC and Ziggo's broadcasting networks. According to OPTA, consumers will be able to switch cable services by the end of 2009.

Commission clears Dutch regulator OPTA's proposal to enhance competition in the broadcasting markets, IP/09/245, 11 February 2009

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/245&format=HTML&aged=0&language=EN&guiLanguage=en

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Europese Commissie geeft groen licht aan OPTA om kabelmarkt te openen", persbericht OPTA 10 februari 2009

http://www.opta.nl/nl/actueel/alle-publicaties/publicatie/?id=2862

European Commission allows OPTA to open up the broadcasting market, press release OPTA, 10 February 2009

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