[NL] Battle over decoders Telekom's duty to act as intermediary

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In a dispute between pay-TV-firm NetHold and the Amsterdam cable network A2000 over who controls the access to cable subscribers, the Amsterdam administrative court on 15 May made an inconclusive ruling. It sent the matter back to the Dutch Media Authority, who earlier ruled in favour of NetHold. NetHold and A2000 are fighting over who should decide on the type of decoder that should be installed on the A2000 network. A2000 (now jointly owned by an affiliate of Philips Electronics and US West) wants to impose use of its own type of Philips-made decoders. NetHold, Europe's third-largest pay-TV concern and owner of the FilmNet channels, has 30,000 decoders installed on the Amsterdam network and refuses to change to a system it does not control or own. Last year, the Media Authority had given A2000 permission to develop subscriber services under the condition that other suppliers of such services could use their own system of conditional access, including the decoder. The Authority ruled in November 1995 that A2000 violated this agreement by trying to impose their decoder on NetHold, and threatened to fine A2000 if it would not let NetHold use its own choice of decoder. A2000 contested this ruling before the Amsterdam administrative court, but the complaint was ruled inadmissible since A2000 first has to use the opportunity to request the Media Authority to reconsider its position. A2000's objection has now as such been taken into (re)consideration by the Media Authority, which is expected to rule within 7 weeks. IRIS will keep you informed on the developments.

Arrondissementsrechtbank Amsterdam (sector bestuursrecht) 15 mei 1996, Kabeltelevisie Amsterdam vs. Commissariaat voor de Media, reg.nr. 96/142.

Amsterdam administrative court 15 May 1996, Kabeltelevisie Amsterdam vs. Commissariaat voor de Media, reg.nr. 96/142.

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