[NL] New decisions on access to cable

IRIS 1997-1:1/24

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In the continuing struggle over what conditions may be set for access to cable networks, both the Media Authority (Commissariaat voor de Media) and the Minister of Economic Affairs have taken new decisions (see also IRIS 1996-2: 8, IRIS 1996-6: 11, IRIS 1996-8: 14 and IRIS 1996-10: 19).

The Minister of Economic Affairs, acting on basis of the Dutch Competition Act (Wet Economische Mededinging) , decided that Kabeltelevisie Amsterdam (KTA) must review its tariff structure within three months. The revised distribution fees must, in principle, be based on the actual costs of the cable distribution, which sum may be increased with a surplus that will allow the distributor to achieve `a reasonable return'. A calculation shows that this return will roughly amount to 10%. The Media Authority has set the reasonable profit margin at 2% at most (see IRIS 1996-10: 19). According to the Minister, the distribution fees must, in principle, be the same for all programme suppliers. Different fees are only acceptable when this contributes to `a more attractive programming' and onlyfollowing the criteria used by the Media Authority - when the basis for the differentiation is transparent and verifiable. In the case of the complaint of a cable TV information service against the cable network of the city of Alkmaar (see IRIS 1996-6: 11), the Minister ruled that the information service must be admitted to the cable network. Both parties are instructed to negotiate on the distribution fee, but the Minister already stated that this fee must be the avarage of the fees which are paid for the distribution of the basic programme package (basispakket) .

On 20 December 1996 the Media Authority took a final decision regarding the complaint of NetHold against KTA (see IRIS 1996-8: 14). Because of KTA's refusal to submit the requested data to the Media Authority, it ruled that it did not have another choice than to fix the distribution fee from 1 July 1996 until 1 April 1997 on zero. With the date of 1 April 1997, the Media Authority refers to the decision of the Minister of Economic Affairs, as summarized above, that KTA must review its tariff structure before this date.

The Media Authority took a similar decision regarding the complaint of Arcade Music Groep against KTA (see IRIS 1996-8: 14). In the meantime, the Dutch Government announced its intention to extend the Authority's supervisory power beyond 1 January 1997, which amendment of the Media Act (Mediawet) must first be approved by Parliament.

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Ministerie van Economische Zaken, Beschikkingen kabeltoegang inzake Kabeltelevisie Amsterdam (17.12.1996, nr. ES/DM/MA 96076386.b17), Stichting Beheer CAI Alkmaar (17.12.1996, nr. ES/DM/MA 96080187.b15), Eurosport Sales Organisation (17.12.1996, nr. ES/DM/MA 9608189.b15), Staatscourant 247 (20.12.1996).

Decisions of the Minstry of Economic Affairs concerning access to cable, Kabeltelevisie Amsterdam (17 December 1996, nr. ES/DM/MA 96076386.b17), Stichting Beheer CAI Alkmaar (17 December 1996, nr. ES/DM/MA 96080187.b15), Euro-sport Sales Organisation (17 December 1996, nr. ES/DM/MA 9608189.b15), Staatscourant 247 (20 December 1996).

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