[FR] Competition Authority Sets Framework for CanalSat Channel Distribution

IRIS 2013-4:1/13

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In July 2012, the *Autorité de la Concurrence* (competition authority) authorised the grouping of the pay television activities of TPS and the Canal Plus group, i.e., the two satellite bundles CanalSat and TPS, subject to the implementation of corrective measures imposed in the form of thirty-three injunctions (see IRIS 2012-8/25). By means of these injunctions, the competition authority wanted to ensure clear rules for the independent channels having access to distribution on CanalSat. The authority called on Canal Plus to ensure that these channels would have the benefit of technical, commercial and tariff conditions within the CanalSat offer that were transparent, objective, and non-discriminatory. The authority also prohibited Canal Plus from concluding separate contracts for commercial distribution and the services associated with carrying the channels without making the commercial distribution of a channel dependent on the signature of a contract for carrying the channel. The authority had also made its authorisation conditional on giving alternative distributors, and more particularly the IAPs, the possibility of competing effectively with exclusive distribution on CanalSat. It therefore required Canal Plus to make available all the cinema channels Canal Plus edits or might edit, except the Canal+ channels (i.e., “unbundle” them), and to maintain the quality of these channels (Ciné + Premier, Ciné + Frisson, Ciné + Famiz, etc), which are currently distributed exclusively as part of a satellite package. When a channel wants to be included in the CanalSat bundle, it receives a fee per subscriber. The merger with TPS puts CanalSat in a dominant position, enabling it to impose lower fees or even take on the most attractive channels on an exclusive basis, thereby completely depriving the distributors (Free, Orange, etc) of access to them.

The competition authority has therefore called on Canal Plus to draw up three “benchmark offers”: one for including independent channels in its CanalSat offer, one for its carrying services, and one setting out the tariff and technical conditions for making the Canal Plus cinema channels available. These benchmark offers are currently being examined by the authority. To help it in its examination, the authority has put the offers on line on its Internet site, and invited interested third-parties (channels, distributors, etc) to submit their observations on them by no later than 18 March 2013. The composition of the IAPs’ offers could therefore evolve in the coming months, and CanalSat may lose its exclusivity for certain channels.

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Communiqué de l'Autorité de la concurrence du 4 mars 2013

http://www.autoritedelaconcurrence.fr/user/standard.php?id_rub=482&id_article=2057

Communiqué from the competition authority, 4 March 2013

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