

New TV – Old law?

Reforming the SatCab Directive

Joint Statement of ANGA, Bitkom and Cable Europe
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The 1993 Satellite and Cable Directive facilitates the clearing of copyright and related rights for satellite broadcasting and cable retransmission. This enables cross-border transmission and reception of broadcasting services.

Twenty three years on, the collective management system enshrined in the Directive is still very important for the cable retransmission licensing of TV and radio programmes. Rights for TV programmes are usually not only held by a broadcaster or production company but also by a large number of different rights holders such as authors and composers. The Directive's mandatory collective licensing system helps to address the fragmentation of rights and avoids black-outs in the retransmission of programmes. The existing direct licensing system of the Directive also has benefits when certain conditions are met.



However, both TV consumption and the market have fundamentally changed since the Directive was conceived. Digitisation means new business players, technologies, business models and types of consumption. Under the current SatCab framework, both established and new platforms find it difficult to offer all the services customers want. This is mainly due to difficulties in licensing (as far as necessary) innovative services (e.g. Web-TV) and features such as Catch-up TV (watch a programme after it has been broadcast), Restart TV (restart a programme that is already in progress) or network PVRs (network-based digital video recorders stored at the service provider's central location rather than at the consumer's private home).

Thus a modernisation of the SatCab Directive is necessary to strengthen TV-distribution via any transmission technology, including the Internet, as being part of the Digital Single Market, to meet consumers' demands and to encourage technical innovation. In particular, the current licensing regime for cable retransmission should apply to:

- retransmissions (simultaneous and unchanged) of broadcast programmes, formulated in a technology neutral manner, covering any transmission technology: e.g. cable/IPTV, DTT, mobile, wireline and wireless Internet; and
- ancillary services in close connection to the broadcast such as Catch-up TV, Restart TV and network PVRs in order to meet consumers' demand for up-to-date functionalities, provided that rights clearance is necessary.

In any case, besides the technology neutral application of »retransmission« the ancillary services to the broadcast, offered via any transmission technology, should follow the licensing system used for the linear (re)-transmission of the primary broadcast.

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ANGA represents the interest of more than 200 companies in the German broadband cable industry. ANGA's cable network operators serve nearly 18 million cable subscribers. In addition to a wide range of analogue and digital television channels, interactive services – especially broadband Internet and telephony – are also available via cable. Approximately 6.6 million households also use their cable connection for broadband Internet access. ANGA's cable network operators are thus a decisive force in driving forth the infrastructure competition for broadband access and triple-play bundles including TV, Internet, and telephony.

[↗ www.anga.de](http://www.anga.de)

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Bitkom represents more than 2,300 companies in the digital sector, including 1,500 direct members. With more than 700,000 employees, our members generate a domestic turnover of 140 billion Euros a year, exporting high-tech goods and services worth another 50 billion Euros. Comprising 1,000 small and medium-sized businesses as well as 300 start-ups and nearly all global players, Bitkom' members offer a wide range of software technologies, IT-services, and telecommunications or internet services. They produce hardware and consumer electronics or operate in the sectors of digital media and the network industry. Bitkom supports an innovative economic policy by focussing the modernization of the education sector and a future-oriented network policy.

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Cable Europe is the trade association that connects leading broadband cable TV operators and their national trade associations throughout the European Union. The regulatory and public policy activities of Cable Europe aim to promote and defend the industry's policies and business interests at European and international level. The European cable industry provides high speed broadband internet, TV services, and telephony into the home of 64.5 million customers the European Union.

[↗ www.cable-europe.eu](http://www.cable-europe.eu)