

WRITTEN QUESTION P-4598/08
by André Brie (GUE/NGL)
to the Commission

Subject: News Corp stake in Premiere AG

With reference to the announcement of a merger (Case COMP/M.5121 - NewsCorp/Premiere) and to the press release (IP/08/1012) issued in this connection, can the Commission answer the following questions?

- Is the Commission aware that the German broadcaster Sport Digital TV has sought technical access to Premiere subscribers, but has not actually received it for months? Is this a breach of the conditions which the Commission has imposed on News Corp in return for clearing its stake in Premiere? If so, what restrictions does News Corp still have to reckon with?
- Is the Commission aware that Premiere has invoked the so-called 'Premium Sports' clause and can thus block access by sports broadcasters to Premiere's subscriber base? How can access to Premiere subscribers be secured for all pay-TV operators on other platforms under equal and non-discriminatory conditions?
- Is the Commission aware that no CI/CI+ module exists for the NDS encryption system used by Premiere? How can this fact be squared with the demands made by the Commission for incorporation of a CI module in IDTVs with a screen diagonal of 30cm and over? In light of this, will the Commission oblige NDS to additionally deliver NDS encryption technology on a CI/CI+ module?
- If not, can the Commission say how otherwise a closed set-top box market can be prevented from developing in Germany? How can it ensure that there will still be a specialist market for Premiere set-top boxes in future?
- Can the Commission say whether and how it will be ensured that other pay-TV operators can have technical access to Premiere subscribers in order to market their products? What control mechanisms is it/was it demanding that News Corp put in place? How will it exclude the possibility of a second Sport Digital TV?
- Can the Commission say whether and how it wishes to ensure that the offers being made by other pay-TV operators can be found by Premiere subscribers? Are there conditions relating to the arrangement of TV channels (free to air and pay-TV) for the NDS middleware? Is there any obligation on Premiere to point out future new offers by other operators?
- Can the Commission say whether and to what extent it has examined or is examining the account by the public-service broadcasters of the way Premiere allocates and sorts channel numbers, and whether there are any requirements for this?