[AT] Amendment of Broadcasting Law and Optical Identification of Programmes Considered Unsuitable for Young Persons

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In December it was decided to bring the Broadcasting Law into line with the revised version of the so-called Television Directive. With the entry into force of the amended law on 1 January 1999 the Austrian Broadcasting Corporation (ORF) has started to use visual symbols to identify programmes considered unsuitable for young persons.

In Austria, broadcasting is regulated on the basis of federal legislation and subject to its provisions. Whereas the ORF, which is a public corporation, is governed by the Broadcasting Law, private television is the subject of the Cable and Satellite Broadcasting Law. Private "terrestrial" television continues to be prohibited in Austria. (Although the intention is to incorporate terrestrial private television in the Cable and Satellite Broadcasting Law, whose title would accordingly be changed to read Private Broadcasting Law, this third item of planned legislation is still the subject of heated parliamentary debate.) The need to identify programmes that are broadcast in unencoded form and which are likely to impair the physical, mental or moral development of minors by preceding them with an acoustic warning or by visual means throughout their duration is taken almost word for word from Article 22 §3 of the Television Directive. It is to be understood, from explanatory comments on the Government's draft that the choice of signal or means has deliberately been left to the ORF. No attempt has been made to lay down detailed rules since European broadcasting authorities are currently discussing a European identification standard. The symbols introduced by the ORF on 1 January1999 are a cross ("Not for children") and a circle ("For adults only"), and appear, as appropriate, in the upper right-hand corner of the screen. Going beyond its legal obligations, and on the initiative of representatives of listeners and viewers, the ORF has also introduced a third symbol "K+" ("Recommended for children"). This reference to programmes that are particularly suitable for children appears, as appropriate, in ORF Teletext, press releases and on the ORF website, but not during the corresponding programmes themselves.

The ORF sees itself as a pioneer when it comes to the transposition of the Television Directive and in the interest of the public is urging uniform identification practice throughout the German-speaking world. As more than 75% of all households in Austria are connected by cable or have satellite reception facilities any identification system that is not uniform could only create confusion.

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Bundesgesetz, mit dem das Rundfunkgesetz und die Rundfunkgesetz-Novelle 1993 geändert werden (Bundesgesetzblatt 1999 I 1 vom 5. 1. 1999).

Federal law amending the Broadcasting Law and the Broadcasting Law Amendment 1993 (Bundesgesetzblatt 1999/1 of 5 January 1999).

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