[AT] Constitutional Court Revokes Radio Licences; Private Broadcasting Authority Grants Temporary Licences

IRIS 2001-1:1/8

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Having ruled on 29 June 2000 that Article 13 of a previous version of the Regionalradiogesetz (Regional Radio Act), which established the private broadcasting licensing authority (Privatrundfunkbehörde, previously known as the Regionalradio- und Kabelrundfunkbehörde), was unconstitutional (see IRIS 2000-8: 4), in its October session the Constitutional Court revoked the 23 disputed regional and local radio licences.

The legislature had taken precautionary measures several months previously and, by an amendment to the Regionalradiogesetz (see IRIS 2000-9: 6), had made it possible for existing licence-holders to apply to the Privatrundfunkbehörde for a temporary licence within ten days of their licences being revoked by the Verwaltungsgerichtshof (Administrative Court) or Verfassungsgerichtshof (Constitutional Court). They were also allowed to continue broadcasting until the end of the day on which the Privatrundfunkbehörde decided whether or not to grant them such a licence. As expected, all 23 licence-holders whose licences were revoked by the Constitutional Court took advantage of this measure. At a meeting on 19 December 2000, the Privatrundfunkbehörde granted temporary licences to the former licence-holders. These licences should expire within six months of issue.

Since the constitutionality of the Privatrundfunkbehörde is also questionable under current law (the Constitutional Court has already instigated new proceedings to examine the law), future licences will be granted not by the Privatrundfunkbehörde but by a new media authority ("Kommunikations-Kommission Austria", known as "KommAustria"), which has been in the pipeline for some time. The exact structure and form of this authority is still the subject of political debate, however.

Presseaussendung des Verfassungsgerichtshofes vom 24. November 2000

http://www.vfgh.gv.at/vfgh/presse/24112000.html

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Regierungsvorlage/Bundesgesetz, mit dem ein Bundesverfassungsgesetz über die Einrichtung einer unabhängigen Regulierungsbehörde in den Bereichen audiovisuelle Medien und Telekommunikation erlassen wird, ein Bundesgesetz über die Einrichtung der "Kommunikations-Kommission Austria" ("KommAustria") erlassen wird sowie das Bundes-Verfassungsgesetz, das Kabel- und Satelliten-Rundfunkgesetz, das Rundfunkgesetz, das Fernsehsignalgesetz, das Telekommunikationsgesetz, das Zugangskontrollgesetz, das Kartellgesetz und das Signaturgesetz geändert werden, 400 der Beilagen zu den Stenographischen Protokollen des Nationalrates, XXI. Gesetzgebungsperiode

Government Bill/Federal Act to pass a Federal Constitutional Act on the establishment of an independent regulatory authority in the audiovisual media and telecommunications fields, to pass a Federal Act on "Kommunikations-Kommission Austria" ("KommAustria") and to amend the Federal Constitution, the Cable and Satellite Broadcasting Act, the Broadcasting Act, the Television Signals Act, the Telecommunications Act, the Access Control Act, the Cartels Act and the Electronic Signature Act, 400 supplements to the shorthand written protocols of the National Assembly, XXI legislative session

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