[AT] Bill on “KommAustria” Media Authority

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The Austrian Government has submitted a draft Federal Act on the Establishment of a National Media Authority, the Austrian Communications Commission (KommAustria).

According to Section 1.1 of the Bill, the new authority's basic role would be to assume all regulatory responsibility for the broadcasting and telecommunications fields throughout Austria. At present, these tasks are distributed between the Federal Chancellery and various ministries.

The new media authority would, for example, be expected to push for effective competition, reasonably-priced consumer access to communications services, plurality of opinion and the development of technical and economic conditions suitable for a dual public/private broadcasting market in Austria. It would comprise a President and twelve other members, three of whom would be employed full-time. The members, who would be split into three commissions (media, infrastructure and competition), would act independently and not take instructions from outside bodies. According to Section 3 of the Bill, they would be appointed on the Federal Government's recommendation for a six-year term following an open application procedure.

The Commission's tasks would include granting licenses to and monitoring broadcasters, guaranteeing minimum European standards, particularly concerning the protection of minors and consumers vis-à-vis content providers, planning and administering broadcast frequencies, and guaranteeing and laying down conditions for non-discriminatory access to communications services and infrastructure, together with responsibilities in the field of competition law. KommAustria's work would be supported by a company, KommAustria-GmbH, to be set up by the Federal Government. This company would assume the administrative tasks related to KommAustria's work, draft and publish KommAustria recommendations and guidelines for the audio-visual media and telecommunications sectors, and implement procedures provided for by federal law to settle disputes in these areas. The President of KommAustria would oversee the work of KommAustria-GmbH.

A 15-member advisory committee would also be set up to advise the Federal Government and KommAustria, dealing in particular with fundamental issues in

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the media and telecommunications fields and their impact on competition and consumer protection.

In principle, appeals against KommAustria's decisions could be lodged with the Unabhängige Bundeskommunikationssenat (Independent Federal Communications Board).

Ministerialentwurf betreffend Bundesverfassungsgesetz über die Einrichtung einer unabhängigen Regulierungsbehörde in den Bereichen audiovisuelle Medien, Telekommunikation und Informationstechnologie, Einrichtung der „Kommunikations-Kommission Austria"

http://www.parlinkom.gv.at/pd/pm/XXI/ME/his/001/ME00114_.html

Ministry Bill concerning a Federal Constitutional Act on the establishment of an independent regulatory authority in the audio-visual media, telecommunications and information technology fields, establishment of the Austrian Communications Commission

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