[AT] Commercial Radio Act Supersedes Regional Radio Act

IRIS 2001-4:1/4

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The Privatradiogesetz (Commercial Radio Act) entered into force on 1 April 2001, superseding the Regionalradiogesetz (Regional Radio Act). As a result, the partial monopoly still held by the ORF (Austrian public broadcasting corporation) has been reduced to the extent that national commercial (terrestrial) radio stations can now be legally licensed.

The Privatradiogesetz regulates the organisation of radio stations that use analog terrestrial transmission technology. Radio broadcasters require a licence, ie authorisation under broadcasting and telecommunications law (previously divided into two, but now a single entity) to broadcast a radio station in a specific area using the transmission capacity allocated to them.

Written licences are granted for ten years by the central regulatory authority (KommAustria, see IRIS 2001-3: 8). If more than one company applies for a licence, KommAustria must give preference to the applicant which guarantees to offer the greatest diversity of opinion and intends to broadcast the largest proportion of self-produced programmes. The authority must also consider whether any of the applicants has previously held a licence and abided by its legal requirements. Radio broadcasters or their members must either be Austrian citizens or legal entities or partnerships under commercial law domiciled in Austria, although discrimination within the European Economic Area is expressly forbidden. The tight restrictions on media owners' shareholdings were relaxed.

The duration of licences still valid under the Regionalradiogesetz when the Privatradiogesetz entered into force is unaffected.

Bundesgesetz, mit dem Bestimmungen für privaten Hörfunk erlassen werden (Privatradiogesetz - PrR-G), Bundesgesetzblatt 2001 I 20 vom 6. März 2001

Commercial Radio Act (PrR-G), Federal Gazette 2001 I 20, 6 March 2001

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