[AT] Commercial Terrestrial TV

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In addition to commercial cable and satellite television, commercial terrestrial TV will soon be permitted in Austria. The National Assembly adopted a Privatfernsehgesetz (Commercial Television Act) on 5 July 2001. The Act regulates, on the one hand, the provision of freeto-air television services (terrestrial television) and, on the other, the organisation of radio and television via cable networks (cable broadcasting) and satellite (satellite broadcasting), which are already permitted. The Act should enter into force on 1 August 2001, when the Kabel- und Satelliten-Rundfunkgesetz (Cable and Satellite Broadcasting Act) will be abolished.

The new Commercial Television Act makes provision for two types of licence for companies broadcasting analogue commercial terrestrial television. Firstly, a national broadcaster can only be licensed if it covers at least 70% of the Austrian population. Secondly, local and regional commercial terrestrial television will also be permitted on frequencies currently used at certain times by the Österreichische Rundfunk (Austrian Broadcasting Corporation - ORF) for its regional programmes.

Licences to broadcast analogue terrestrial television will be granted by the media authority KommAustria in accordance with a public tender procedure. When awarding national licences, KommAustria will have to apply the following selection criteria: diversity of opinion, broad range of programmes, proportion of self-produced programmes, coverage of population and the relevance of programmes to Austria. Only after those licences have been granted will any remaining regional or local frequencies be allocated. Here, similar criteria will be applied as for national broadcasters, although the regional or local relevance of the programmes will also be taken into account. Licence-holders must ensure that they begin broadcasting within 12 months of being awarded their licence. Cable and satellite TV will remain governed by the provisions currently set out in the Cable and Satellite Broadcasting Act, while rules on content, advertising restrictions and relations between journalists and their employers are also taken directly from the same Act.

Frequencies that are not allocated to commercial broadcasters and those also available, on the basis of a recent frequency study, for the third national TV channel are to be used for new digital terrestrial television stations. In order to

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accelerate digitalisation, the Commercial Television Act provides for the creation of a working group called "Digitale Plattform Austria", which will be open to members of any interested group (industry, commerce, science, network operators, Länder, consumers, etc) and the ORF. In partnership with the KommAustria media authority, this body is intended to carry out much of the groundwork for the introduction of digital terrestrial television and other digital services in Austria. According to the digitalisation plan, a multiplex operator will then be licensed to develop the technical infrastructure for the distribution of digital signals.

In connection with the licensing of commercial terrestrial television, restrictions on commercial TV broadcasters' shareholdings are also brought into line with the Privatradiogesetz (Commercial Radio Act - see IRIS 2001-4: 3). Under a new "overlap rule", individual broadcasters may no longer use both national frequencies and regional or local frequencies for commercial terrestrial television. A company may only hold more than one regional or local licence if the areas it serves do not overlap. Finally, media companies which already hold a particularly strong market position (with a range or coverage of over 30%) in another section of the media - radio, cable network infrastructure, daily or weekly press - are prohibited from broadcasting commercial television.

Bundesgesetz, mit dem Bestimmungen für privates Fernsehen erlassen werden (Privatfernsehgesetz - PrTV-G)

Federal Act on Commercial Television (Commercial Television Act)

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