[AT] First Licence for National Terrestrial Private TV Channel

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In a decision announced on 31 January 2002, the Kommunikationsbehörde Austria (Austrian Communications Authority - KommAustria) issued the first licence for national analogue terrestrial television. The decision was based on the Privatfernsehgesetz (Private Television Act), which came into force on 1 August 2001. The first licence, valid for ten years, was awarded to ATV Privatfernseh-GmbH (ATV). In the same decision, which does not yet have legal force, three other applications were rejected.

The licence was awarded, inter alia, on the following conditions: using the allocated transmission capacities and including cable transmission, ATV must be accessible to at least 70% of the population by 1 February 2003 and at least 75% by 1 February 2004 and for the remaining duration of the licence; at least 20% of the channel's programming must be made up of its own productions.

Whilst one other applicant, Kanal 1 Fernsehbetriebsgesellschaft m.b.H., was defeated in the selection procedure, which was unofficially dubbed a Beauty Contest, the other two (Ganymedia Network GmbH and Andreas Sattler) were ruled out before the procedure began because they failed to meet financial requirements.

According to the selection criteria laid down in the Privatfernsehgesetz, KommAustria must give precedence to the applicant which, inter alia, is expected to provide greater diversity of opinion, to broadcast the largest proportion of own programmes, to reach the greatest percentage of the population and to offer the service most relevant to Austria. These criteria should be applied as part of a flexible selection system.

Appeals against KommAustria's decision may be lodged with the Bundeskommunikationssenat (Federal Communications Senate); however, the decision stipulates that such an appeal would not delay its entry into force.

Bescheid der Kommunikationsbehörde Austria vom 31. Januar 2002, Aktenzeichen KOA 3.005/02-24

Decision of the Austrian Communications Authority - KommAustria, 31 January 2002, case no. KOA 3.005/02-24

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