

## [AT] Broadcasting Laws Amended

**IRIS 2003-8:1/13**

*Peter Strothmann  
Institute of European Media Law (EMR), Saarbrücken/Brussels*

On 20 August 2003, a law was published amending the *Privatfernsehgesetz* (Private Television Act) and authorising the use of terrestrial digital transmission capacities. Logue broadcasting licences to transmit their programmes digitally on a trial basis "in order to test out digital broadcasting techniques". The regulatory body is required to allow the public service broadcaster ORF and private TV companies as defined in the *Privatfernsehgesetz* to test digital broadcasting techniques and programme-related developments in accordance with available transmission capacities. According to Section 54.3 of the *Telekommunikationsgesetz* (Telecommunications Act TKG 2003) published on 19 August 2003, which is designed to transpose new EU communications legislation, KommAustria is responsible for allocating broadcasting frequencies (see IRIS 2001-3: 8 and IRIS plus 2002-2: 3). Such permission is to be limited to one year at most, although it may be extended by a year on request. Content and advertising on these digital channels are to be regulated in accordance with the *ORF-Gesetz* (ORF Act) and *Privatfernsehgesetz*.

In order to promote digital transmission techniques (eg by carrying out academic studies, developing programming and funding the purchase of the necessary terminal equipment), a digitisation fund has been created through an amendment to the *KommAustria-Gesetz* (KommAustria Act), published within the framework of the law of 20 August 2003 (see IRIS 2003-6: 7). A TV film support fund has also been set up; like the digitisation fund, it will be financed through the licence fee (see IRIS 2003-6: 7).

In June 2003, the ORF-Stiftungsrat (ORF Foundation Committee) approved a licence fee increase. Some of the funds generated by this 8.2% increase will be used to finance the unencrypted digital transmission of ORF 2 via satellite.

***Budgetbegleitgesetz 2003, Bundesgesetzblatt Teil I Nr. 71 vom 20. August 2003, S. 1041***

*Budget Act 2003, Federal Gazette Part I No. 71 of 20 August 2003, p. 1041*

*Federal Act passing a Telecommunications Act and amending the Federal Act on Communications Supervision and the KommAustria Act, Federal Gazette Part I No. 70 of 19 August 2003, p. 983*

***Pressemitteilung des ORF vom 16. Juni 2003***

[http://www.orf-gis.at/news\\_16\\_06\\_03.htm](http://www.orf-gis.at/news_16_06_03.htm)

*ORF press release, 16 June 2003*

