[AT] Arbitration Agreement with ORF Revoked

IRIS 2004-7:1/6

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On 16 June 2003 the Austrian public service broadcaster, Österreichische Rundfunk (ORF), and the Verband Österreichischer Zeitungen (Association of Austrian Newspapers) signed an agreement on advertising via the ORF's television channels under which the ORF pledged to comply with special rules defining the statutory restrictions applicable to the ORF in the sphere of television advertising (ORF advertising guidelines) and, in return, the Association of Austrian Newspapers agreed to go to arbitration before bringing any disputes before the court under the Unfair Competition Act and before lodging any complaints with the supervisory body, the Bundeskommunikationssenat (Federal Communications Office), under the ORF Act. A similar agreement was signed in 2003 by ATV+, the only other nationwide private terrestrial television broadcaster in Austria.

At the end of May, both the Association of Austrian Newspapers and ATV+ renounced the arbitration agreements, claiming in a public announcement that the ORF advertising guidelines were not effective enough. The Association of Austrian Newspapers added that in future it would have more recourse to legal action in cases where it considered the ORF to be in breach of the statutory advertising restrictions.

The federal chancellery's media department intends to make it possible for KommAustria, the body that oversees private broadcasters, to report certain infringements by the ORF to the Bundeskommunikationssenat (see IRIS 2004-5: 5). After initially objecting to this tightening of the supervision rules, the ORF has since qualified its position.

Pressemitteilung des Verbands Österreichischer Zeitungen vom 24. Mai 2004

http://www.voez.at/content/main/wirtschaft/RF_Aufkuendigung-Uebereink1.html

Press release by the Association of Austrian Newspapers, 24 May 2004

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