[AT] Media Act Amendment Covering Electronic Media

IRIS 2005-9:1/5

Robert Rittler
Gassauer-Fleissner Attorneys at Law, Vienna

In June 2004, the Bundeskanzleramt (Federal Chancellery) tabled a bill amending the Mediengesetz (Media Act, see IRIS 2004-7: 5). The Government bill was discussed and adopted by the Nationalrat (National Assembly) in the spring and entered into force in June 2005.

The 1981 Media Act did not previously take into account the specific features of electronic media, which led to confusion concerning whether all of its provisions actually applied to information on the Internet and mass emailings. Since the specific characteristics of the Internet were not taken into account, strict regulations applied to minor publications on the Internet, while some provisions of the Media Act could not apply to the Internet or there was no objective justification for applying them.

The amendment introduces several new concepts, such as the category of "periodic electronic media" covering broadcast programmes, websites and electronic media that are disseminated at least four times a year. The owners of these media, just like the owners of other periodical media, will be required to publish their name and address as well as the names of any of their members, in the case of companies, whose stake or original share exceeds 25 %. In the case of broadcasters, it will be sufficient for this information to be published in teletext form. Website operators will have to ensure such data is permanently, easily and directly accessible. Copyright rules were extended to include electronic newsletters.

The bill provides for more lenient rules in the case of websites used exclusively to express personal views, on account of their relative insignificance in journalistic terms. For example, the rules relating to the right of reply and the obligation to announce the outcome of criminal proceedings will not apply in their case. Operators of such websites will also be exempt from the obligation to publish their basic orientation and disclose any stakes they might have in other media companies.

For the first time, the bill expressly defines the right of reply in respect of information posted on a website. The intention is that it should be possible to insert a link to the reply on the homepage, so that the whole text of the reply does not have to be published on the homepage. The subject matter of the reply

© European Audiovisual Observatory (Council of Europe) 2026

should be clearly indicated. Replies should be accessible for at least one month, or in any case for one month longer than the length of time during which the offending information was posted.

The bill also amends the provisions governing the execution of court decisions relating to media law. In keeping with the withdrawal or seizure of media products, the courts will in future be able to shut down parts of any websites that contain illegal material.

49. Bundesgesetz, mit dem das Bundesgesetz über die Presse und andere publizistische Medien (Mediengesetz, BGBl. Nr. 314/1981) geändert wird (BGBl. I vom 9. Juni 2005)

Act amending the Media Act, Official Journal I of 9 June 2005

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026