[AT] Political Agreement Replaces Lower Austrian Transmitter Tax Law

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As previously reported, during summer 2005 the Land of Lower Austria enacted a law under which transmitters for mobile phone networks on private property were to be taxed (see IRIS 2005-10:7). The law was meant to enter into force on 1 January 2006. Mobile phone operators filed a petition with the Constitutional Court concerning the tax, which was also controversial in political terms.

In October 2005, before the Constitutional Court had ruled on their complaints, the mobile phone operators reached an agreement with the Land of Lower Austria on a reduction of the number of masts in the region concerned. The mobile phone operators also granted local authorities the possibility of participating in the erection of new transmitters and deciding where they should be located. They promised to pass on to customers the savings they would make by sharing the masts. The Burgenland (an Austrian Bundesland) is currently preparing an agreement with mobile phone operators, known as the " Mobilfunkpakt Burgenland " (Burgenland mobile phone agreement), which will contain similar provisions.

In December 2005, the Landtag (state parliament) of Lower Austria decided to rescind the transmitter tax law. As a result, the mobile phone operators then withdrew their petition to the Constitutional Court.

Mobilfunkpakt Niederösterreich

http://www.archiv.gruene.at/texte/dokument_38673.pdf

Lower Austria Mobile Phone Agreement

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