[AT] New Decision on Short Reporting

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In 2004, pay-TV broadcaster Premiere acquired the exclusive rights to cover the T-Mobile Bundesliga. Austrian commercial broadcaster ATV+ subsequently purchased the secondary exploitation rights. The *Bundeskommunikationssenat* (Federal Communications Office - BKS) granted to Österreichische Rundfunk (ORF) the right to broadcast one short 90-second report on each match day (see IRIS 2005-1: 7). The *Verwaltungsgerichtshof* (Administrative Court) overturned this decision, since only allowing 90 seconds of coverage per match day was considered too restrictive (see IRIS 2006-3: 10).

On 3 February 2006, the BKS issued a revised judgment, obliging Premiere to make available to ORF the signals from all football matches in the T-Mobile Bundesliga. ORF was authorised to "produce appropriate short news-type reports". The BKS went on to explain that, as a rule, ORF was only allowed to show goals, missed penalties, shots hitting the woodwork that decided the outcome of the match, shots that bounced down off the crossbar, serious fouls that led to the expulsion of a player, and crowd disturbances. Exceptionally, in matches that decide the championship or the fight to avoid relegation, short reportscould also include decisive moments, such as missed goal chances, controversial offside decisions that could decide the outcome, or deliberate handballs or fouls in the penalty area which the referee did not see.

Short reports may not be broadcast before the start of Premiere's football programme and no sooner than 30 minutes after the scheduled end of the match concerned. From now on, reports are limited to 90 seconds per match.

ORF must pay Premiere EUR 1,000 per minute broadcast.

Under its secondary exploitation rights, terrestrial TV broadcaster ATV+, which is available throughout Austria, may not report on T-Mobile Bundesliga matches before 10 pm. According to the BKS, these secondary exploitation rights could not be taken into account in the decision on ORF's right to short reporting. ATV+ therefore had to accept the fact that ORF was allowed to show the key moments of matches several hours before its own football programme.

Entscheidung des Bundeskommunikationssenats vom 3. Februar 2006, 611.003/0006-BKS/2006

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