[AT] Amendments to the Use of ORF Analogue Transmission Capacities for Television

IRIS 2006-6:1/8

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The Austrian Parliament has adopted amendments to the law entitling holders of non-national private TV broadcasting licences to use certain analogue transmission capacities of *Österreichische Rundfunk* (ORF) at certain times. This right was granted to private broadcasters in order to support private television and thus to promote diversity of opinion and media in Austria.

The provision covers frequencies mentioned in the *Privatfernsehgesetz* (Private Television Act), which give ORF double coverage in certain areas. In a change to the previous legal situation, the regulatory body will no longer be able to issue decrees identifying further frequencies that can be taken over by private TV companies.

In any case, ORF should be allowed to use the transferred frequency to broadcast regional channels alongside its national channel.

The owner of a non-national licence to broadcast private television must first ask ORF for permission to use the transmission capacities. If no contractual agreement has been reached within six weeks, the broadcaster can appeal to the *Kommunikationsbehörde Austria* (Austrian communications regulator - *KommAustria*), which will decide for how long the capacity may be used and how much the broadcaster should pay.

The revised law states that the private broadcaster must pay ORF any costs incurred by the latter due to the allocation and use of the transmission capacity, as well as costs resulting directly from the necessary technical adjustments. The new provisions have been made retrospective as from 1 August 2001 so that they can be applied in cases that are already pending.

Initiativantrag 799/A BlgNR 22. GP

http://www.parlament.gv.at/pls/portal/docs/page/PG/DE/XXII/A/A_00799/FNAME_058119.PDF

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