

# [AT] Telecommunications Providers' Monitoring Costs to Be Partly Reimbursed

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*Sebastian Schweda  
Institute of European Media Law (EMR), Saarbrücken/Brussels*

The Austrian operators of public telephone services are to receive EUR 17 million for costs incurred as a result of implementing the *Überwachungsverordnung* (Monitoring Ordinance - ÜVO). This has been determined by the *Investitionskostenverordnung* (Investment Costs Ordinance- IKVO) recently issued by the Austrian Federal Ministry of Justice.

According to the Monitoring Ordinance, public telephone service operators are obliged to make the necessary technical facilities available for the monitoring of telecommunications in connection with criminal investigations carried out under sections 134 ff. (formerly sections 149a ff.) of the Criminal Code. Sections 4(1) and 2(1) of the Investment Costs Ordinance now state that the operator must be reimbursed for 90 percent of the staff and material costs incurred in setting up these facilities. The reimbursement covers the costs of procuring and installing the necessary devices and programmes, adapting them to the network and obtaining the required licences. However the amount available for the reimbursement of costs is limited to EUR 17 million. If the total costs that qualify for reimbursement exceed this sum, the individual operators' claims will be reduced in accordance with section 4(2) of the Investment Costs Ordinance. The operators must claim their costs by the end of the year, which means that subsequent costs incurred, for example to replace faulty devices, will not be reimbursed under the Ordinance.

According to section 2(3) of the Investment Costs Ordinance, the latter also does not cover the costs of co-operating on the implementation of individual court-ordered monitoring measures. These costs are reimbursed under the *Überwachungskostenverordnung* (Monitoring Costs Ordinance - ÜKVO), according to which costs may be claimed on the basis of specified flat rates.

***Verordnung der Bundesministerin für Justiz über den Ersatz der Investitionskosten der Betreiber für die Bereitstellung aller Einrichtungen, die zur Auskunft von Daten und zur Überwachung des Inhalts einer Telekommunikation erforderlich sind (Investitionskostenverordnung - IKVO)***

<http://ris1.bka.gv.at/Appl/findbgbl.aspx?name=entwurf&format=html&docid=COO>

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*Ordinance of the Federal Minister of Justice concerning the reimbursement of operators' investment costs in connection with the provision of all facilities necessary for making data available and monitoring the content of a telecommunication (Investitionskostenverordnung - IKVO)*

***Verordnung der Bundesministerin für Verkehr, Innovation und Technologie über die Überwachung des Fernmeldeverkehrs (Überwachungsverordnung - ÜVO)***

<http://www.ris2.bka.gv.at/GeltendeFassung.wxe?QueryID=Bundesnormen&Gesetzesnummer=20001655>

*Ordinance of the Federal Minister of Transport, Innovation and Technology concerning the monitoring of telecommunications traffic (Überwachungsverordnung - ÜVO)*

