[AT] National Assembly Committee Approves Government's TKG Amendment Bill

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On 12 October 2011, the Ausschuss für Forschung, Innovation und Technologie (Committee for Research, Innovation and Technology - FIT) of the Austrian Nationalrat (National Assembly) approved a Government bill amending the Telekommunikationsgesetz (Telecommunications Act - TKG 2003) without adding any amendments. The bill had been adopted by the Austrian Ministerrat (Council of Ministers) and submitted to the Nationalrat on 30 August 2011. It was due to be debated at a plenary session on 19 October 2011.

The proposed bill is designed to transpose into national law the amendments to the EU legislative framework for electronic communications that were adopted in 2009 (see IRIS 2010-1/7). It also addresses some well-known deficiencies in the current regulations.

The bill therefore seeks primarily to bring the TKG 2003 into line with the provisions of the amending directives and the Regulation establishing the Body of European Regulators for Electronic Communications (BEREC). It covers regulations on the liberalisation and "flexibilisation" of spectrum management, risk-sharing in relation to the financing of new infrastructure such as Next Generation Networks (NGN) and the joint use of such infrastructure by competing telecom companies, and the strengthening of consumer rights in particular. Contracts for communications services should, in future, have a maximum initial term of 24 months, for example; companies must also offer contracts with a maximum one-year term for each communications service. Customers are also entitled to switch telecommunications provider within one working day, without having to change their phone number. The bill also allows the regulatory body, KommAustria, to oblige telecommunications providers to offer their customers cost-control mechanisms. These rights are supplemented by information and transparency obligations for operators.

Some of the new regulations go beyond the provisions of EU law, as some FIT members pointed out. For example, the bill also entitles consumers to receive paper bills from their provider. However, a draft resolution submitted by two opposition parties, which would have provided even more extensive consumer rights, was rejected by the committee.

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In order to increase administrative efficiency, the bill proposes to standardise the procedures for spectrum allocation and the licensing of radio equipment operators. Stricter procedures should also help to stop the abuse of value-added services more quickly.

The Telecom Package should actually have been transposed by 25 May 2011. If the Nationalrat adopts the Government bill, the amendments could come into force before the end of this year.

Regierungsvorlage zum Änderungsgesetz zum TKG 2003 und die weiteren Dokumente des Gesetzgebungsverfahrens

http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01389/index.shtml

Government bill amending the TKG 2003 and other documents relating to the legislative procedure

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