

[AT] Act on Transparency of Media Cooperation Announced

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On 27 December 2011, the Austrian Federal Gazette announced the 125. Bundesgesetz (125th Federal Act - MedKF-TG) enacting a Bundesverfassungsgesetz über die Transparenz von Medienkooperationen und Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Mediums (Federal Constitutional Act on the transparency of media cooperation, advertising orders and support for owners of periodical media) and amending the KommAustria-Gesetz (KommAustria Act).

The MedKF-TG is particularly aimed at creating greater transparency in media announcements by the government or other public bodies. To this end, the institutions concerned are obliged to disclose their cooperation with the media, i.e., advertisements, other advertising orders and support for periodical publications and electronic media, radio and television broadcasters (Arts. 1(1) and 2(1, 2 and 4) MedKF-TG).

KommAustria is required to publish the information, including the total amount paid to each named media company, on a quarterly basis. The Rechnungshof (national audit office) will check that the published information is complete (Art. 1(1) MedKF-TG). Official announcements and job advertisements are expressly excluded (Art. 2(2) MedKF-TG). Infringements of the obligation to disclose information can be punished with a fine of up to EUR 20,000 (up to EUR 60,000 for repeat offences) (Art. 2(5) MedKF-TG). Article 2(3a) MedKF-TG also sets out the content-related requirements for admissible audiovisual communication and announcements paid for by public authorities, and instructs the Federal Government to adopt more detailed content-related guidelines.

These legislative measures are designed to strengthen transparency, media diversity and democracy - the latter in particular by guaranteeing a right to information for the supreme bodies (Art. 1(1) MedKF-TG).

In addition, the Mediengesetz (Media Act) has been amended in order to make ownership structures in the media sector more transparent. In future, fiduciary relationships and, in instances where shares are owned by foundations, the donors to and beneficiaries of the foundation concerned must also be disclosed (Art. 25 Mediengesetz).

The Bundesverfassungsgesetz entered into force on 1 January 2012 (Art. 1(2) MedKF-TG). The Bundesgesetz and amendments to the Mediengesetz will enter into force on 1 July 2012 (Art. 2(7) MedKF-TG, Art. 55 Mediengesetz).

125. Bundesverfassungsgesetz über die Transparenz von Medienkooperationen sowie von Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Mediums und Bundesgesetz über die Transparenz von Medienkooperationen sowie von Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Mediums sowie Änderung des KommAustria-Gesetzes, 27. Dezember 2011

http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2011_I_125/BGBLA_2011_I_125.pdf

125th Federal Constitutional Act on the transparency of media cooperation, advertising orders and support for owners of periodical media and Federal Act on the transparency of media cooperation, advertising orders and support for owners of periodical media and the amendment of the KommAustria Act, 27 December 2011

131. Bundesgesetz, mit dem das Mediengesetz geändert wird, 27. Dezember 2011

http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2011_I_131/BGBLA_2011_I_131.pdf

131st Federal Act amending the Media Act, 27 December 2011

