[AT] KommAustria Does not Regard Tennis Davis Cup as a Premium Sports Competition

IRIS 2013-1:1/7

Peter Matzneller
Institute of European Media Law (EMR), Saarbrücken/Brussels

In a decision of 17 October 2012, the Austrian broadcasting regulator Kommunikationsbehörde Austria (KommAustria) dismissed a complaint by 13 private television broadcasters against the Österreichischer Rundfunk (Austrian Broadcasting Corporation - ORF). The case involved the transmission of tennis matches in the Davis Cup tie between Austria and Belgium on the ORF sports channel ORF Sport +.

According to section 4b(4) of the Gesetz über den Österreichischen Rundfunk (ORF Act), the ORF is prohibited from broadcasting so-called premium sports competitions on its sports channel, these competitions being defined as those given broad coverage in the Austrian media. The complainants were of the opinion that, given the earlier media reporting and the huge sporting interest in the aforementioned matches, the ORF could have expected the event, which involved one team dropping down from the World Group to the relegation group, to attract considerable media attention.

In its reasons for the decision, KommAustria referred to a ruling by the Bundeskommunikationssenat (Federal Communications Board) of May 2012, according to which “comparable media reporting in the past” should be consulted when classifying a sports competition as a premium event.

KommAustria first of all determined that not the entire Davis Cup but only individual meetings could be consulted for comparison purposes, pointing out that, especially in the case of sports that involved an entire competition within a series and, above all, those that resulted in promotion to the group above or relegation to the one below, particular consideration should be given to the competition format, and therefore the actual standings of the participating teams. In order to make a comparative assessment, it went on, the 2009 Davis Cup tie between Austria and Chile should be considered because it too decided on relegation from the World Group.

After assessing the media coverage of the meeting concerned in comparison to premium sports competitions, KommAustria concluded that the extent of the newspaper reporting in this case did not permit any inferences to be drawn with regard to a general increase in media interest, noting that there had been no

© European Audiovisual Observatory (Council of Europe) 2026

significant pre-event and post-event reporting in the print media.

An assessment of the television coverage made it clear that the extent of the reporting did not come close to what was necessary for the event to be classified as a premium sports competition. The channels ORF eins and ORF 2 had only run short reports on the tie, and only one of the commercial channels had broadcast a short report each day.

Bescheid der KommAustria vom 17. Oktober 2012 (KOA 11.263/12-016)

http://www.rtr.at/uploads/media/KOA_11.263-12-018_anonymisiert.pdf

KommAustria decision of 17 October 2012 (KOA 11.263/12-016)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026