[AT] ORF's Special-Interest Channels must be fed into Analogue Networks

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Martin Lengyel
Institute of European Media Law (EMR), Saarbrücken/Brussels

Following the media regulator KommAustria, the *Bundeskommunikationssenat* (Federal Communications Board - BKS), Austria's supreme broadcasting authority, reached the conclusion in its decision of 5 November 2012 that television cable network operators must feed the special-interest channel ORF Sport + into their analogue networks.

Liwest, Austria's second-largest cable network operator, had up to then fed the sports channel into its digital cable network only, and KommAustria ruled that ORF Sport + also had to be distributed in analogue networks in accordance with the "must carry rule" in section 20(1) of the *Bundesgesetz über audiovisuelle Mediendienste* (Federal Audiovisual Media Services Act - AMD-G). The legal remedy lodged with the BKS by Liwest against this decision was dismissed. The BKS pointed out that the statutory rules were clear and stated that "the cable network operator [had] no freedom to choose in what technical form it would like to comply with its commitment". The costs involved, it went on, were not disproportionately high.

Liwest reserves the right to appeal to the Constitutional Court or the Administrative Court. Following the decision, the ORF appealed to all cable network operators to feed ORF Sport + into their analogue networks, as Austria's largest cable network operator (UPC Austria) has done since July 2012.

Bescheid des BKS vom 5. November 2012

BKS decision of 5 November 2012

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