

[AT] Broadcasting regulator grants short reporting right

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In a decision of 12 February 2015 (case no. KOA 3.800/15-009), KommAustria, the Austrian broadcasting regulator, granted TV broadcaster oe24TV the right to broadcast short reports on the Austrian football league and ordered Sky Österreich, owner of the exclusive rights to the Austrian football league, to make the relevant signals available.

KommAustria laid down several conditions for the granting and exercise of the short reporting right, closely based on the provisions of the Audiovisual Media Services Directive (2010/13/EU) transposed into Austrian law by the Fernseh-Exklusivrechte-Gesetz (Exclusive Television Rights Act).

For example, reporting is limited to short news reports relating to the event and can only be broadcast in general news programmes. KommAustria pointed out that broadcasting short reports during a sports programme, as the broadcaster currently does in its programme “oe24.tv Sport”, is prohibited.

The permitted length of short reports depends on the amount of time needed to convey the newsworthy information concerning a match, but should not exceed 90 seconds per match.

As regards the timing of short reports, KommAustria stipulated that they should not be broadcast before the start of the Sky Österreich programme covering the event or less than 60 minutes after the scheduled end of the individual match being reported on. However, a short report on a match should only be shown for as long and often as there is a general news interest in the event concerned.

oe24TV is also obliged to clearly name “Sky Sport Austria” as the source throughout the broadcast of the short report and to indicate beforehand that it is a short report being shown under the terms of the Fernseh-Exklusivrechte-Gesetz.

KommAustria also laid down rules governing the actual production of short reports by oe24TV. The broadcaster can either take the “clean-feed” signal from the back of the outside broadcast unit or record the “dirty-feed” satellite signal from Sky Österreich.

KommAustria promised that the original broadcaster, Sky Österreich, would be entitled to demand compensation for additional costs linked directly to its

granting of access to the signal for short reporting purposes. If the signal is taken from the back of the outside broadcast unit, no additional costs are incurred. If the satellite signal is used, Sky Österreich is entitled to charge the broadcaster the usual fee for the relevant decoding equipment and subscription.

KommAustria did not decide whether the broadcaster is entitled to distribute its general news programme, including short reports, via its on-demand audiovisual media service (www.oe24.at). It referred to the preliminary ruling procedure currently pending with the ECJ in case C-347/14 and adjourned the current procedure until the announcement of that ruling.

Entscheidung der KommAustria vom 12.2.2015 (Gz.: KOA 3.800/15-009)

<https://www.rtr.at/de/m/KOA380015009>

KommAustria decision of 12 February 2015 (case no. KOA 3.800/15-009)

