[AT] New Laws on Private Radio, Cable and Satellite Broadcasting

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Private radio On 20 March 1997, the National Assembly passed an Act amending the Regional Radio Act and leaving the way clear for the licensing of private radio stations to resume. First plans for the licensing of private radio came to nothing in 1995, when the Constitutional Court set aside Section 2 of the Regional Radio Act, regulating service areas and frequencies. At present, only the private stations licensed for Salzburg and Steiermark may broadcast. The amending Act accordingly set out to adjust the licensing plan, determining the number of regional and local stations to be licensed and the service areas covered. Under the new Act, eight regional radio stations will initially be licensed, each serving the greater part of a region. There will be two in Vienna, and one each in Burgenland, Carinthia, Lower Austria, Upper Austria, Tirol and Vorarlberg. The licences already granted for Salzburg and Steiermark have been extended to 15 August 2001. The `basic' areas and frequencies specified in the appendix to the Act are available for the new regional services, but these may, on certain conditions, use additional frequencies as well.

Licensing arrangements for local radio services are far more liberal, and the Act sets no limit on the number of licences. The 45 `basic' areas and frequencies specified in the appendix to the Act are initially available for local services, but licence-seekers may also apply for additional frequencies. This allows applicants to determine their own licence areas. The Act defines the purpose of local broadcasting licences as follows: "to permit radio broadcasting in limited areas, either within regions or within frontier zones taking in parts of two or more regions, the aim being to serve a community or a maximum of 150,000 people living in a unified area, with the area served possessing in each case a certain unity in cultural, economic, political, social, ethnic or other terms".

Licences will be awarded by the newly established Regional Radio and Cable Broadcasting Authority (Regionalradiound Kabelrundfunkbehörde). Under the act, it must decide on applications for the areas/frequencies specified in the text by 31 August 1997. This means that some of the new licensees may even be able to start broadcasting this year. Within two years, the Minister of Communications will draw up a frequency use plan, making it possible to issue more licenses.

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Under Section 10, the current restriction on participation by newspaper publishers (dailies and weeklies) continues to apply. They may not, in other words, have holdings in excess of 26% in a radio station (regional or local) in any one region, and holdings in excess of 10% in each of two further regions. Firms connected with newspaper publishers are treated in the same way and are subject to the same restrictions.

Cable and satellite broadcasting A Cable and Satellite Broadcasting Act was also passed, and will come into force on 1 July 1997. Under the Act, authorisation is no longer required for cable transmission. The Regional Radio and Cable Broadcasting Authority (Regionalradio- und Kabelrundfunkbehörde) must simply be given notice a week before transmission starts.

Permission to broadcast via satellite may also be sought from the Authority. It is granted (for a period of seven years) if the applicant can show that he respects the programme principles; the economic aspects are not subjected to scrutiny.

Churches and religious communities may also broadcast on cable and satellite - which they are not allowed to do on regional radio. Cable programmes lasting no more than 120 minutes a day may be organised by public law corporations, including local authorities.

Cable operators are against Section 11, which gives local cable programme organisers limited power to oblige them, with the help of the Regional Radio and Cable Broadcasting Authority, to carry their programmes. In fact, if it cannot bring the parties to a friendly settlement, the Authority may order the cable operator to transmit the local programme, provided that this is the only programme of its type he is obliged to carry or relay, that it is mainly devoted to local news, contains at least 120 minutes of own material daily (excluding repeats) and is shown in no other region.

Bundesgesetz über Änderung des Regionalradiogesetz vom 20. März 1997, BGBl. I Nr. 41/1997

http://www.medien-recht.com

Act amending the Regional Radio Act of 20 March 1997, BGBl. I n. 41/1997

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