[AT] KommAustria approves ProSiebenSat.1Puls4 takeover of ATV

IRIS 2017-6:1/7

Tobias Raab
Stopp Pick & Kallenborn, Saarbrücken

The Austrian media regulator, KommAustria, has decided that the takeover of the ATV and ATV2 television channels by operator ProSiebenSat.1Puls4 GmbH does not contravene the relevant provisions of Austrian broadcasting and media concentration law and has therefore given the takeover the green light. KommAustria had to check, firstly, whether the operator would still be able to broadcast in accordance with broadcasting law and, secondly, whether the new company would breach media concentration law.

When examining whether the takeover conformed with broadcasting law, the regulator had to ensure first of all that ProSiebenSat.1Puls4 GmbH could offer technical, financial and organisational guarantees that it could operate the channels in accordance with the detailed conditions set out by the Bundeswettbewerbsbehörde (Federal Competition Authority - BWB) during the proceedings. The purpose of these conditions was to ensure the survival of ATV, which should remain an Austrian broadcaster with its own programming style. Although ProSiebenSat.1Puls4 GmbH would, to a certain extent, be allowed to harness synergies produced as a result of the takeover, in future, ATV and ATV2 would need to broadcast their own Austrian productions and operate an independent news service. From a financial point of view, the purchaser also provided KommAustria with a clear plan showing how, while fulfilling the numerous programming and structural conditions laid down, it would meet the financial requirements for operating the channels in spite of ATV's financial problems.

In terms of media concentration law, KommAustria also had to ensure that the new company would not provide more than 33% of the terrestrial TV channels available in any Austrian broadcast region. To this end, KommAustria took into account all terrestrial channels, including the ORF channels, as well as all foreign public service channels. It concluded that the new company would not exceed the aforementioned 33% media concentration threshold.

Now that both KommAustria and the BWB have sanctioned the takeover of ATV and ATV2 by ProSiebenSat.1Puls4 GmbH, no further investigations or decisions are required to approve the takeover; however, the authorities will continue to monitor the company's compliance with the aforementioned conditions.

© European Audiovisual Observatory (Council of Europe) 2026

Änderung der Eigentumsverhältnisse der ATV Privat TV GmbH & Co KG (aktualisiert am 05.04.2017)

https://www.rtr.at/de/m/KOA214017011

Amendment of the ownership structure of ATV Privat TV GmbH & Co KG (updated on 5 April 2017)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026