

[AT] KommAustria rejects private broadcasters' complaint against TV channels ORF eins and ORF 2

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On 14 February 2018, the Austrian regulator KommAustria rejected a complaint by several private broadcasters against public service broadcaster ORF (case no. KOA 11.220/18-001). According to the private broadcasters, the analysis of the two channels' evening schedules over the previous 18 months had shown that the quality of ORF's evening prime-time programmes broadcast between 8 p.m. and 10 p.m. had, at least on the channels ORF eins and ORF 2, been inadequate. They had therefore asked KommAustria to issue a decision confirming these findings.

One of ORF's obligations under Article 3(1) of the ORF-Gesetz (ORF Act) is to provide two Austria-wide television channels. According to Article 3(8) of the Act, ORF's service provision mandate also includes the operation of a special-interest (television) sports channel and a special-interest (television) channel for information and culture. Article 4(3) states that "the balanced overall service must contain an equivalent proportion of sophisticated substantive elements. The annual and monthly television schedules must be designed in such a way that, as a rule, there is a choice of high-quality programmes at evening prime time (8 p.m. to 10 p.m.)."

The private broadcasters' complaint was rejected. In KommAustria's opinion, the wording of the Act covers not only the two channels ORF eins and ORF 2, but also the other ORF channels, namely, the special-interest channels ORF III Kultur und Information and ORF Sport+. Since these channels had not been included in the private broadcasters' analysis, the complaint had no material basis. In 2012, KommAustria had largely upheld a complaint from private broadcasters concerning the balance between the information, culture, entertainment and sport categories on ORF eins and ORF 2. However, it had added that ORF's special-interest channels would also be taken into account if future complaints were received.

KommAustria's decision is not yet legally binding; it is not yet known whether the private broadcasters will appeal.

Bescheid der KommAustria vom 14. Februar 2018 KOA 11.220/18-001

https://www.rtr.at/de/m/KOA1122018001/36582_KOA%2011.220_18-001.pdf

KommAustria decision of 14 February 2018, KOA 11.220/18-001

