[AT] Media law aspects of the ÖVP/FPÖ coalition agreement

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The Austrian government coalition between the People's Party (ÖVP) and the Freedom Party (FPÖ), which has been in power since the last parliamentary elections, has included a number of issues relevant to media law in its coalition agreement; notably, both parties are keen to promote technical innovation in the form of digitisation as well as traditional media policy measures to support the country's media.

As far as digitisation is concerned, the coalition partners are pursuing a comprehensive research strategy with a treaty on research, technology and innovation, along with measures to improve governance structure. The current research strategy will be updated and the EU framework programme for research will be used to benefit Austria. The feasibility of setting up a state technology transfer organisation, designed to put unused patents and copyrights owned by public institutions to profitable use, will also be examined. The ÖVP and FPÖ also want to strengthen open innovation and social innovation. For example, a Digitisation Ethics Board will be created to examine social issues linked to digitisation and to act as an advisory body to the federal government, in partnership with the Robotics Council of the Federal Ministry of Traffic, Innovation and Technology (BMVIT).

The coalition agreement also sets out plans to support digital infrastructure, which is the basis of digitisation. In practical terms, the coalition partners are committed to the rapid development of a modern, efficient telecommunications infrastructure providing Gigabit transmission rates and 5G mobile services throughout the country by 2025. Austria will become a 5G pilot country by 2021 and its current broadband expansion strategy will be reviewed. The new Austrian Government intends to earmark future proceeds from spectrum auctions exclusively for the expansion of digital infrastructure.

The ÖVP and FPÖ also want to digitise administrative processes and push through 'smart regulations' for a better service and greater interaction with citizens and businesses. For example, they plan to create a higher level of legal certainty for digitisation opportunities and the use of new systems. The new government also hopes to be a proactive participant in the development of future data protection regulation at EU level. The ePrivacy Regulation in particular should create greater

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transparency for citizens in relation to their publicly accessible data. The coalition agreement also makes provision for additional measures to digitise education, business and security, including the development of a detailed cyber-security strategy.

Turning to audiovisual media policy, the coalition agreement begins by stating that the media landscape is undergoing radical change as a result of digitisation and that the media market is already global. The coalition partners therefore want to step up efforts to protect media services with specifically Austrian content. To this end, they hope, firstly, to further develop and fine-tune the remit of public service broadcasters to ensure that they promote the work of Austrian artists, sportsmen and producers. While both parties reject the idea of selling off individual channels, they want to define the public service remit in law and to tighten transparency rules in order to guarantee objective, independent reporting. Young Austrian artists and productions will also be given more airtime.

The coalition partners also plan to continue developing Austria's role as a media capital and secure its long-term future in the digital world by creating a modern legislative framework and adapting subsidy systems. For example, they would like to establish a common digital marketing platform for the Austrian media industry. This would include both ORF and private operators, and would strengthen Austrian public value content with national and regional relevance in the digital sphere. The new government also wants to evaluate the Privatradiogesetz (Private Radio Act) in order to drive forward digitisation and Austria-wide programming. The coalition agreement also proposes the adoption of a must-carry rule for cable, satellite and terrestrial services with regard to TV channels that show Austrian content.

In the coalition agreement, the two parties also state their intention to create fair basic conditions in a global digital market. National solutions for performance rights and copyright in the digital sphere will therefore be developed in case no agreement is reached at European level. The ÖVP and FPÖ also want to clarify how Internet aggregators and platforms should be treated under media law and to create e-privacy exemption rules to exclude media services from the EU General Data Protection Regulation in order to counter a possible competitive disadvantage compared with US-based online companies.

The coalition agreement provides for the structural reform of media institutions and supervisory bodies, as well as a public debate on basic media policy issues in the form of a media inquiry in the spring of 2018. The inquiry will, in particular, help to draw up guidelines for a new ORF-Gesetz (Federal Act on the Austrian Broadcasting Corporation) and define the principles for establishing Austria as a media capital in the digital age.

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Koalitionsvertrag

https://www.oeh.ac.at/file/1904/download?token=tms3OmvH

Coalition agreement

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