[AT] Telecommunications Bill Goes through Parliament

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On 10 June 1997 the Council of Ministers approved a Federal Bill to enact a Federal Ttelecommunications Statute and to amend or supplement certain other provisions of law (TKG). The Bill is going through Parliament at present and should be adopted before the summer break; if the schedule is maintained, the TKG should come into force on 1 August.

The new Act will replace the much-amended 1993 Telecommunications Act; its main purpose is to transpose into national legislation, EC Directives on the total liberalisation of the telecommunications sector. Faced with the looming convergence of telecommunications and broadcasting, much effort has been made to achieve a flexible regulatory structure; it can be seen that in several areas the TKG regulates basic matters only, while more specific matters are covered by statutory regulations. The authority's structure includes a new regulatory authority (Telekom-Control GmbH) separate from the traditional federal administration; it will take instructions from the Federal Minister for Science and Trade (as the highest telecommunications authority). In carrying out specific sensitive tasks there will be an independent collegial authority with judicial powers (Telecom Control Commission). The matter of vital importance for the audio-visual sector of liability for infringements of the law is covered in Section 75 of the Government Bill, according to which broadcasting installations and terminals (eg servers) may not be wrongfully used; this means, inter alia , that any transmission of information infringing the regulations would count as wrongful use. Proprietors of broadcasting installations and terminals would be liable unless they had taken appropriate and reasonable steps to prevent wrongful use; mere access providers would not count as proprietors.

Regierungsvorlage/Budesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird, das Telegraphenwegengesetz und das Fernmeldegebührengesetz werden sowie ergänzende Bestimmungen zum Rundfunkgestz und zur Rundfunkverordnung getroffen werden, 759 der Beilagen zu den stenographischen Protokollen des Nationalrates XX.GP, 10. Juni 1997

http://www.parlament.gv.at/pd/pm/XX/007/I00759_.html

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Bill to enact a federal telecommunications Statute, to amend the Telegraph Act and the Telecommunications Charges Act, and to supplement the provisions of the Broadcasting Act and the Broadcating regulations, 759 of appendices to the Stenographic Protocol of the National Council XX.GP, 10 June 1997

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