

Federal Law Stipulating Provisions for Private Television
(Private Television Act)

Part 1
General Provisions
Scope of Application

§ 1. (1) The present federal law shall regulate the organization of television services by means of wireless terrestrial transmission (terrestrial television), as well as of radio and television broadcasting in cable networks (cable broadcasting) and via satellite (satellite broadcasting).

(2) The ORF Act, Federal Law Gazette No. 379/1984, shall remain unaffected.

Definitions

§ 2. The following definitions shall apply to the present law:

1. Broadcasting organizer: Any person, with the exception of the Austrian Broadcasting Corporation (ORF), who creates, puts together and broadcasts radio or television programs (analog or digital) for dissemination via cable networks or via satellite, or television programs for dissemination by means of wireless terrestrial transmission, or who arranges for third parties to disseminate these in full and unchanged. Those persons shall not be broadcasting organizers who exclusively re-disseminate broadcasting programs;
2. License: The authorization under statutory broadcasting and telecommunications provisions for the emission of a broadcasting program in a coverage area, using the assigned transmission capacities;
3. Coverage area: The geographic region outlined in the license by indicating the transmission capacity as well as the areas to which services shall be provided;
4. Nationwide license (nationwide coverage area): The license to emit analog terrestrial television for a coverage area which comprises a minimum of 70 per cent of the Austrian population, using the transmission capacities listed in Annex 1 and including in the calculation any dissemination via cable networks;
5. Transmission capacity: The technical parameters, such as transmitting location, frequency, transmitting power and antenna characteristics for the analog terrestrial emission of television programs, or, in case of satellite transmission, the technical parameters of the satellite and the earth-satellite transmitting stations, or, in case of the digital terrestrial emission of television programs and additional services, the technical parameters for the digital dissemination by the multiplex operator, such as transmitting locations, frequencies, transmitting power, data rates and data volumes;
6. Multiplex: A technical facility for converting analog into digital signals and/or bundling these into a digital data stream;
7. Multiplex platform: The technical infrastructure for the terrestrial dissemination and bundling of digital programs and additional services contained in a digital data stream;
8. Multiplex operator: Any person who provides the technical infrastructure for the terrestrial dissemination and bundling of digital programs and additional services contained in a digital data stream;
9. Digital program: The terrestrial dissemination of a television program via a multiplex platform;

10. Additional service: A service that is disseminated via a multiplex platform in addition to the digital program;
11. Double and multiple coverage: The use of a terrestrial transmission capacity which, in technical terms, is not absolutely necessary in order to provide services to a coverage area or to provide coverage according to § 3 of the ORF Act.
12. Media owner: An Austrian or foreign proprietor of a daily or weekly newspaper or an Austrian or foreign provider of television or radio services;
13. Media group: A minimum of two persons or partnerships, including at least one media owner, who/which must be considered as associated with another on the basis of a relationship of participation or influence;
14. Cable network: A cable infrastructure that is used for dissemination and re-dissemination;
15. Dissemination: The presentation of programs or additional services, addressed to a general public, via wireless terrestrial transmission or via a cable network or via satellite;
16. Re-dissemination: To receive and, at the same time, to transmit (in full and unchanged) television programs which the general public can receive via wireless terrestrial transmission, or radio or television programs broadcast via cable networks or via satellite. The transmission of a framework program is also considered to be a re-dissemination, if the duration of the window programs inserted into the framework does not exceed a total period of 120 minutes per day. The same shall apply when a cable network operator inserts regional program features of the Austrian Broadcasting Corporation (§ 3 (2) of the ORF Act) into ORF programs with nationwide dissemination;
17. Full-range program: A broadcasting program covering many different subjects, where information, education and entertainment, in particular, constitute an essential part of the total program;
18. Format program: A broadcasting program with essentially similar contents;
19. Window program: A broadcasting program of limited duration that is emitted in the framework of a program (framework program), provided by another broadcaster, which takes up the overwhelming part of the air-time;
20. Cable information program: A cable broadcasting program that consists exclusively of self-created contributions to the program by a cable network operator and where the contents is mainly limited to factual information (such as information about local events, weather forecasts, road traffic reports, etc.)
21. Teletext: Presentations to provide information by means of written and graphic signs and symbols, as well as by means of still pictures which are shown, as a service to viewers, on a separate channel or in the blanking interval of a television signal;
22. Self-advertising program: A broadcasting program that serves to promote the products, services, program features or programs of the broadcaster;
23. Teleshopping: Television program feature with direct offers to the public for the sale of goods or the rendering of services against a remuneration, including immovable property, rights and obligations.

Part 2

Establishment Principle

§ 3. (1) Any person who provides terrestrial television or satellite broadcasting (radio or television) services and is established in Austria shall require a license according to the present federal law. A broadcasting organizer shall be deemed to be established in Austria if

he has his domicile or principal establishment in Austria and if the editorial decisions on the programs offered are taken in Austria.

(2) If the activities of a broadcasting organizer do not exclusively extend to Austria, this broadcasting organizer shall also be deemed to be established in Austria if he has his domicile or principal establishment in Austria, if the decisions on the programs offered are taken in another country that is a contracting state of the Agreement creating a European Economic Area, and if an essential part of the staff required for transmissions is active either in Austria or partly in Austria and partly in that other contracting state.

(3) In addition, a broadcasting organizer shall be deemed to be established in Austria,

1. if he has his domicile or his principal establishment in Austria, takes his decisions on the programs offered in another country that is a contracting state of the Agreement creating a European Economic Area, or if the decisions on the programs offered in Austria are taken in Austria, but the broadcasting organizer has his domicile or his principal establishment in another contracting state of the Agreement creating a European Economic Area, and
2. if the major part of the staff required for transmissions is active neither in Austria nor in that other contracting state mentioned above in item 1.

Items 1 and 2 shall only define establishments if the transmitting operation was first taken up in Austria and the operation of the broadcasting organizer has a record of a permanent and actual link to the business community in Austria. Evidence of such a link is, in particular, that advertising orders are placed on a regular basis by companies established in Austria or for products produced in Austria, or that the programs are marketed in Austria.

(4) Except for the cases of paragraphs 2 and 3, a broadcasting organizer shall be deemed to be established in Austria if an essential part of the transmitting staff is active in Austria, and the broadcasting organizer

1. either has his domicile or principal establishment in Austria, but takes decisions on the programs offered in a country that is not a contracting state of the Agreement creating a European Economic Area,
or
2. has his domicile or principal establishment in a country that is not a contracting state of the Agreement creating a European Economic Area, but takes decisions on the programs offered in Austria.

(5) A broadcasting organizer who does not fall under the definitions of paragraphs 2 to 4 shall require a license according to the present law if he lawfully uses a transmission capacity assigned to Austria by means of international telecommunications law, or if signals are transmitted from an earth-satellite transmitting station in Austria.

(6) The re-dissemination of cable broadcasting programs via satellite, provided according to the present law, shall also require a license.

Part 3
Licenses and Reporting Requirements
Licenses for Analog Terrestrial Television and Satellite Broadcasting

§ 4. (1) Applications for being granted a license for providing analog terrestrial television or satellite broadcasting services shall be filed with the regulatory authority.

(2) The applicant shall prove compliance with the requirements according to § 10 and § 11.

(3) The applicant shall establish in credible form, together with providing evidence for complying with the licensing requirements according to paragraph 2, that he satisfies the requirements for the regular organization and dissemination of the planned broadcasting program regarding the professional, financial and organizational aspects, and that the program will correspond to the requirements of § 30 (1) and (2) , unless § 30 (3) applies.

(4) Applications for being granted a license shall comprise as a minimum:

1. the articles of incorporation or the partnership agreement in case of legal persons or partnerships;
2. a presentation of the membership and ownership relations to prove compliance with the requirements mentioned in §§ 10 and 11;
3. information about the type of program, the program outline, the proportion of self-produced programs, as well as whether the program is to be disseminated as a window program in a specific framework program;
4. a description of the program principles with explanations of his own program concepts;
5. a presentation of the transmission capacities planned for the dissemination of the program:
 - a) in case of analog terrestrial television: especially information about the planned coverage area, the planned transmitting locations, the planned frequencies, the transmitting powers, the antenna characteristics, as well as the planned dissemination in cable networks or on the availability of agreements regarding the use of transmission capacities of the Austrian Broadcasting Corporation in the event that a license is granted, or information about the planned use of transmission capacities of the Austrian Broadcasting Corporation (§ 13),
 - b) in case of satellite broadcasting: information as to which satellite and which earth-satellite transmitting stations will be used to disseminate the program, information about the area covered, as well as information about arrangements that the applicant has already reached with the satellite operator on the use of this satellite in the event that a license is granted;
6. information about establishment according to § 3, especially whether decisions on the programs offered, the transmission staff as well as the broadcasting operations are taken in Austria or in another state;
7. the planned editorial agreement.

(5) The regulatory authority may ask the applicant, in the course of reviewing the application, to provide additional information and, especially, to disclose the ownership relations, as well as the legal relations to territorial divisions, broadcasting organizers and enterprises of the media sector. In the event that an application is filed for the organization of non-nationwide terrestrial television, the regulatory authority may ask the applicant to modify his information about the planned transmission capacities with a view to the transmission capacities available after a nationwide license has been granted within a period to be fixed by the regulatory authority which should depend upon the probable planning input required.

(6) If any changes occur in the ownership relations after the license has been granted, the broadcasting organizer shall immediately report these to the regulatory authority.

(7) After an application has been received for being a granted a license for non-nationwide analog terrestrial television, the regional governments shall be given an opportunity to comment, if the coverage area of the application lies completely or in part on their territory. The regional governments shall be granted a period of four weeks to submit their comments.

Granting a License

§ 5. (1) A license shall be granted if the applicant has satisfied the requirements listed in § 4 (2) and (3).

(2) The regulatory authority shall issue a license for ten years. It shall be issued in writing and shall be void otherwise. In the event that a license holder files another application, the regulatory authority shall take into account, in particular, whether the previous license was exercised in accordance with the law.

(3) The license shall approve the type of program, the program outline and the program duration, as well as the number and time scope of window programs; it shall determine the coverage area and assign the transmission capacities.

(4) When granting a license, the regulatory authority may require compliance with conditions that ensure the compliance with the present law. When granting a license for analog terrestrial television, the regulatory authority may, in particular, stipulate conditions regarding the point in time when coverage shall have been ensured for the coverage area determined in the license. When stipulating conditions regarding the point in time when coverage shall be ensured, the regulatory authority shall take account of the size of the coverage area and the possibilities for technical implementation.

(5) When granting licenses to applicants who do not have a uniform legal personality, the regulatory authority may order in the license that evidence of the uniform legal personality shall be provided within a period of six weeks, otherwise the license shall be deemed not to have been granted.

(6) A license shall not be granted if a license was already withdrawn from the applicant (§ 63 (3) item 2) or the provision of broadcasting services was prohibited according to § 63 (3) item 2 and (4).

(7) A license shall expire

1. if the regulatory authority establishes, after first hearing the broadcaster, that the broadcasting organizer did not provide regular broadcasting operations in accordance with the license in the course of a continuous period of one year, for reasons to be explained by him;
2. if the regulatory authority establishes, after first hearing the broadcaster, that the radio broadcasting organizer, for reasons to be explained by him, does not provide coverage to the coverage area after the expiry of a period to satisfy a condition according to paragraph 4;
3. upon a written waiver made by the license holder;

4. upon a revocation of the license according to § 10 (7);
5. upon a statement according to § 10 (8) by the regulatory authority;
6. upon withdrawal of the license according to § 63 (3) item 2;
7. upon the death or expiry of the legal personality of the license holder, but not in the case of a universal succession under corporate law.

(8) Except for instances of a universal succession under corporate law, the license cannot be assigned.

Changes in Satellite Programs

§ 6. The holder of a license for providing satellite broadcasting services shall report in advance to the regulatory authority if major changes occur in the type of program, the duration of the program, the number and time scope in case of window programs, as well as in the dissemination of programs via other satellites. The regulatory authority shall approve the changes.

Selection Criteria for Granting a Nationwide License for Analog Terrestrial Television

§ 7. If several applicants, who meet the statutory requirements (§ 4 (2) and (3)), apply for a nationwide license, the regulatory authority shall give precedence to that applicant

1. who, on the basis of the documents submitted as well as the results of the licensing procedure, appears to ensure best the objectives of the present federal law, especially who offers altogether the better reassurance for a greater diversity of opinions, as well as where one can expect an independent program offer, taking account of the interests in the coverage area;
2. who can be expected that his program will comprise a bigger share of self-created program items;
3. who can provide coverage to a larger part of the population;
4. who can be expected to a larger extent, on the basis of the submitted program plan, that his program will feature program items of relevance to Austria, such as, for example, presentations of the cultural, artistic, political and social life, Austrian sports or other elements communicating the specific characteristic features of Austria.

Selection Criteria for Granting Non-Nationwide Licenses for Analog Terrestrial Television

§ 8. (1) In addition to granting nationwide licenses, or in the event that the regulatory authority does not receive any applications for a nationwide license within the application period according to § 16 (1), or if the applications received do not satisfy the requirements for granting a license according to the present federal law, the regulatory authority shall process applications for non-nationwide licenses (§ 12 item 4, § 13).

(2) If there are several applicants who meet the statutory requirements for a coverage area (§ 4 (2) and (3)), the regulatory authority shall give precedence to that applicant who, in addition to the criteria listed in § 7, can be expected

1. to a larger extent, on the basis of the program plan submitted by him, that the program will reflect the cultural, artistic, political and social life of the respective coverage area, and

2. that, on the basis of the program plan submitted by him, the program contents will be complementary to the television programs already disseminated in the coverage area.

Reporting the Organization of Cable Broadcasting Services

§ 9. (1) One week before commencing dissemination, cable broadcasters shall report to the regulatory authority, as well as to the federal provinces and local communities concerned that they will provide cable broadcasting. In a like manner, cable network operators shall report that they will re-disseminate programs.

(2) The report shall contain the name, address as well as possible representatives or agents of the cable broadcaster authorized to receive the service of documents, in addition to evidence of compliance with the requirements of §§ 10 and 11. Moreover, it shall be explained whether the program is a full-range program, a format, window or framework program, as well as the maximum duration of the program, and the number and time scope of window programs, together with coverage of the cable broadcasting programs.

(3) Paragraphs 1 and 2 shall not apply to cable networks that provide services to fewer than one hundred households.

(4) Cable broadcasting organizers shall update the data listed in paragraph 2 on an annual basis and communicate them to the regulatory authority by 31 December of every year. The regulatory authority shall keep an up-to-date list of the cable broadcasting organizers which it shall publish in suitable form.

Part 4 Licensing Requirements Broadcasting Organizers

§ 10. (1) Broadcasting organizers or their members must be Austrian citizens or legal persons or partnerships under commercial law having their domicile in Austria.

(2) The present federal law precludes the following persons from providing broadcasting services:

1. Legal persons under public law with the exception of the churches and religious associations and the Federal Ministry of Defense for the purpose of operating information broadcasting services, especially in case of deployments according to § 2 (1) letters a to d of the 1990 Defense Act, Federal Law Gazette No. 305;
2. Parties as defined by the law on political parties;
3. the Austrian Broadcasting Corporation;
4. foreign legal persons that shall be considered equivalent to the legal entities listed in items 1 to 3;
5. legal persons or partnerships in which the legal entities listed in items 1 to 4 hold a direct share.

In deviation from the foregoing, legal persons under public law and legal persons and partnerships in which legal persons under public law hold a direct share may provide cable broadcasting programs for a duration of not more than 120 minutes per day, with repetitions of the programs or parts thereof, as well as the transmission of sessions of general representative bodies not being included when calculating this period, as well as programs in

a building or complex of buildings that are in a functional connection with the tasks being performed there, or cable information programs that do not contain any advertising, or teletext.

(3) In the event that the broadcasting organizer is organized under the legal structure of a corporation, a partnership or a cooperative, a maximum of 49 per cent of the shares may be held by foreigners or held by legal persons or partnerships that are under the uniform leadership of a foreigner or an enterprise which has its domicile abroad, or where foreigners or legal persons or partnerships having their domicile abroad have possibilities to take influence as it is regulated in § 244 (2), in connection with paragraphs 4 and 5, of the Commercial Law Code, German Imperial Law Gazette, p. 219/1897.

(4) Nationals of the contracting states of the Agreement creating a European Economic Area shall have equal status as Austrian citizens, and legal persons and partnerships having their domicile on the territory of one of the contracting states of the Agreement creating a European Economic Area shall have equal status as those domiciled in Austria.

(5) The shares of a broadcasting organizer and his partners shall be registered in the name of the owners. Fiduciary relationships shall be disclosed. Shares held on a fiduciary basis shall have equal status as the shares of the trustor. Any transfer of capital shares shall require the consent of the company. Shares in a private foundation, Federal Law Gazette No. 694/1993, shall have equal status as the shares of foundation-organizer, to the extent that the foundation-organizer has an influence upon the activities of the foundation on the basis of factual circumstances, which is comparable to the influence defined in § 11 (5). The present provision shall also apply to foreign legal persons that have equal status as foundations.

(6) The broadcasting organizer shall communicate to the regulatory authority the ownership relations or membership relations, existing at the time when an application is filed for being granted a license or when a report is filed, together with the application or the report. By the same token, any change in these relations must also be communicated to the regulatory authority within 14 days. In the event that shares of the broadcasting organizer are held, directly or indirectly, by corporations, partnerships or cooperatives, these must also communicate their ownership relations and disclose their fiduciary relations. These obligations shall not affect any other statutory disclosure obligations.

(7) In the event of a transfer of more than 25 per cent of the shares, as they exist with the broadcasting organizer at the time when the license is granted, the broadcasting organizer shall report this transfer in advance to the regulatory authority. The regulatory authority shall revoke the license if the broadcasting organizer, on account of the changed relations, does not satisfy the requirements for being granted a license according to the present federal law. Several transfers shall be added up.

(8) In the event of a transfer to a third party of more than 50 per cent of the shares, as they exist with the holder of a nationwide license (§ 2 item 4), the regulatory authority shall state that the license has expired.

Participation by Media Owners

§ 11. (1) A person or partnership may hold several licenses for analog terrestrial television, as long as the coverage areas defined in the licenses do not overlap. In addition, the coverage areas for analog terrestrial television that can be attributed to a person or partnership shall not

overlap. A coverage area shall be attributed to a person if that person has possibilities of direct participation or influence with the license holder as defined in paragraph 5 item 1.

(2) A media owner shall be precluded from providing broadcasting services according to the present federal law if he exceeds the following ranges or levels of coverage in one of the listed markets:

1. terrestrial radio programs (more than 30 per cent of a nationwide range),
2. daily press (more than 30 per cent of a nationwide range of the daily press),
3. weekly press (more than 30 per cent of a nationwide range of the weekly press),
4. cable networks (more than a level of 30 per cent of coverage to the population by means of cable network on the national territory).

(3) A media owner shall be precluded from providing non-nationwide terrestrial television if he exceeds the below ranges or levels of coverage in the respective coverage areas in more than one of the listed markets:

1. terrestrial radio programs (more than a range of 30 per cent in the coverage area),
2. daily press (more than a range of 30 per cent in the coverage area),
3. weekly press (more than a range of 30 per cent of the coverage area),
4. cable network (more than level of coverage of 30 per cent of the population by means of cable networks on the national territory).

(4) Persons or partnerships of the same media group must not provide the same location on the national territory, except for any technically unavoidable overlapping (spill over), with more than one terrestrial radio program and one analog terrestrial television program.

(5) A person or partnership or persons or partnerships of the same media group must not supply the same location on the national territory, except for any technically unavoidable overlapping (spill over), with more than two digital terrestrial television programs.

(6) Those persons or partnerships are deemed to belong to a media group

1. who/which hold more than 25 per cent of the share capital or the voting rights of a media owner or exert a dominating influence or have one of the possibilities to exert an influence as defined in § 244 (2) in connection with paragraphs 4 and 5 of the Commercial Law Code;
2. where one of the persons or partnerships listed in item 1 has more than 25 per cent of the share capital or voting rights or a dominating influence or have one of the possibilities to exert an influence as defined in § 244 (2) in connection with paragraphs 4 and 5 of the Commercial Law Code;
3. where a media owner holds more than 25 per cent of the share capital or voting rights or exerts a dominating influence or has one of the possibilities to exert an influence as defined in § 244 (2) in connection with paragraphs 4 and 5 of the Commercial Law Code.

For the purposes of the present paragraph it shall be tantamount to a direct capital interest of more than 25 per cent if there are one or several interests and the interest on every level is more than 25 per cent. Interests by media owners, or persons associated with them according

to the present paragraph, on the same level shall be added up when determining the limit of 25 per cent.

(7) The ranges and levels of coverage according to paragraphs 2 and 3 shall be determined by the regulatory authority or third parties commissioned by the latter, on the basis of scientific methods and analyses. The results of that determination shall be published in suitable form by 31 March of every year. In the event that the accuracy of the established ranges is contested, the regulatory authority shall issue a decree on the established ranges, upon application by the media owner concerned. In any event, the ranges and levels of coverage shall be established and published prior to any tender for a license under the present federal law.

(8) The 1988 Anti-Trust Act, Federal Law Gazette No. 600, shall remain unaffected.

Part 5

Frequencies and Dissemination Mandate

Assignment of Frequencies for Terrestrial Television

§ 12. The regulatory authority shall allocate the wireless transmission capacities according to frequency and location to the Austrian Broadcasting Corporation and private organizers of analog terrestrial television and multiplex operators, taking due account of the topographical conditions, the technical circumstances and the international obligations of Austria under telecommunications law, applying the below criteria in the following order;

1. An analog coverage according to § 3 of the ORF Act by means of two television channels must be ensured.
2. The transmission capacities listed in Annex 1 shall be assigned upon application in order to create a nationwide coverage area for analog terrestrial television in the framework of a nationwide license.
3. The transmission capacities listed in Annex 2 shall be reserved for launching digital terrestrial television, to the extent that an examination by the regulatory authority finds them suited for this purpose, and shall be made available on the basis of the digitization plan (§ 21) to prepare multiplex platforms (§ 23).
4. The transmission capacities according to Annex 1 that were not assigned in order to create a nationwide coverage area for analog terrestrial television in the framework of a tender according to § 16 (1) for a nationwide license, shall be assigned in the framework of a tender according to § 16 (2), upon application, for the creation of non-nationwide coverage areas for analog terrestrial television.
5. Any transmission capacities according to Annex 1, available beyond the foregoing, as well as transmission capacities, for the use of which no application was filed for a non-nationwide license within two years after the entry into force of the present federal law, as well as transmission capacities which were withdrawn from their previous user according to § 14 , and any other available transmission capacities shall be examined by the regulatory authority for their suitability to launch digital terrestrial television, and shall be reserved for that purpose, if possible, and be made available in keeping with the digitization plan (§ 21) to prepare multiplex platforms (§ 23). If not suited, they shall either be used to expand or improve the provision of services to existing coverage areas or to create new coverage areas for analog terrestrial television. When making this selection, attention shall be paid to the diversity of opinions in a coverage area, the

population density, the economic efficiency, as well as the political, social and cultural interactions.

Using the Analog Transmission Capacities of the Austrian Broadcasting Corporation

§ 13. (1) The Austrian Broadcasting Corporation (ORF) shall permit holders of non-nationwide licenses, against a reasonable remuneration, to use temporarily the transmission capacities assigned to the ORF, whenever the Austrian Broadcasting Corporation uses two or several of these transmission capacities simultaneously from one transmitting location in order to disseminate regional broadcasts (§ 3 (2) of the ORF Act) for a period of more than twelve hours per day to broadcast one and the same program in one coverage area.

(2) The transmission capacities listed in Annex 3 are available, at any rate, for temporary use by holders of non-nationwide licenses. After hearing the Austrian Broadcasting Corporation, the regulatory authority may establish additional transmission capacities according to paragraph 1 by way of decree, whenever it is ensured that, in spite of their usage by holders on non-nationwide licenses, the population in the coverage area is provided with the television programs of the Austrian Broadcasting Corporation, which it creates for that coverage area (§ 3 of the ORF Act). The decree shall be published, together with the tender according to § 17 (2), in the "Amtsblatt zur Wiener Zeitung" (Official Gazette) and in other suitable form.

(3) The use shall be permitted for a period commensurate with the economic and program-related requirements of the license holder and taking into account the dissemination mandate of the Austrian Broadcasting Corporation (§ 3 (2) of the ORF Act), making sure that the population in the coverage area is provided with the television programs of the Austrian Broadcasting Corporation created for this coverage area.

(4) Regarding their use, the Austrian Broadcasting Corporation shall enter into a contractual agreement with the license holder on the basis of a reasonable remuneration. If no contractual agreement is reached between the Austrian Broadcasting Corporation and the license holder within six weeks after receipt of an inquiry, the parties involved may seize the regulatory authority.

(5) The regulatory authority shall decide within two months after having been seized by the parties involved on the obligation to grant the use, or the reasonableness of the duration of the use, or the amount of the remuneration. When taking this decision, the regulatory authority can make sure that the broadcasts of the Austrian Broadcasting Corporation, in which there is a specific local or regional public interest in receiving the information, can be broadcast by the Austrian Broadcasting Corporation, after hearing the federal province or the federal provinces in which the program of the holder of the non-nationwide license is to be broadcast.

Reviewing the Allocation of Analog Transmission Capacities

§ 14. (1) The regulatory authority shall review, ex officio and on an ongoing basis, the allocation of analog transmission capacities to the coverage areas of broadcasting organizers as well as of the Austrian Broadcasting Corporation with a view to their compliance with the criteria of § 12 and shall withdraw the authorization to use specific transmission capacities that have not been used to broadcast programs on a regular basis for more than two years.

(2) The regulatory authority shall review the allocation of analog transmission capacities on an ongoing basis with a view to checking whether the use of already allocated transmission capacities has created a double or multiple provision of services in specific coverage areas. If the regulatory authority determines, after hearing the users of the transmission capacities, that a double or multiple provision of services is a fact in the specific coverage area, it shall withdraw the authorization to use that transmission capacity from the previous user.

(3) The regulatory authority shall check the transmission capacities, withdrawn from the previous user according to paragraphs 1 or 2, for their suitability to launch digital terrestrial television and, if possible, reserve them for this purpose (frequency pool for digital terrestrial television, § 18 (2)). When not suited, the transmission capacities shall become the object of a tender according to § 17.

Allocation of New Analog Transmission Capacities

§ 15. (1) The regulatory authority may allocate the transmission capacities that are not suited to launch digital terrestrial television according to § 12 item 5 to the Austrian Broadcasting Corporation or existing coverage areas of television providers or use them to create a new coverage area, if applications to that effect are filed and by taking into account the topographical conditions, the technical circumstances and Austria's international obligations under telecommunications law.

(2) Additional transmission capacities shall be allocated to the Austrian Broadcasting Corporation if this is necessary in order to ensure the provision with programs according to § 12 item 1.

(3) An application according to paragraph 1 shall contain the technical parameters, especially the planned location of the transmitting station, the planned frequency, the transmitting power, and the characteristics of the antenna for the intended use of the transmission capacity. If the application relates to the creation of a new coverage area, the application shall also contain the information according to § 4 (2) and (3).

(4) If, after an examination by the regulatory authority, the requested allocation of the transmission capacities or the creation of a new coverage area proves to be feasible from the viewpoint of telecommunications technology, and if the transmission capacities prove to be unsuited to launch digital terrestrial television, the regulatory authority shall publicly provide information about the filed application by announcing it in suitable form, taking into consideration the provisions on the protection of data. The announcement shall mention the possibility to file an objection according to paragraph 5.

(5) If a well-founded objection is raised against the requested allocation or creation of a new coverage area within six weeks as of the announcement by the regulatory authority, the regulatory authority shall publicly tender the transmission capacity according to § 17, provided that this is feasible from the viewpoint of telecommunications technology. If no objection is raised within that period, the transmission capacity may be allocated to the applicant, whenever the other requirements according to the present federal law are satisfied, or a license may be granted whenever the requirements according to the present federal law are satisfied.

(6) A well-founded objection according to paragraph 5 is raised if it is maintained by logical arguments that the transmission capacity

1. could be used to improve the provision of services in another existing coverage area or
2. to expand an existing coverage area, or
3. to create a new coverage area.

(7) If the transmission capacity is allocated to a person who has filed an application only on the occasion of the tender (§ 17), this person shall refund to the original applicant according to paragraph 3 the expenses incurred (evidence to be provided) for preparing the technical plan that served as a basis for the tender.

(8) Claims according to paragraph 7 shall be filed by civil-law action. The regulatory authority may be asked to mediate in case of dispute.

Tender for a Nationwide License (Nationwide Coverage Area) and Non-Nationwide Licenses for Analog Terrestrial Television

§ 16. (1) The regulatory authority shall issue a tender for the nationwide license by referring to the transmission capacities available for this purpose (Annex 1), within four weeks after the entry into force of the present federal law by publication in the "Amtsblatt zur Wiener Zeitung" (Official Gazette), in other Austrian daily newspapers and in other suitable form. When issuing a tender, the regulatory authority shall fix a minimum period of three months, during which applications for being granted a license may be filed.

(2) The tender according to paragraph 1 shall refer to the possibility of applying for the granting of licenses for non-nationwide analog terrestrial television using the transmission capacities of Annex 1 or of the Austrian Broadcasting Corporation (§ 13).

(3) After granting the nationwide license, the regulatory authority shall announce in suitable form which transmission capacities in Annex 1 were assigned to the holder of the nationwide license, and it may ask applicants for non-nationwide licenses according to § 4 (5) to modify their applications.

Further Tenders for Analog Terrestrial Transmission Capacities

§ 17. (1) Further tenders for analog terrestrial transmission capacities shall be organized, unless the transmission capacity is reserved to launch digital terrestrial television according to § 12 item 5, in the following cases:

1. six months prior to the expiry of a granted license;
2. in the event that evidence for a uniform legal person according to § 5 (5) has not been provided;
3. immediately after expiry of a license according to § 5 (7) or § 10 (8);
4. immediately after a revocation according to § 10 (7);
5. immediately after withdrawal of an authorization of use according to § 14 (3);
6. in the presence of a well-founded objection according to § 15;
7. after withdrawal of a license according to § 63 (3) 2.

(2) The regulatory authority shall publish the tender for the available transmission capacities in the "Amtsblatt zur Wiener Zeitung" (Official Gazette) and by announcing it in

additional Austrian daily newspapers and in other suitable form and, in this connection, shall fix a minimum period of two months, during which applications for assigning the transmission capacity to an existing coverage area or for a license to provide analog terrestrial television in the coverage area of the tender may be filed in keeping with the present federal law.

Frequency Book

§ 18. (1) The regulatory authority shall publish an ongoing register (frequency book) on the allocation of wireless terrestrial transmission capacities according to frequency and location for the coverage areas of private television providers, multiplex operators, as well as on the allocation of transmission capacities to the Austrian Broadcasting Corporation. The frequency book shall be updated on an ongoing basis and published in suitable form.

(2) The frequency book shall also state those transmission capacities where the regulatory authority conducts examinations regarding their suitability to launch digital terrestrial television, as well as those where such an examination has already been made and which have proved to be suited and may be made available in accordance with the digitization plan (§ 21) to prepare multiplex platforms (frequency pool for digital terrestrial television).

Transmitting Facilities

§ 19. (1) The analog terrestrial television programs created on the basis of the present federal law may also be broadcast via the transmitting facilities of the Austrian Broadcasting Corporation, if this can be justified for technical reasons. The Austrian Broadcasting Corporation shall enter into a contractual agreement to this effect with the broadcasting organizer on the basis of a reasonable remuneration.

(2) The Austrian Broadcasting Corporation shall make available the transmitting facilities at equivalent conditions and at the same quality as it also uses to disseminate its own programs.

(3) The regulatory authority shall decide disputes on the reasonableness of the remuneration or the technical justification. The parties involved may seize the regulatory authority if no contractual agreement has been reached within six weeks after receipt of an inquiry.

Dissemination Mandate for Cable Networks

§ 20. (1) Cable network operators shall re-broadcast the radio and television programs of the Austrian Broadcasting Corporation, if this is possible without any unreasonably major input and expense.

(2) Cable network operators shall re-broadcast the television program of the holder of a nationwide license upon inquiry and against a reasonable remuneration.

(3) Upon inquiry, the regulatory authority shall instruct a cable network operator to disseminate a program if

1. an amicable agreement between cable broadcasting organizer and the cable network operator remains unsuccessful even with mediation by the authority;

2. the cable network broadcasts, or will re-broadcast, a maximum of one program of the applied program type;
3. the applied program serves primarily local reporting, disseminates more than 120 minutes per day of its self-created program, with repetitions not being included in the calculation, and is broadcast in no other federal province.

(4) If no contractual agreement on broadcasting or re-broadcasting is reached within six weeks after receipt of the inquiry, the parties involved may seize the regulatory authority.

(5) The regulatory authority will decide, if no amicable agreement is reached, within two months after the parties involved have seized the authority on the obligation to broadcast or re-broadcast or on the amount of the remuneration.

(6) The regulatory authority shall fix the duration of the broadcasting or re-broadcasting of the program in the cable network, as well as a reasonable remuneration for the cable network operator. When fixing the remuneration, attention shall be paid to the conditions applied by the cable network operator in question for accepting programs. If no such conditions exist, comparable conditions shall be taken into consideration. The dissemination according to paragraph 3 shall be limited to a maximum period of 2 years.

(7) Cable broadcasting operators according to the aforementioned provisions shall also be persons who establish in credible form that they are in a position to provide the planned program within six months, at the latest, after having received the mandate to provide a program, with the dissemination mandate being cancelled by the regulatory authority otherwise.

Part 6

Digitization

Digitization Plan and "Digital Platform Austria"

§ 21. (1) A working party "Digital Platform Austria" shall be set up to support the regulatory authority in drawing up a plan for the introduction of digital broadcasting in Austria ("digitization plan"). The priority goal of the working party shall be to facilitate the beginning of the introduction of digital terrestrial television by 2003, in cooperation with the regulatory authority.

(2) It shall be the task of "Digital Platform Austria" to support the regulatory authority in drawing up scenarios for the rapid introduction of digital broadcasting (radio and television), as well as future multi-media services, with the participation of broadcasting organizers, service providers, network operators, industry, the business community, scientists, the federal provinces and consumers.

(3) The Federal Chancellor shall refer to the setting up of the "Digital Platform Austria" within three months, at the latest, after the entry into force of the present federal law by way of a tender, which shall be made known in suitable form, and call upon interested persons from the interested circles listed in paragraph 2, or the organizations representing these interested circles, to indicate their interest in participating in the "Digital Platform Austria" within two months.

(4) Participation in the "Digital Platform Austria" shall be upon invitation by the Federal Chancellor. The regulatory authority shall be in charge of conducting the business of the working party.

(5) The regulatory authority shall draw up, with priority attention and with due consideration to European developments, a digitization plan for the introduction of digital terrestrial television in Austria, with the support of "Digital Platform Austria" and in cooperation with the Federal Chancellor, taking into consideration the transmission capacities listed in Annex 2 as well as additional, available transmission capacities that have proved to be suited for the introduction of digital terrestrial television. The regulatory authority shall carry out the preparatory work for a tender regarding the preparation of the frequency planning and coordination work necessary to prepare a multiplex platform.

(6) With the assistance of "Digital Platform Austria" and in cooperation with the Federal Chancellor, the regulatory authority shall prepare an annual report on the progress of this work. The Federal Chancellor shall present this report to the National Council. In the report, "Digital Platform Austria" may express its recommendations on the further procedure to be followed when introducing digital broadcasting.

Using Digital Transmission Capacities on a Test Basis

§ 22. The license to organize analog terrestrial television according to the present federal law also entitles organizers to disseminate, on a test basis, the program approved with the license for the purpose of testing digital transmission techniques in the coverage area defined in the license, after having obtained the authorization under telecommunications law from the regulatory authority. The regulatory authority shall limit the authorization under telecommunications law to a maximum of one year, which may be extended by one year in each case upon application.

Tender for the License to Set up and Operate a Multiplex Platform

§ 23. (1) In accordance with the digitization plan, drawn up by the regulatory authority with the assistance of "Digital Platform Austria", and provided that transmission capacities are available, the regulatory authority shall issue a tender in the "Amtsblatt zur Wiener Zeitung" (Official Gazette), in additional Austrian daily newspapers and in other suited form regarding the planning, the technical construction and the operation of a multiplex platform. The regulatory authority shall fix a minimum period of six months in the tender during which applications for being granted a license to operate a multiplex platform may be submitted.

(2) The applicant shall establish in credible form that he meets the technical, financial and organizational requirements for the continuous broadcasting of digital programs and additional services.

(3) Applications for being granted a license shall contain the following items as a minimum:

1. the partnership agreement or the articles of incorporation in case of legal persons or partnerships;
2. a presentation of the membership or ownership relations;
3. information about the digital programs and additional services that are to be disseminated;

4. a presentation of the technical parameters of the planned digital broadcasts, especially of the planned coverage area, the planned transmitting location(s), the planned frequency/frequencies, the planned transmitting power(s), the data rates and the data volumes.

(4) Further tenders for the construction and operation of multiplex platforms shall be issued in accordance with the available transmission capacities, giving due consideration to the digitization plan.

Selection Principles

§ 24. (1) If there are several applicants, who meet the statutory requirements (§ 23 (2)) for a multiplex license, the regulatory authority shall give priority to that applicant who will better provide the following:

1. reaching a high level of coverage with digital signals fast for the population;
2. an excellent technical quality of the digital signals;
3. integrating the expert knowledge of broadcasting organizers when building up and operating the digital platform;
4. a plan that is user-friendly for consumers;
5. a plan to promote the dissemination of terminal equipment for receiving digital signals.

(2) Prior to a tender according to § 23 (1), the regulatory authority shall determine in detail, by way of decree, the selection principles listed in paragraph 1, in view of the digitization plan (§ 21), regarding the technical, economic and user-oriented requirements that a multiplex operator shall meet, giving due consideration to European standards. The decree shall be published at the same time, at the latest, as the tender according to § 32 (1) in the "Amtsblatt zur Wiener Zeitung" (Official Gazette) and in other suitable form. Before the decree is issued, the "Digital Platform Austria" is to be given the opportunity to comment.

Granting Licenses and Conditions for Multiplex Operators

§ 25. (1) The regulatory authority shall issue the multiplex license for a period of ten years. It shall be issued in writing and be void otherwise.

(2) When granting the multiplex license, the regulatory authority shall ensure the following by imposing the relevant conditions:

1. that the digital programs and additional services are broadcast at fair, equal and non-discriminatory conditions;
2. that the two analog television programs broadcast by the Austrian Broadcasting Corporation (§ 23 of the ORF Act) are integrated into the package of digital programs in the respective coverage area upon request and against a reasonable remuneration and that a sufficient data volume is available for their dissemination;
3. that the program of that broadcasting organizer who was issued a license for nationwide analog terrestrial television is integrated into the package of digital programs in the respective coverage area upon request and against a reasonable remuneration and that a sufficient data volume is available for its dissemination, as well as to disseminate a fourth digital program;

4. that an overwhelming part of the frequency capacity available for digital signals is used to disseminate the digital programs;
5. that the multiplex operators invoice the costs incurred for the technical dissemination of the digital programs and the additional services to the providers, always on a pro-rata basis;
6. that, in the event that digital programs and additional services are integrated into a global package under one electronic program guide (navigator), consumers are able to find all digital programs and additional services under fair, equal and non-discriminatory conditions;
7. that the navigator is designed in such a way that identical, pro-rata data rates are available to all digital programs and additional services represented on the multiplex platform;
8. that all digital programs and additional services are offered on an equal basis, regarding their optical appearance, the possibility to locate them and their clear presentation, and that immediate access to the individual programs and additional services is facilitated;
9. that the technical quality of the multiplex platform conforms with European standards and that a continuous technical expansion of the platform is ensured.

(3) The multiplex operator shall carry out the necessary technical planning work in cooperation with the regulatory authority.

(4) The program and service providers shall refund to the multiplex operator the costs incurred for the operation of the navigator, always on a pro-rata basis. In case of dispute, the regulatory authority shall take a decision upon request.

(5) The regulatory authority shall check, ex officio or upon request, the compliance with the conditions imposed according to paragraph 2. In case of repeated or serious violations of the conditions according to paragraph 2, proceedings for the withdrawal of the license according to § 63 shall be initiated.

(6) If more than 50 per cent of the shares are to be assigned to a third party, which a multiplex operator holds at the time of being granted the license, the multiplex operator shall inform the regulatory authority in advance of this transfer. The regulatory authority shall revoke the license if the multiplex operator no longer meets the requirements for a license according to the present federal law under the changed circumstances. Several assignments shall be summed up in the calculation.

Returning and Re-Allocating Analog Transmission Capacities

§ 26. (1) Holders of a license for the emission of analog terrestrial television according to the present federal law, who broadcast their program in a coverage area via a multiplex platform and so reach more than 70 per cent of the population in the coverage area, shall discontinue the use of the analog transmission capacities assigned to them for this coverage area upon request by the regulatory authority within a period to be fixed by the regulatory authority, giving due consideration to the digitization plan (§ 21) and the provision of consumers with terminal equipment, waiving the further use of these transmission capacities.

(2) If a license holder does not comply with the request of the regulatory authority within the period fixed in accordance with paragraph 1, the regulatory authority shall withdraw the license for the use of the transmission capacity from the license holder (user).

(3) The analog transmission capacities becoming available by way of waiver or withdrawal may be used for the further expansion of the multiplex platforms or for other services (§ 23).

(4) The provisions of paragraphs 1 to 4 shall be applied to transmission capacities that have been assigned to the Austrian Broadcasting Corporation, provided that the obligation according to paragraph 1 does exist, whenever the television programs of the Austrian Broadcasting Corporation (§ 3 of the ORF Act) are broadcast in a coverage area via a multiplex platform and thereby reach more than 95 per cent of the population in the coverage area.

(5) The regulatory authority may re-allocate analog transmission capacities in well-justified individual cases, after hearing the user and giving due consideration to the economic reasonableness, in order to facilitate the construction of a multiplex platform or to optimize the coverage of a multiplex platform in a coverage area, and it may assign other analog transmission capacities to the previous user of the transmission capacity, modifying the authorization under telecommunications law, if this ensures a coverage comparable to the previous coverage.

Use of Transmitting Locations

§ 27. (1) Operators of a public telecommunications network and broadcasting organizers, including the Austrian Broadcasting Corporation, shall permit to multiplex operators the shared use of their transmitting locations, whenever this is technically feasible, for the construction of a multiplex platform against a reasonable remuneration. The operators or broadcasting organizers, including the Austrian Broadcasting Corporation, shall enter into a contractual agreement to this effect with the multiplex operator on the basis of a reasonable remuneration.

(2) The regulatory authority shall decide disputes regarding the use of transmitting locations, the amount of the remuneration or the technical feasibility. The regulatory authority may be seized by the parties involved whenever no contractual agreement has been reached within six weeks after receipt of an inquiry.

License to Disseminate Digital Programs

§ 28. (1) Applications for licenses to disseminate digital programs via a multiplex platform may be filed with the regulatory authority at any time. The applications shall contain the evidence according to § 4 (2) to (4), as well as on the existence of agreements on the use of transmission capacities with a multiplex operator in the event of a license.

(2) The license shall be granted if the applicant satisfies the requirements listed in § 4 (2) and (3).

(3) The regulatory authority shall grant a license for a period of ten years. It shall be issued in writing and be void otherwise. When a license holder files another application, the regulatory authority shall take into account, in particular, whether the previous license was used in keeping with the law.

(4) The license shall approve the type of program, the program outline and the program duration.

(5) When granting the license, the regulatory authority may impose the conditions necessary to ensure compliance with the present federal law.

(6) When granting a license to applicants who do not have a uniform legal personality, the regulatory authority may order in the license that evidence of a uniform legal personality shall be provided within a period of six weeks, otherwise the license shall be deemed not to have been granted.

(7) A license shall not be granted, if a license was previously withdrawn from the applicant (§ 63 (3) item 2) or if providing broadcasting services has been prohibited according to § 63 (3) item 2 and (4).

(8) A license shall expire

1. by way of a written waiver on the part of the license holder;
2. by way of revocation of the license according to § 10 (7);
3. by way of withdrawal of the license according to § 63 (3) item 2;
4. on account of the death or the extinction of the legal personality of the license holder, however, not in the event of a universal succession under corporate law.

(9) Except for the event of a universal succession under corporate law, a license may not be transferred.

Reporting the Dissemination of Additional Services

§ 29. (1) The provider of an additional service shall report the dissemination of additional services via a multiplex platform, as well as changes in the service and the discontinuation of the service to the regulatory authority in writing, one week before beginning the dissemination, making a change or discontinuing the service.

(2) In addition to the name, address and possible representatives and agents authorized to receive service of documents on behalf of the provider, as well as the agreement with the multiplex operator on the dissemination, the report shall also contain information on the type of service and the technical characteristics of its dissemination.

(3) The providers of additional services shall update, on an annual basis, the data listed in paragraph 2 and communicate them to the regulatory authority by 31 December of every year. The regulatory authority shall keep an up-to-date list of the providers of additional services and publish it in suitable form.

Part 7

Requirements Regarding the Content of Broadcasting Programs

Program Principles

§ 30. (1) The broadcasting programs disseminated pursuant to the present federal law shall comply with the principles of objectivity and diversity of opinions.

(2) The public, cultural and economic life in the coverage area shall, in particular, be shown, and the major social groups and organizations of that area shall be afforded the opportunity to present their opinions.

(3) Paragraph 2 shall not apply to format programs, nor to programs broadcast exclusively via satellite.

(4) A reasonable part of the broadcast programs of a primarily local content shall be created by the broadcasting organizer himself under his editorial responsibility.

General Requirements of Broadcasting Programs

§ 31. (1) In their make-up and substance, all broadcasts of the broadcasting organizers shall respect and protect human dignity and the fundamental rights of others.

(2) The broadcasts must not incite to hatred on the basis of race, sex, religion, disability or nationality.

Protection of Minors

§ 32. (1) Television programs must not contain broadcasts that may seriously impair the physical, mental or moral development of minors, in particular, those broadcasts that show pornography or unfounded brutality.

(2) In case of television broadcasts that may affect the physical, mental or moral development of minors, it must be ensured, through the choice of the broadcasting time or by other means, that these broadcasts can, as a rule, not be perceived by minors.

(3) The un-encoded emission of broadcasts according to paragraph 2 shall be announced by acoustic signs or by optical means throughout the full length of the broadcast. The federal government may issue, by way of decree, regulations on the detailed design of the optical or acoustic signs.

Reporting

§ 33. Reports and information broadcasts shall comply with the recognized journalistic principles. News shall be checked, prior to their dissemination, for their truth and origin, applying the care required under the circumstances.

Advertising and Teleshopping

§ 34. (1) Advertising (spots, short broadcasts and created advertising broadcasts, including creations of opening and closing announcements of sponsored broadcasts) and teleshopping must not be misleading and detrimental to the interests of consumers.

(2) Camouflaged advertising and comparable practices in teleshopping, as well as advertising and teleshopping below the perception threshold shall be inadmissible.

(3) Commercial advertising shall be any expression in the exercise of a business, trade, craft or liberal profession that is broadcast against a fee or similar remuneration or as self-advertising, with the goal of promoting, against a charge, the sale of goods or the provision of services, including immovable property, rights and obligations.

Presentation and Exerting an Influence

§ 35. (1) Persons presenting news broadcasts or broadcasts on political events of the day shall neither appear on the screen, nor on the sound track of broadcasts for advertising or teleshopping purposes.

(2) An advertising operator or contractor for sponsored broadcasts shall not exert any editorial influence on the program content.

Cutting Into Television Broadcasts

§ 36. (1) As a matter of principle, television advertising and teleshopping shall be broadcast in blocks between individual television program features. Individually broadcast advertising and teleshopping spots shall be the exception. Under the provisions stipulated in paragraphs 2 and 3, television advertising and teleshopping broadcasts may also feature during an ongoing broadcast, to the extent that they do not affect the context and the value of the broadcasts. In this connection, natural breaks in the program features and the length and type of the program shall be taken into consideration. The rights of right holders must not be violated in this connection.

(2) In case of broadcasts that consist of independent sections, or in case of sports broadcasts and broadcasts on similarly structured events and presentations with breaks, television advertising and teleshopping may only be inserted between independent sections or during the breaks. The transmission of audio-visual works, such a cinema feature films or television films (with the exception of series, sequences, light entertainment programs and documentary features), may be interrupted once in every full period of 45 minutes. A second cut-in is admissible if the programmed duration of the broadcast exceeds two or several full periods of 45 minutes by a minimum of 20 minutes.

(3) If there are cut-ins by television advertising or teleshopping in other broadcasts than those listed in paragraph 2, there shall be a minimum interval of 20 minutes in the broadcasts between two successive cut-ins.

(4) The transmission of religious services, broadcasts with a religious content, children's broadcasts, news broadcasts, magazines on topical events (news magazines) and documentary films shall not be interrupted by advertising or teleshopping. The aforementioned paragraphs shall apply to news broadcasts, news magazines and documentary films on television that have a minimum programmed broadcasting duration of 30 minutes.

General Requirements for Advertising and Teleshopping

§ 37. Television advertising and teleshopping shall not

1. violate human dignity;
2. contain any discrimination on the basis of race, sex, disability or nationality;
3. offend religious or political beliefs;
4. encourage behavior hazardous to health or safety;
5. encourage behavior hazardous to environmental protection;
6. encourage unlawful practices.

Identification Requirement

§ 38. Advertising and teleshopping shall be clearly recognizable as such. They shall be clearly separated from other program sections by means of optical or acoustic means.

Ban on Tobacco Advertising

§ 39. Any type of advertising and teleshopping for cigarettes and other tobacco products shall be prohibited.

Advertising for Medicines and Medical Products

§ 40. (1) Advertising for medicines that are only available by prescription, as well as advertising for medical products that are subject to a prescription according to § 100 of the Medical Products Act shall be prohibited.

(2) Advertising for all other medicines, medical products and therapeutic treatments shall be clearly recognizable as such and shall be honest, truthful and verifiable. It shall not be harmful to man.

(3) The provisions on advertising of the Medicines Act, Federal Law Gazette No. 185/1983, and of the Medical Products Act, Federal Law Gazette No. 657/1996, as well as the advertising restrictions contained in the statutory provisions on the exercise of the health-care professions shall not be affected.

Teleshopping for Medicines

§ 41. Teleshopping for medicines and therapeutic treatments shall be prohibited.

Advertising and Teleshopping for Alcoholic Beverages

§ 42. Advertising broadcasts and teleshopping for alcoholic liquids shall be prohibited. In addition, television advertising and teleshopping shall comply with the following criteria:

1. They shall not be directed specifically at minors and, in particular, they shall not show minors consuming alcohol.
2. They shall not establish any linkage between an improvement of one's physical performance with the consumption of alcohol or the driving of vehicles and the consumption of alcohol.
3. They shall not create any impression that the consumption of alcohol promotes social or sexual success.
4. They shall not suggest that alcohol has a therapeutic, stimulating, soothing or conflict-solving effect.
5. They must not encourage the immoderate consumption of alcoholic beverages, nor must they present abstinence or moderate consumption in a negative form.
6. The level of the alcohol content of beverages must not be emphasized as a positive characteristic.

Protection of Minors

§ 43. (1) Television advertising and teleshopping shall not cause any physical or mental damage to minors, and they shall therefore be subject to the following criteria for the protection of minors:

1. They shall not address any direct sales appeals at minors, exploiting their lack of experience and credulity.
2. They shall not directly induce minors to persuade their parents or third parties to buy the advertised good or service.
3. They shall not exploit the special confidence that minors have in parents, teachers and other persons of their trust.
4. They shall not show minors in dangerous situations without a justified reason.

(2) In addition, teleshopping shall not induce minors to enter into purchase, rent or lease agreement for goods or services.

§ 44. (1) The broadcasting time for television advertising shall not exceed 15 per cent of the daily broadcasting time. The percentage may be raised to 20 per cent if it covers teleshopping with the exception of teleshopping windows, as defined in paragraph 4, or other types of advertising and if the broadcasting time for advertising spots does not exceed a total of 15 per cent. Advertising in radio programs shall not exceed the daily duration of 172 minutes, on an annual average, with maximum deviations of 20 per cent per day being admissible.

(2) Within a period of one hour, calculated as of the last full hour, the length of advertising and teleshopping shall not exceed a total of 20 per cent.

(3) References by the broadcaster to his own broadcasts and to accompanying materials which directly derive from these broadcasts, as well as contributions to programs in the service of the general public and gratuitous appeals to donate for charitable purposes shall not be deemed as advertising, as defined in the aforementioned paragraphs.

(4) Teleshopping windows that are broadcast in the course of a program which is not exclusively destined for teleshopping must have a minimum length of 15 minutes without any interruption. A maximum of eight such windows per day shall be admissible. These windows must be clearly marked as teleshopping windows in optical and acoustic form.

Teleshopping and Self-Advertising Programs

§ 45. (1) Programs that exclusively consist of teleshopping broadcasts may contain advertising in the framework of the daily restrictions according to § 44 (1).

(2) Self-advertising programs that exclusively consist of self-advertising broadcasts may contain other types of advertising in the framework of the restrictions according to § 44 (1) and (2).

Sponsored Programs

§ 46. A program shall be considered to be a sponsored program whenever a public or private enterprise that is not engaged in the area of producing audio-visual works or radio programs contributes to the financing of such works or programs with the goal of promoting the name, trade mark, image, as well as the activities or achievements of that enterprise.

(2) Sponsored programs shall meet the following requirements:

1. The content and scheduling of a sponsored program shall in no way be influenced by the sponsor in such a way that the responsibility and editorial independence of the broadcasting organizer regarding the broadcasts are affected in any way.
2. They shall be clearly identified as sponsored programs by indicating the name or the company logo of the sponsor at the beginning and end of the program (opening and closing announcement).
3. They shall not incite to the purchase, rent or lease of products or to the making use of services of the sponsor or a third party, especially by specific sales-promoting references to these products or services.

(3) Sponsored programs shall not be commissioned by natural or legal persons whose principal activity is to produce or sell products or to provide services for which advertising is prohibited according to § 39 or other statutory provisions.

(4) In case of sponsored programs by enterprises whose activity is to produce or sell medicines and therapeutic treatments, the only reference may be to the name or logo of the enterprise, but not to any medicine or therapeutic treatments which are only available by prescription.

(5) News programs and broadcasts serving as political information shall not be supported financially in the meaning of paragraph 1.

Information, Recording Obligations

§ 47. (1) Broadcasting organizers shall, at their own expense, produce recordings of all of their broadcasts and keep them for a minimum of ten weeks. Upon request, they shall make available the desired recordings to the regulatory authority. Moreover, they shall allow everybody access to their recordings, who can prove a legal interest in them. In case proceedings regarding a broadcast are pending before the regulatory authority, the recording obligation regarding that broadcast shall persist until the proceedings are closed.

(2) Every broadcasting organizer shall indicate the name and address of the broadcasting organizer and the name of the responsible editor at the beginning and the end of his air-time, as well as at regular intervals during the program.

(3) The teletext service shall always comprise a page with editorial information, which must indicate the name and address of the broadcasting organizer. Whenever the teletext pages are offered for retrieval upon request, the table of contents must always list the number of the page with the editorial information.

Announcements in Cases of Crisis or Disaster

§ 48. At any time, the necessary and appropriate air time shall be made available free of charge to the federal and the provincial authorities and the authorities of the municipalities, located in the respective coverage area, for announcements in cases of crisis or disaster, as well as for other important messages to the public, and to private persons for announcements in well-justified and urgent emergencies in order to avoid any risks to the health and life of persons.

Program-Creating Staff Members, Editorial Agreement

§ 49. (1) Broadcasting organizers shall give due regard to the independence and individual responsibility of all program-creating staff members, as well as to the free exercise of the journalistic profession by all journalistic staff members when carrying out the duties assigned to them under the present federal law. In particular, when performing their activities, journalistic staff members shall not be required to write or assume the responsibility for something that is contrary to the free exercise of the journalistic profession. They shall not derive any detrimental consequences from a justified refusal.

(2) In accordance with the present federal law, all those persons shall be program-creating staff members who participate in creating the content of radio and television programs.

(3) In accordance with the present federal law, all those persons shall be journalistic staff members who share in the journalistic creation of programs for radio and television broadcasts, in particular editors, reporters, correspondents and program-creators.

(4) In accordance with the present federal law, journalistic staff members may either be employees or free-lance staff members of a broadcasting organizer.

(5) Whenever a minimum of five journalistic staff members work in the operation of a broadcasting organizer on a permanent basis, the broadcasting organizer, on the one hand, and the representative of the journalistic staff members, on the other hand, who shall be elected according to the principles of a fair, direct and secret proportional voting statute, shall enter into an editorial agreement in order to ensure the principles laid down for journalistic staff members in paragraph 1.

(6) No editorial agreement will be deemed to have been entered if the journalistic staff members refuse to give their majority consent to the outcome of the negotiations, which shall be published immediately after the completion of the negotiations, in a vote that shall take place within three weeks after completion of the negotiations. There must be a minimum period of three weeks between the completion of the negotiations and the entry into force of the editorial agreement.

(7) The editorial agreement shall contain the following provisions, in particular, which

1. shall ensure the individual responsibility and the free exercise of the journalistic profession by all journalistic staff members when carrying out the duties assigned to them;
2. shall protect journalistic staff members against any infringement of their rights;
3. shall relate to the participation in staff and material decisions concerning the journalistic staff members;
4. shall create an arbitration panel to decide disputes arising from the editorial agreement.

(8) The editorial agreement shall not affect the rights of works councils, and the creation of aforementioned arbitration panel shall not affect any statutory recourse to the courts or administrative authorities.

(9) It shall be the duty of the editorial representatives to safeguard the rights of the journalistic staff members deriving from the editorial agreement. These shall be elected by the journalistic staff members by secret ballot for a term of office of two years on the basis of the principles of a proportional voting statute.

(10) The broadcasting organizer and the editorial representatives may terminate an editorial agreement on a mutual basis, always in writing, with a termination period of six months. In case of a termination, negotiations on the conclusion of a new editorial agreement shall be taken up immediately. The most recently elected editorial representatives shall be entitled to enter into the agreement on behalf of the employees.

(11) If no new editorial agreement has been reached and become effective by the end of the fourth month after the termination of the editorial agreement, an arbitration panel shall issue an editorial agreement within six weeks.

(12) This arbitration panel shall consist of one member each appointed by the editorial representatives and the broadcasting organizer, as well as of a chairperson, who shall be a person from outside the enterprise and have legal expertise, to be appointed by these two members of the arbitration panel within one week. In case the members appointed by the editorial representatives and the broadcasting organizer cannot reach an agreement within one week, the head of the regulatory authority shall appoint the chairperson of the arbitration panel.

(13) An editorial agreement reached in accordance with paragraph 5 shall become ineffective as soon as a new editorial agreement has been reached and become effective.

Program Quotas

§ 50. In the framework of practical feasibilities and by applying reasonable means, broadcasting organizers shall see to it that the main portion of the air-time of their television programs that do not consist of news, sports reports, games and shows, advertising, teletext and teleshopping is reserved to broadcasting European works in compliance with Directive 89/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, Official Journal No. L 298 of 17 October 1989, page 23, as amended by Directive 97/36/EC, Official Journal No. L 202 of 30 July 1997, page 60.

Promoting Independent Program Producers

§ 51. In the framework of practical feasibilities and by applying reasonable means, broadcasting organizers shall see to it that a minimum of 10 per cent of the air-time of their television programs that do not consist of news, sports reports, games and shows or advertising and teletext, or alternatively a minimum of 10 per cent of their budget means is reserved for creating programs to broadcast European works by producers who are independent of television broadcasters. This portion shall be reached gradually by means of suitable criteria in the areas of information, education, culture and entertainment. To this end, a reasonable share shall be reserved to more recent works, i.e. works that are broadcast within a period of five years after their production.

Reporting Obligation

§ 52. Broadcasting organizers shall report in writing to the regulatory authority on the implementation of § 50 and § 51 before 30 May of every year. The regulatory authority shall communicate a summary report to the federal government before 30 June of every year.

Exemptions from the Quota Rule

§ 53. § 50 and § 51 shall not apply

1. to the dissemination of programs if this dissemination does not exceed the boundaries of a federal province and the programs are not broadcast on a nationwide basis;
2. to programs dedicated only to teleshopping, and
3. self-advertising programs.

Relevance to Teletext

§ 54. § 2 (2) item 21, § 30 (1), §§ 31 to 34 of the present federal law shall apply to teletext.

Part 8

Exclusive Rights to Events of Major Importance to Society

§ 55. (1) In the event that a broadcasting organizer has acquired exclusive transmission rights to an event of major importance to society, which is published in a list in accordance with paragraph 2, he shall not exercise these exclusive transmission rights in such a way that a significant portion of the public in a Member State is deprived of the opportunity to follow these events, which that Member State has designated according to paragraph 2, as direct full or partial-coverage live reporting or, to the extent that public interest for objective reasons so requires or deems it reasonable, as time-deferred full or partial-coverage reporting in a freely accessible television broadcast, as it was laid down by the Member State according to paragraph 2.

(2) Events of major importance to society shall be events which are mentioned in a list of the Member State of the European Union, which was published in the Official Journal of the European Communities pursuant to Article 3a, paragraphs 1 and 2, of Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, OJ No. L 298 of 17 October 1989, page 23, as amended by Directive 97/36/EC, OJ No. L 202 of 30 July 1997, page 60.

(3) A broadcasting organizer shall also meet his obligation pursuant to paragraph 1 if he attempted to facilitate the freely accessible reception of the event in question in keeping with the manner laid down by a Member State, which attempt he can prove and could be reasonably expected to make, on the basis of reasonable and generally accepted circumstances. Cases of disputes on the scope of the obligation according to paragraph 1 may be referred to the Federal Communications Board, which shall act towards reaching a consensus, in consultation with the parties involved and which shall draw up minutes on the negotiations as well as on their outcome.

(4) In case of repeated and serious infringements of paragraph 1 by a broadcasting organizer (§ 2 item 1) the Federal Communications Board shall initiate ex officio proceedings to withdraw the license or to prohibit the provision of cable broadcasting services according to § 63. In this case, the proceedings according to § 63 shall be conducted by the Federal Communications Board.

Part 9

Supervision of Legality Suspending Re-Dissemination

§ 56. (1) The regulatory authority shall suspend, on a preliminary basis and by way of decree, the re-dissemination of a television program from one of the contracting states of the Agreement creating a European Economic Area up to a period of six months, if

1. broadcasts in that program are in obvious, serious and grave contradiction to the requirements of § 31 (2) or § 32 (1) and (2);
2. the facts of item 1 prevailed on a minimum of two occasions during the preceding twelve months;
3. the regulatory authority has informed the broadcasting organizer, the owner of the cable network or the satellite, as well as the Commission of the European Union in writing that it was assuming the existence of facts pursuant to items 1 and 2, and that it communicated the intention of issuing a suspension, on a preliminary basis, in the event of a repetition of the facts according to item 1, and
4. the consultations with the State where the program is disseminated, as well of the Commission of the European Union do not lead to an amicable settlement within 15 days as of the communication mentioned in item 3, and the facts according to item 1 occur again.

(2) The federal government shall be informed of the communication to the Commission of the European Union pursuant to (1) item 3.

Suspending Re-Dissemination under the Television Convention

§ 57. (1) The regulatory authority shall suspend, on a preliminary basis and by way of decree, the re-dissemination of a television program from abroad up to a period of six months, if the content of the re-disseminated program

1. infringes Article 7, paragraphs 1 or 2, Article 12, Article 13, paragraph 1, Article 14 or Article 15, paragraphs 1 or 3 of the European Convention on cross-border television of 5 May 1989 (Convention) in an obvious, serious and grave manner so that important issues of public interest are affected, or
2. another provision of the Convention, not mentioned in item 1, is infringed, with the exception of Article 7, paragraph 3, or Articles 8, 9 or 10, and
3. the infringement in cases of item 1 continued to prevail for two weeks, or in cases of item 2 for eight months, after the broadcasting state, from which the program is re-disseminated, has been informed accordingly.

(2) Prior to issuing a decree pursuant to paragraph 1, the broadcasting state, from which the program is re-disseminated, shall be informed, and efforts shall be made to reach an amicable settlement. Whenever the broadcasting state is a contracting state of the Convention, and if an amicable settlement, possibly after seizing the Permanent Committee according to Article 21, letter c, of the Convention, cannot be reached, the agreement of the contracting state shall be sought to submit the dispute to arbitration. The provisions on such a procedure are contained in the Annex to the Convention.

(3) In the event that a decree is issued pursuant to paragraph 1, efforts shall be made to reach a settlement immediately with the broadcasting state. Whenever an agreement cannot be reached within six months with the contracting state of the Convention pursuant to paragraph 2, an application for arbitration according to the Annex to the Convention shall be filed.

§ 58. § 57 shall not apply to television programs that are re-broadcast from a contracting state of the Agreement creating a European Economic Area.

Public Announcement of Decrees

§ 59. Decrees pursuant to § 56 (1) and § 57 (1) shall be publicly announced in the "Amtsblatt zur Wiener Zeitung" (Official Gazette).

Supervision of Legality

§ 60. (1) The regulatory authority shall supervise the broadcasting organizers according to the present federal law regarding their legality.

Object of Complaints

§ 61. (1) The regulatory authority shall decide on alleged infringements of provisions of the present federal law on the basis of complaints

1. by a person who claims to have been directly damaged by this violation of the law;
2. by a person with domicile in the coverage area of the broadcasting organizer or – in the case of a complaint against a cable radio broadcasting organizer – in the area where the cable network used for dissemination is located, if such a complaint is supported by a minimum of 300 such persons. The support shall be proven by a list of signatures which can be used to establish the identity of the persons supporting the complaint;
3. by a person who submits a well-justified claim that he/she is affected by a violation of the provisions of §§ 31, 32, 34 to 45 and 46 (2) to (5) in his/her specific interests, if that person was actually able to receive the broadcast in which the alleged violation occurred, if the alleged violation is of significant importance with a view to the objectives of the allegedly violated provision – such as, for example, on account of a serious impairment of the moral development of juveniles or a massive violation of the protection of human dignity – and if the points raised in the complaint are not already the object of a previous complaint filed pursuant to paragraph 1 items 1 to 2;
4. by a company which is affected in its legal or economic interests by the alleged violation;
5. by a statutory interest group which has a justified interest in compliance with §§ 34 to 46 regarding advertising on television in order to protect consumer interests;
6. by the Association for Consumer Information regarding compliance with the provisions of §§ 34 to 46 regarding advertising on television;
7. by one of the bodies and organizations of another Member State of the European Union published in the Official Journal of the European Communities by the European Commission pursuant to Article 4 paragraph 3 of Directive 98/27/EC on injunctions for the protection of consumers' interests, OJ No. L 166 of 11 June 1998, page 51, if it is maintained that §§ 34 to 46 have been violated regarding advertising on television, if
 - a) the interests protected by this institution are affected in that Member State and
 - b) the purpose of the institution indicated in the publication justifies the application.

(2) Complaints shall be filed with the regulatory authority within six weeks as of the date of the alleged violation of the present federal law.

(3) A complaint pursuant to (1) item 3 shall contain the following information, in addition to the allegation that a provision has been violated:

1. evidence that it was actually possible to receive the broadcast in which the alleged violation occurred;
2. a well-justified presentation to what extent the complainant considers him/herself to be affected in his/her interests, and
3. a well-justified presentation which describes the major significance of the alleged violation.

Determining the Violation of the Law

§ 62. (1) The decision by the regulatory authority shall consist in determining whether and by what facts the provision of the present federal law has been violated. If the regulatory authority establishes that the present federal law has been violated, which continues to prevail at the time of the determination, the broadcasting organizer shall create immediately a condition that correlates with the legal view held by the regulatory authority.

(2) The regulatory authority shall take a decision on complaints within four weeks as of the date when the complaint is received.

(3) The regulatory authority may decide that its decision be published, and instruct the radio broadcasting organizer as to when, in what form and in which programs this publication needs to be made.

Procedure Regarding Withdrawal and Prohibition

§ 63. (1) In case of repeated and serious violations of the law by the broadcasting organizer, or if the broadcasting organizer no longer satisfies the requirements listed in §§ 10 and 11, the regulatory authority shall initiate, either ex officio or upon application, the procedure for the withdrawal of the license, in case of a cable broadcasting organization according to § 9 (1) the procedure for the prohibition of the cable broadcasting organization.

(2) The regulatory authority shall conduct a public oral hearing. In these proceedings, the broadcasting organizer shall be a party.

(3) In the event of a violation of the law pursuant to paragraph 1, the regulatory authority

1. shall instruct the broadcasting organizer, by way of decree, except in the cases of item 2, to create the lawful status and to take precautions suited to avoid future violations of the law; the broadcasting organizer shall comply with the decree within the period fixed by the regulatory authority (maximum: eight weeks) and report thereon to the regulatory authority;
2. in those cases where more than one decree pursuant to item 1 was issued, or where the broadcasting organizer does not comply with a decree pursuant to item 1, the license shall be withdrawn or, in the event of a cable broadcasting organization pursuant to § 9 (1), a decree shall state that the cable broadcasting organizer is prohibited from the further provision of services for a period between one to five years.

(4) The regulatory authority shall definitely prohibit the provision of cable broadcasting services pursuant to § 9 (1) for a period of up to five years if the report according to § 9 (2) or (4) deliberately contained incorrect information.

Penal Provisions under Administrative Law

§ 64. (1) An administrative trespass shall be deemed to have been committed and shall be punished with a money fine of up to EUR 4,000, if there is no compliance with

1. the reporting obligation pursuant to § 4 (6),
2. the reporting obligation pursuant to § 6,
3. the reporting obligation pursuant to § 9 (1) or (4),
4. the reporting obligation pursuant to § 10 (6) or (7),
5. the reporting obligation pursuant to § 25 (6),
6. the reporting obligation pursuant to § 29 (1) or (3),
7. a broadcasting instruction pursuant to § 20 (5),
8. an obligation pursuant to § 20 (1),
9. an obligation pursuant to § 52.

(2) An administrative trespass shall be deemed to have been committed and shall be punished with a money fine of up to EUR 8,000, if

1. the program principles pursuant to § 30, § 31 or § 32 are violated,
2. the requirements of § 34, § 35, § 36, § 37, § 38, § 39, § 40, § 41, § 42, § 43, § 44, § 45 or § 46 are violated,
3. television programs continue to be broadcast contrary to a decree issued pursuant to § 56 (1) or § 57 (1).

(3) An administrative trespass shall be deemed to have been committed and shall be punished with a money fine of up to EUR 40,000, if

1. radio broadcasting is organized without a license, if a license is necessary according to the present federal law,
2. cable broadcasting is organized contrary to a prohibition according to § 63 (2) item 2 or (4),
3. a change of program is made according to § 6 without the consent of the regulatory authority.

(4) An administrative trespass shall be deemed to have been committed and shall be punished with a money fine between EUR 40,000 to EUR 60,000 if the provision of § 55 is violated.

(5) An administrative trespass according to paragraphs 1 to 4 shall not be deemed to have been committed if the act constitutes the facts of a punishable offense falling under the competences of the courts or is the subject of a more severe punishment according to other penal provisions under administrative law.

(6) The regulatory authority shall impose the administrative fines pursuant to paragraphs 1 to 4.

Applying the General Administrative Procedures Act and the Administrative Penal Act

§ 65. (1) Unless the present federal law stipulates otherwise, the 1991 General Administrative Procedures Act shall be used in procedures undertaken by the regulatory

authority, and the Administrative Penal Act shall be applied in procedures on administrative trespasses.

Regulatory Authority

§ 66. The regulatory authority in accordance with the present federal law shall be the Communications Authority Austria (KommAustria) established according to § 1 of the relevant law, Federal Law Gazette I No. 32/2001.

Concluding and Transitional Provisions

§ 67. (1) Unless the present federal law stipulates otherwise, the Media Act, Federal Law Gazette No. 314/1981, the 1988 Anti-Trust Act, Federal Law Gazette No. 600, and the Pornography Act, Federal Law Gazette No. 97/1950, shall not be affected.

(2) The 1994 Trade Regulations, Federal Law Gazette No. 194/1994, shall not apply to the provision of broadcasting services according to the present federal law.

(3) Whenever the present federal law refers to provisions in other federal laws, these shall be used in their respectively valid versions.

(4) Whenever the present federal law indicates only the male form in person-related designations, this shall equally apply to men and women.

(5) The present federal law shall transpose into national law Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, OJ No. L 298 of 17 October 1989, page 23, as amended by Directive 97/36 EC, OJ No. L 202 of 30 July 1997, page 60, as well as Directive 98/27/EC on injunctions for the protection of consumers' interest, OJ No. L 166 of 11 June 1998, page 51.

(6) Licenses according to § 9 of the federal law issuing the provisions on cable and satellite broadcasting, Federal Law Gazette I No. 42/1997, as amended by Federal Law Gazette I No. XX/2001, which exist lawfully on the date when the present federal law enters into force, shall remain unaffected regarding the duration of these licenses.

(7) The obligation of the Austrian Broadcasting Corporation according to § 13 (1) shall exist as of 1 January 2002. Applications to be granted a license by using transmission capacities of the Austrian Broadcasting Corporation may already be filed prior to 1 January 2002.

Implementation

§ 68. The Federal Chancellor shall be entrusted with the implementation of the present federal law.

Entry into Force

§ 69. (1) The present federal law shall enter into force on 1 August 2001.

(2) With the entry into force of the present federal law the federal law issuing provision on cable and satellite broadcasting, Federal Law Gazette I No. 42/1997, as amended by Federal Law Gazette I No. 32/2001, shall become ineffective.
