

Austria

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1. LEGAL FRAMEWORK

The media regulatory body in Austria is the Austrian Communications Authority (*KommAustria = Kommunikationsbehörde Austria*) which is responsible for regulatory issues concerning all audio (visual) media services. It is made up of five members who are appointed for a period of six years by the Austrian president subsequent to their nomination by the federal government. The KommAustria is a panel authority¹, whose independent organizational structure was enabled by an amendment to the Federal Constitution Act of 2010 (BVG 2010: Art. 20 Par. 2 Nr. 5a). Since that time the regulatory authority is independent and no longer bound by instructions from the Federal Chancellery or any other authority. This change was constitutionally controversial, as it constitutes an exception from the traditional dependence of public authorities on the legislator (the so-called *Legalitätsprinzip* see tBVG 2010: Art. 18). This amendment enabled the establishment of independent authorities only by simple majority and without a constitutional basis. Nevertheless, as the RTR GmbH is an agency of the authority when it comes to media affairs, it is not independent of Government. The self-contained tasks of the RTR GmbH are still subject to governmental directives. Prior to the subsequent amendment of the KommAustria Act in 2010 the regulatory body was a monocratic administrative authority subordinated to the Federal Chancellery. It was established by the KommAustria Act (KOG) in 2001. Thus, it followed the introduction of nationwide private television in Austria which occurred in the same year under the legal authority of the Private Television Act (PrF-G 2003 = *Privatfernsehgesetz*). The predecessor of KommAustria was the Private Broadcasting Authority (*Privatrundfunkbehörde*) that was responsible for the distribution of regional private radio licenses following the implementation of the Regional

¹ The legal term panel authority (*Kollegialbehörde*) refers to the fact that all members of the authority have equal rights and that in general decisions are taken jointly (e.g. by majority vote).

Radio Act (RR-G = *Regionalradiogesetz*, later then replaced by the Private Radio Act, PrR-G 2010 = *Privatradiogesetz*) in 1993. This regulatory authority was set up as an independent panel authority with the powers of a court. However, due to the lack of a legal framework for the establishment of an independent regulatory body its organizational structure was declared unconstitutional in 2000, the authority was dissolved and later on replaced by the KommAustria (see VfGH 2000: 1075 on the dissolution of Sec. 13 RR-G). Thus, the conflicts about the legal status of the first Regional Radio Act (RR-G) from 1993 not only delayed the establishment of a private broadcasting sector in Austria but also had an impact on the organizational structure of the KommAustria in the first years of its existence. The main objectives of media regulation in the beginning of the dual broadcasting system in Austria was clearly defined by law (KOG 2001: Sec. 2 Par. 2): to facilitate the market entry of new (private) broadcasters in order to foster diversity of opinions and to increase the quality of broadcasting. Furthermore, the elaboration of plans for the technical and economic development of the dual broadcasting market and an optimization of the allocation and distribution of the broadcasting frequency range were also mentioned. The convergent structure of the regulatory framework can also be seen in the tasks of the regulatory bodies that were obliged to provide expert knowledge on the convergence of the audio(visual) media sector and the telecommunications sector (by continuously publishing the so-called Reports on Digitalization = *Digitalisierungsberichte*). The KommAustria's objectives do not explicitly mention media education or digital literacy as a main goal of the regulatory body's work. However, the development of digital strategies and the safe-guarding of compliance with European standards for the protection of children and consumers are mentioned by law (KOG 2011: Sec. 2 Par. 3 Nr. 4).

The amendments from 2010 can be seen as an application of European legal provisions designed to strengthen the independence of the regulatory authority (Fuchs 2011: 50). Moreover, it led to an expansion of the duties of the KommAustria and a harmonization of responsibilities among the regulatory authorities in the Austrian media sector (see also dimension 2).

The KommAustria as a convergent regulatory authority responsible for all electronic audio(visual) media services is primarily in charge of licensing and supervision of (private and public) broadcasting companies. In addition, the administration of state funds for the media sector and the control of the recently established rules for transparency of media co-operations² from public entities (KOG 2011: Sec. 1, Par. 1 – 3). It is supported on an operational level by the RTR GmbH (*Rundfunk- und Telekomregulierungs GmbH* = Broadcasting and Telecommunications Regulation-Company) that is in charge of providing administrative support to the regulatory responsibilities and the implementation of KommAustria's duties such as the distribution of media grants. The RTR GmbH was also established by the

² The implementation of the Federal Constitutional Act on the Transparency of Media Co-operations and Media Funding (BVG MedKF-T 2011 = Bundesverfassungsgesetz über die Transparenz von Medienkooperationen sowie von Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Mediums) and the Federal Law on Transparency of Media Co-operations and -funding (MedKF-TG 2011 = Medienkooperations- und -förderungs-Transparenzgesetz) followed a long-time controversy and public debate on the practices of some public entities (e.g. political parties, ministries or public companies such as the Austrian Railways) to place advertisements in and finance favorable news coverage of leading Austrian news media. The new legal provisions determine that such indirect ways of public funding of media institutions has to be transparent and therefore published regularly.

KommAustria Act in 2001 providing the same administrative support to the Telecom Control Commission (TKK = *Telekom-Kontroll-Kommission*) and the Post Control Commission (PCK = *Post-Control-Kommission*), both of them panel authorities with judicial powers.

The KommAustria Act of 2001 defined another regulatory entity in the broadcasting sector – the Federal Communications Senate (BKS = *Bundeskommunikationssenat*). It was originally in charge of the legal supervision of the public broadcaster ORF and its subsidiaries, a task that was transferred to the KommAustria by the amendment of the KommAustria Act of 2010 as a way of harmonization of responsibilities of the regulatory bodies. The Federal Communications Senate, which is located within the Federal Chancellery, is the appeals authority concerning decisions of KommAustria. The duties of the Federal Communications Senate are defined in the KommAustria Act (KOG 2011, Sec. 36 – 38). It is made up of five members; at least three of whom have to be judges. The BKS is thus an independent panel authority with powers of a court. Appeals of decisions made by the Federal Communications Senate must be made as complaints to the Austrian Constitutional Court (*Verfassungsgerichtshof*) and the Austrian Administrative Court (*Verwaltungsgerichtshof*).

The main legal basis of media regulation in Austria is the KommAustria Act mentioned above. It was originally passed in 2001 and its latest version dates back to 2012 (and includes all amendments made prior to 2011). The most important amendment made was undoubtedly the amendment of 1st October 2010 expanding the functions of KommAustria and codifying its independent status. The independence of the regulatory authority is also stated in the Rules of Procedure of KommAustria (cf. KommAustria 2012d: Sec. 4 and KOG 2011: Sec. 6), that regulate the different responsibilities of the members and the three senates of KommAustria. Due to the variety of tasks carried out by the regulatory authority several other laws contribute to the regulatory framework in Austria. Aside from the constitutional foundation of broadcasting in Austria³, several laws concerning the operation of public and private media services have been established: the ORF Act (ORF-G 2012 = ORF-Gesetz), the Private Radio Act (PrR-G 2010 = *Privatradiogesetz*), the Law for Audiovisual Media Services (AMD-G 2012 = *Audiovisuelle Mediendienste-Gesetz*, formerly known as the Private Television Act, PrF-G 2003 = *Privatfernsehgesetz*) are relevant as they confirm the supervisory authority of KommAustria. The following laws are implemented by KommAustria by means of its duties concerning media grants, licensing and control: the Television Exclusive Rights Act (FERG 2010 = *Fernsehexklusivrechtgesetz*), the Press Subsidies Act (PresseFG 2010 = *Presseförderungsgesetz*), the Telecommunications Act (TKG 2003 = *Telekommunikationsgesetz*), the Journalism Subsidies Act⁴ (PubFG 2012 = *Publizistikförderungsgesetz*), the Access Control Act (ZuK-G 2010 = *Zugangskontrollgesetz*), the Federal Law on Transparency of Media Co-operations and -funding (MedKF-TG 2011

³ The constitutional basis for broadcasting in Austria is on the one hand determined by Article 10 of the European Human Rights Convention and the Article 20 of the Federal Constitution Act (BVG [1930] 2010) mentioned above. On the other hand there is also a Federal Constitutional Act Ensuring the Independence of Broadcasting (BVG-Rundfunk 1974) and the recently established Federal Constitutional Act on Transparency of Media Co-operations and Media Funding (BVG MedKF-T 2011 = *Bundesverfassungsgesetz über die Transparenz von Medienkooperationen sowie von Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Mediums*). See also dimension 3 for further details.

⁴ The Press Subsidies Act regulates the public grants given to daily print media while the Journalism Subsidies Act concerns public funding of periodical print media that are not published with daily frequency.

= *Medienkooperations- und -förderungs-Transparenzgesetz*) the Cooperation of Consumer Protection Authorities Act (VBKG 2012 = *Verbraucherbehörden-Kooperationsgesetz*) and the License Fee Act (RGG 2012 = *Rundfunkgebührengesetz*).

2. FUNCTIONS

KommAustria has been right from the start a convergent regulatory body responsible for all electronic media in the broadcasting sector (radio and television broadcasters). Since the substitution of the Private Television Act by the Audiovisual Media Service Act in 2008 other audiovisual media services (including online-based ones such as on-demand services, multiplex platforms for digital terrestrial broadcasting, providers of additional services, program aggregators and communication networks and services that disseminate broadcasting content) are also included. The continuous extension of the duties of KommAustria making it the supervisory body of private and public broadcasters and subsequent to the implementation of the Media Transparency Law it is also the body responsible for regulatory issues concerning advertising. Nevertheless, other media organizations that are not covered by the above mentioned laws are not subject to the regulation or supervision by KommAustria (e.g. internet service providers or print media). Thus, KommAustria fulfills a wide range of functions as a regulatory and supervisory authority. All of these are defined in the KommAustria Act (KOG 2011: Sec. 2, see also Sec. 17 concerning the duties of the RTR GmbH and Sec. 36 concerning the duties of the BKS).

In the first instance KommAustria fulfills duties on a technical and infrastructural level as the licensing authority in the broadcasting sector. It is also in charge of establishing and maintaining frequency allocation and licensing procedures according to the Private Radio Act and the Audiovisual Media Service Act. It also guarantees the use of the transmission infrastructure for broadcasting that is owned by the public broadcaster ORF and therefore provides access to broadcasting infrastructure by private broadcasting companies according to the ORF Act (2010: Sec. 8). The regulatory body is also in charge of the approval of the installation of technical infrastructure necessary for the transmission of broadcasting, and the administration and allocation of frequencies according to the Telecommunications Act (2003). Moreover, KommAustria fosters the implementation and further development of digital broadcasting in Austria.

In addition, KommAustria carries out various functions by being the supervisory authority in the broadcasting sector. It is the supervisory authority for all private broadcasters and audiovisual media service providers as well as the public broadcaster ORF and its subsidiaries. KommAustria has a monitoring function when it comes to the public broadcaster ORF, in particular concerning provisions of advertising and sponsorship (ORF-G, Part 3) as well as content (especially Sec. 9 concerning the format of programs of the ORF and Sec. 18 concerning the content of Teletext and online services). Furthermore, it is responsible for monitoring advertising practices of private broadcasters (according to Sec. 19 – 20 PrR-G 2010 and Sec. 31 – 38 and Sec. 41 – 45 AMD-G 2012). This monitoring role is achieved by collecting and providing analyses of programs containing commercial communication

(advertising) of all broadcasters and media service providers at least once a month. For the ORF this also applies to online content. In case of alleged violation of advertising constraints the KommAustria functions as the regulator.

As a result of this, KommAustria can also be characterized as an administrative penal authority. In addition to the control responsibilities mentioned above, KommAustria is the administrative penal authority that launches investigations and imposes fines in cases of infringements of the regulations of the Television Exclusive Rights Act (FERG 2010 = *Fernsehexklusivrechtgesetz*) and the Access Control Act (ZuK-G 2010 = *Zugangskontrollgesetz*). Since the implementation of the Law on Media Transparency (MedKF-TG 2011) that came into force on 1st July 2012 KommAustria has taken on another regulatory function. The Law on Media Transparency regulates in particular the advertising practices of public bodies. It obliges all public legal entities under the control of the Austrian Audit Court (Rechnungshof) to disclose their advertising activities and media co-operations (MedKF-TG 2011: Sec. 2). KommAustria has the duty to publish these disclosures quarterly on its website. Furthermore, KommAustria has to report on inaccurate and incomplete disclosures in its annual report. They can then also be subject to a fine (MedKF-TG 2011: Sec. 5).

Finally, in its role as a regulatory authority KommAustria administers and distributes media funding in accordance with to the PresseFG (2010), the PubFG (2012) and the KommAustria Act (KOG 2011: Part 3). The main part of the funding by KommAustria is on an operational and administrative level handled by the RTR GmbH. Hence, the RTR GmbH under the responsibility of the managing director of the Media Division, administrates and operates the following funds: the Digitization Fund (Digitalisierungsfond, according to KOG 2011: Sec. 21), the Television Fund (Fernsehfonds Austria, according to KOG 2011: Sec. 26), the Non-Commercial Broadcasting Fund (Fonds zur Förderung des nicht-kommerziellen Rundfunks, according to KOG 2011: Sec. 29), the Private Broadcasting Fund (Fonds zur Förderung des privaten Rundfunks, according to KOG 2011: Sec. 30), the Press Subsidies and the Journalism Subsidies Funds (specified in KOG 2011: Sec. 33). Since 2009 the KommAustria Act (2012: Sec. 33) also implemented two funds for self-regulatory organizations, one for the self-regulation of commercial communication the other for self-regulation of the press. Those funds were supposed to support the reimplementation of the Austrian Press Council (Österreichischer Presserat) that was inactive between 2001 and 2010 as well as the further development of a self-monitoring body in the field of advertising. Inm the period 2009 to 2011 this fund was given to the Austrian Advertising Council (Österreichischer Werberat) (RTR GmbH 2012a: 90). Apart from this there are no formal links between the regulatory authority and the self-regulatory organizations in Austria. The Press Council is rather relevant for the print sector and there is no self-regulatory organization for the broadcasting sector. In fact, the self-regulatory organizations in Austria have an advisory function rather than a control function; no legal consequences follow from complaints to these self-regulatory organizations. The Austrian Press Council as well as the Austrian Advertising Council set up guidelines in form of ethical codes for their sector (cf. Der österreichische Selbstbeschränkungskodex elaborated by the Austrian Advertising Council 2009 and Ehrenkodex für die österreichische Presse 1999 published by the Austrian

Press Council). However, in particular the Press Council has been facing problems of legitimation, as leading print media organizations withdrew their support after decisions of the Press Council. In 2001, a controversy on the decision against the leading newspaper Kronen Zeitung led to the withdrawal of the support by the Austrian Publisher's Association and in consequence to the dissolution of the Press Council (Gottwald/Kaltenbrunner/Karmasin 2006: 9). The Press Council remained inactive until 2011. After its reestablishment the newspaper with the biggest reach – Kronen Zeitung – and the two freesheets with the biggest reach – Heute and Österreich – refused to become members of the Press Council. In 2012 this controversy reached another peak when the free daily Österreich announced its intention to sue the Press Council for its investigations concerning their news coverage stating that the Press Council could not be responsible for non-members (cf. Mark 2012; Austrian Press Council 2012).

In order to fulfill its mandate and to make the work of the regulatory authority transparent, the KommAustria Act (KOG 2011: Sec. 20) implemented a Competence Centre within the RTR GmbH. Concerning the media sector this Competence Centre fulfills duties that include the publication of decisions and consultations of the regulatory body itself and relevant research findings in the field of the media. As a result, the Competence Centre provides analyses of the Austrian media market, either on its own or by commissioning research in particular concerning the allocation of frequencies, the implementation of digital broadcasting, the regulation of advertising, market structures, the protection of children, the access to ICTs and other technological innovations. These findings are also regularly presented and discussed in conferences and events organized by the Competence Centre of the RTR GmbH. Thus, the authority not only regulates, monitors and controls the Austrian media market, but also provides a platform for a public discourse and debate of relevant current issues in the field.

3. LEGITIMIZING/UNDERLYING VALUES

There is a clear hierarchy in the Austrian legal system regarding media policy. As in most other member states of the Council of Europe, human Rights as enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) enjoy the highest possible status and are equal to the rights enshrined in the Austrian Constitution. Within this Convention, art. 10 is fundamental for audiovisual media policy and the general set-up of Austrian media law.

At the next level, the Austrian Constitution refers in several articles to media and media policy and requires among other rules specific regulation of broadcasting, as mentioned above. There are no constitutional rules for print and other media (e.g. internet). The Federal Constitutional Act Ensuring the Independence of Broadcasting (BVG-Rundfunk 1974 = Bundesverfassungsgesetz über die Sicherung der Unabhängigkeit des Rundfunks) stipulates that a specific law needs to be enacted that rules upon the organization of broadcasting, respecting the fundamental values and rights of objectivity, non-partisanship, diversity of opinions and the independence of persons managing broadcasting.

All these provisions are represented in the guiding broadcasting laws, one for the public service broadcaster (ORF-G 2012 = Bundesgesetz über den Österreichischen Rundfunk) and two for the private operators (AMD-G 2012= Audiovisuelles Mediendienstesgesetz/PrR-G 2012 = Privatradiogesetz). Both laws explicitly refer to the text and the values of the Federal Constitution.

It can therefore be concluded that in Austria the values enshrined in the Human Rights Convention, together with those of the Federal Constitution can be considered as fundamental for media politics. They are not subject to day-to-day controversies over media politics but generally accepted as cornerstones of the Austrian media landscape.

4. PERFORMANCE

The regulatory authority is mainly concerned with complaints by competitors in the field of broadcasting. Austrian broadcasters seem to observe the performance of one another in great detail which leads to frequent complaints concerning, for example, non-compliance with the rules on advertising or the rules on broadcasting content. The Austrian legislation with regard to broadcasting content is not very clear and many terms require interpretation (for example, Sec. 4 of the ORF Act requires the ORF to broadcast ambitious contents on equal terms within its entire program offer). For this reason, complaints are frequent and the ORF's private competitors seek legal and court assistance in their interpretation of what kind of rule violations the ORF commits in content terms.

In 2011, most of KommAustria's decisions were approved by the BKS (RTR GmbH 2012a: 35), which functions as a court of appeal on decisions made by the authority. Six complaints were lodged against the ORF relating to violations of program guidelines, especially ones concerning partiality, a lack of objectivity and insufficient independence of journalists. In addition, the public broadcaster ORF was found guilty twice for the non-compliance of advertising rules (RTR GmbH 2012a: 49). Moreover, four complaints against private broadcasters were submitted on the grounds of an infringement of program guidelines. Three of these four, however, were rejected (RTR GmbH 2012a: 50). Five private broadcasters were found guilty as they did not notify changes in their ownership structures (RTR GmbH 2012a: 36). In addition, three decisions concerning violations of advertising rules by private broadcasters were dealt with. On one occasion, the authority conducted infringement procedures when a radio broadcaster had gone on air without a license (RTR 2012a: 51). In total, 14 proceedings were conducted; only four of them ended with convictions. In five cases, only warnings were issued. The rest of them have not yet been closed (mid 2012).

In 2012, the ORF had to accept several restrictive decisions made by the authority. KommAustria decided in January 2012 that the ORF is no longer allowed to use Social Networking sites (KommAustria 2012a). This decision was approved by the BKS (Fidler 2012). However, the ORF decided to refer the matter to the Supreme Court and is still running SNS accounts for some of its formats. Moreover, the ORF intends to extend the online platform tvthek.orf.at to cable distribution but this was declared to be illegal (KommAustria 2012b).

In general, there are constantly mutual observations between the ORF and private broadcasters when it comes to possible violations of advertising rules that lead to complaints. One privately organized cable broadcaster was found guilty in criminal law in April, for violation of the separation of advertising content from program content (KommAustria 2012c). In general, many decisions concern the violation of advertising rules; complaints in these instances are often initiated by private media organizations. There are only few complaints by individuals. In most cases the work of the regulatory authority is rather restricted to declaratory judgments rather than the imposition of warnings and fines. In 2011, five decisions were taken to the Constitutional Court (RTR 2012a).

Conflicts between the regulatory authority and self-regulatory bodies do not happen frequently. The Austrian advertising Council deals mainly with ethical standards of advertising and the Austrian Press Council is closer to observing the press, rather than broadcasting. Moreover, the Press Council was only re-established in 2011 so there has been little room over the last decade for clashes between the legal and the self-regulatory body.

5. ENFORCEMENT MECHANISMS/ACCOUNTABILITY

Different rules, legal mechanisms and competences of the KommAustria were established when it came to sanctions against private and public broadcasters in case of violation of regulatory provisions. In general, the authority is obliged to take action in the appeals process as a result of complaints, when requested to do so by the state or the provinces and districts or ex officio initiated by the authority itself. The result of this procedure can be the making of declaratory judgment, but in some cases it may result in the removal of the license or the removal of programs and formats. There is also the possibility of imposing a penalty (KOG 2011: Sec. 39 Par. 1). If the authority detects an illegal situation, the broadcaster is obliged to eliminate it.

When it comes to the examination of advertising rules, the authority is obliged to consult associations of self-regulation and consider their decisions and rules (KOG 2011: Sec. 39 Par. 4). These associations have to be widely accepted by the public and must guarantee transparency⁵.

Apart from, these general rules, specific sanctions for the public broadcaster ORF have been established and implemented by the ORF Act. In its function as a monitoring body of the advertising and program guidelines of the ORF and its subsidiaries (ORF-G 2012: Sec. 35 Par. 1-2), KommAustria becomes active in different ways. It can start an appeals procedure by either following a complaint by people affected by programs or formats, or by acting on a request by administrative units or by acting on its own as in cases in which it suspects non-compliance (ORF-G 2012: Sec. 36 Par. 1). KommAustria is thus able to suspend decisions by the ORF board (Stiftungsrat) or the General Director and can dissolve the boards of the public broadcaster in cases of non-compliance (ORF-G 2012: Sec. 37 Par 1 – 2). It can also decide that the ORF has to publish the KommAustria's decision (Par. 4). Fines for the ORF can

⁵ In fact, there is only a small number of self-regulatory bodies in Austria, most of them in the Press and the Advertising Council.

result from violations of program guidelines, for not establishing the quality safeguarding-system prescribed in law (ORF-G 2012: Sec. 4a), for neglecting its duty to submit a report, for neglecting an ex ante-examination of programs and formats (Auftragsvorprüfung) as well as using the ORF finances to fund its commercial activities using income from the license fees (ORF-G 2012: Sec. 38 Par. 1 Nr. 1 – 10). In case the authority detects an illegal use of license fees by the ORF it can start proceedings enabling it to confiscate money from the ORF (Abschöpfungsverfahren, see Sec. 38a and b).

For private broadcasters and audiovisual media service providers, the authority has powers slightly different from those concerning the ORF. Nevertheless, the regulatory authority can also force media organizations to eliminate illegal situations (PrR-G 2010: Sec. 25 Par. 3). Thus, media organizations can be forced to publish the regulatory body's decision (PrR-G 2010: Sec. 26 Par. 2 and AMD-G 2012: Sec. 62 Par. 3). Fines for private broadcasters are smaller than those for the public broadcaster (PrR-G 2010 Sec. 27 Par. 1). The reasons for sanctions are either violations of advertising rules or of program guidelines or a significant change of the program structures that results in a violation of the requirements of the license (PrR-G 2010: Sec. 27 Par. 2). In the case of repeated infringements, the license can be withdrawn (PrR-G 2010: Sec. 27 Par. 5 and AMD-G 2012: Sec. 63 Par. 1). For private television companies and new media service providers, the authority is able to suspend the distribution of a service for a period of up to six months (AMD-G 2012: Sec. 56 Par. 1), if the organization repeatedly offends human dignity or human Rights. Moreover, complainants can appeal to higher courts (Verfassungsgerichtshof, Verwaltungsgerichtshof) if they do not agree with the decision of the BKS. In general, guidelines and regulatory principles concerning the regulatory authority are all binding; the relevance of non-binding rules and procedures is small.

As has already been mentioned, since the amendment of the KommAustria Act in 2010, the regulatory authority is formally independent of political decision makers, namely the Federal Chancellor (i.e. the Prime Minister). Hence, it is impossible for political decision makers or representatives of Government to enforce any directives (BVG 2010: Art. 20 Par. 2 Nr. 5a). Nevertheless, the Federal Chancellor has the right to be informed about and to gather insight into the activities of the regulatory authority (KOG 2011: Sec. 15 Par. 1).

When it comes to ex ante-program evaluation by the ORF, the authority has to consult the Public Value Council of the RTR GmbH, which has to make a statement on it. The same applies if the ORF wants to significantly change a channel's profile or establish a new one. Likewise, the Press Subsidies Commission has the right to give such a statement and a report if press subsidies are distributed (PresseFG 2010: Sec. 4). Funding and investment of KommAustria is monitored by the Austrian Audit Council (Rechnungshof), which is a control board of the Austrian Parliament (KOG 2011: Sec. 15 Par. 2). Decisions and reports of the authority have to be published regularly (KOG 2011: Sec. 19 Par. 1 – 2). As a result, the authority has to consult several other authorities and organizations in order to be able to make a decision, which establishes several checks and balances. This contributes to the authority's accountability.

6. INSTITUTIONAL ORGANIZATION AND COMPOSITION

The regulatory authority KommAustria consists of five members, who are appointed by the Federal Chancellor subsequent to a governmental proposal (in accordance with Parliament) for a period of six years (KOG 2011: Sec. 3). The members must have a judicial qualification and professional experience of at least five years. The renewal of mandates is possible. There is a chairman, a vice-chairman and three other members. As mentioned before, the members are independent of government directives (KOG 2011: Sec. 6 Par. 1). Members of the government or the Parliament, Secretaries of State, members of political parties, members of the ORF or its subsidiaries and members of interest groups are not allowed to form part of KommAustria (KOG 2011: Sec. 4). The chairman is responsible for external representation of the authority. Decisions within KommAustria have to be made unanimously. Daily operations are conducted either in plenary sessions, senates or by individual members (KOG 2011: Sec. 8). Plenary meetings include all members and deal with the establishment of internal rules and rules of procedure as well as the dismissal of members. Senates consist of three members (KOG 2011: Sec. 10). Individual duties and responsibilities can be delegated to individual members (KOG 2011: Sec. 11), according to their competences. These competences are codified in the rules of procedure. Allocation of duties and rules of procedure have to be published regularly (KOG 2011: Sec. 12). License procedures, complaints management and control mechanisms remain a duty of the senates (KOG 2011: Sec. 13 Par. 3). Staff members are employed as contract staff according to civil law, contract partner is the Federal State (KOG 2011: Sec. 14 Par. 1). This means that there are only few civil servants left who enjoy a greater degree of independence and more privileges (such as permanent positions and high wages). This fits in with the overall trend in Austrian labor law.

The subordinate administrative body, the RTR GmbH is divided into two divisions – the Media Division (Fachbereich Medien) and the Telecommunications and Postal Service Division (Fachbereich Telekommunikation und Post) – that operate separately and that are headed by two managing directors (KOG 2011: Part 2 Par. 16 – 20). The managing director of the Media Division is appointed by the Federal Chancellor, the managing director of the Telecommunications and Postal Service Division by the Federal Minister of Transport, Innovation and Technology.

In their divisions, they have the authority to conduct operations in their own right, while all other tasks are performed together. The RTR GmbH has to establish a Competence Center, which operates under the responsibility of the two managers. The internal control board of the RTR GmbH is the supervisory board (Aufsichtsrat), which meets regularly. Its members are appointed by the Federal Chancellor and the Minister of Transport, Innovation and Technology. By the end of 2011 the RTR GmbH employed 104.5 Full-Time-Equivalents (RTR 2012a: 186). The number of staff members in the RTR GmbH has increased slightly (by 6.5 Full-Time-Equivalents compared to the employed staff a year ago). This was made possible by legal amendments and an increase in tasks and budget (RTR 2012a: 186f). In addition, the duties concerning the funds for private and non-commercial broadcasters were extended, which also required more staff. In total, 56.1 % of the staff belong to the Telecommunications and Postal Service Division, while the Media Division only employs

25.4 % of all staff members. The remaining 18.5 % of the staff members is responsible for service agendas concerning both divisions (RTR GmbH 2012a: 187). KommAustria consists of legal experts only, while media and telecommunications experts are placed within the RTR GmbH. The staff therefore is provided with economic and also technological know-how.

The Public Value Council is part of the RTR GmbH. It is responsible for advice and consultation concerning the ex-ante program evaluation of the ORF. It decides whether a new format contributes to fulfilling the public remit of the ORF as well as to the societal, cultural and political needs. Furthermore, it examines which effects the format is likely to have on the wider market. The council consists of five members, which have to be experts in communication science or communication professionals. They are appointed by the government for a five years period (RTR GmbH 2012d; ORF-G 2012: Sec. 6c).

Thus, there are no rules for the representation of the media sector in the boards. Civil society is overall neglected, as well. There are no consultation procedures, only with interested third parties in the case of the ex-ante program evaluation of the ORF and its market effects (ORF-G 2012: Sec. 6a Par. 2). They have the right to give a statement within a six weeks-period.

7. FUNDING

KommAustria and the RTR GmbH are obliged to work efficiently (KOG 2011: Sec. 35). The authority has to notify the Government of its budget and expected expenses (KOG 2011: Sec. 35 Par. 1). Thus, the legal funding rules are consistent and constant; there are no regular negotiations about them. KommAustria and the Media Division of the RTR GmbH have three different sources of revenue. First, they are funded by financial contributions by the broadcasters and audiovisual media service providers⁶ (KOG 2011: Sec. 24 Par. 1; Sec. 35 Par. 2; Sec. 34 Par. 2). The contributions of the media organizations are calculated according to their market share of revenues. Public service license fees are excluded from the ORF's revenues. The contributions of the providers serve to fund regulatory operations and are limited in total. Secondly, the authority receives financial support from the federal government (KOG 2011: Sec. 22 Par. 9, Sec. 26 Par. 3, Sec. 31 Par. 5, Sec. 34 Par. 1, Sec. 34a Par. 1, Sec. 35 Par. 1). The state supports duties which are in the public interest (RTR GmbH 2012a: 194). Thirdly, the license fee provides a small amount for the duties in line with the Signature Law (SigG Sec. 13 Par. 4). The financial resources necessary for the administration costs of the several funds are drawn from the funds themselves. Nevertheless, the expenditures of the RTR GmbH's divisions are capped; for the Media Division the expenditures are limited to € 4 million per year; for the Telecommunications and Postal Service Division the annual limit is € 8 million (limits for 2011, annual adjustment to the Austrian consumer price index cf. KOG 2011 Sec. 34 Par 1 and Sec. 35 Par 1). In fact, the expenditures of the Media Division in 2011 amounted to 3,860,000 EUR, the expenditures for the Telecommunications and Postal

⁶ The Telecommunications and Postal Service Division is financed by the contributions of infrastructure and postal service providers in a similar manner.

Service Division to 7,278,000 EUR. Thus the total budget of the RTR in 2011 amounted to 11,872,000 EUR (see also Table 1). A major part of the expenditure was used for personnel costs: 8,181,073 EUR for the RTR GmbH in total; 2,011,096 EUR of this for the personnel costs are associated with media regulation (RTR GmbH 2012a: 190).

Table 1: Approved Budget of the RTR in 2011

Budget 2011	Revenues in EUR
Media Division	3,860,000 EUR
Telecommunications and Postal Service Division	7,278,000 EUR
Total Budget	11,872,000 EUR

A maximum of 70 % of the budget has to be delivered by the financial contributions of the media or telecommunications companies. However, at least 30 % of the budget originates from the Federal Budget (Holoubek/Kassai/Traimer 2010: 171). In the beginning of its operations the regulatory authority was exclusively financed by contributions from the media and telecommunication companies (according to TKG 1997 and KOG 2001: Sec. 10). These provisions have been declared unconstitutional though (VfGH 2004) as the operation of the regulatory authority is in the public interest and therefore cannot only be financed by the industry itself. This was in particular acknowledged for the duties of KommAustria concerning media regulation. The mixed-financing model was implemented by an amendment of the KOG in 2005. In fact, the RTR GmbH estimated expenditures of 3,860,000 EUR for the year 2011. 31% of that was covered by the Federal Budget according to law (KOG 2011: Sec. 35 Par. 2), the remaining 69 % had to be made up by the contributions of the media industry (RTR GmbH 2012c). In 2012, due to the extension of the duties concerning media regulation the estimated expenditures were higher; 4,968,000 EUR were estimated by the RTR GmbH (2012d). In total, 30 % will be covered by the Federal Budget and 54 % through private industry contributions. The remaining 16 % will be covered by the public broadcaster ORF (ORF-Prüfungskommissionsgebühr) (see also Table 2).

Table 2: Estimated expenditure and distribution of financial resources by the RTR GmbH in 2011 and 2012 (RTR GmbH 2012c and 2012d)

Expenditures/resources	2011		2012	
	Total	Percentage	Total	Percentage
Federal Budget	1,211,550 EUR	31 %	1,551,000 EUR	30 %
Industry Contribution	2,649,000 EUR	69 %	2,686,337 EUR	54 %
ORF Contribution	-*	-*	770,663 EUR	16 %
Total estimated expenditures	3,860,000 EUR		4,968,000 EUR	

* The ORF's contribution in the year 2011 is included in the industry's contribution. No data was available.

8. REGULATION IN CONTEXT

The Austrian media market is a small market challenged by some particularities: Firstly, high concentration ratios can be found in all media sectors, and are essentially a result of reactive media policy promoting the establishment of media conglomerates for decades. Secondly, the importance of foreign media companies (mainly from the big neighbor Germany) cannot be neglected. Thirdly, the implementation of private broadcasting occurred considerably late in Austria (in 1993 with the implementation of the Regional Radio Act and in 2001 with the establishment of the Private Television Act⁷).

A substantial level of concentration can be seen in particular in the print media sector. Austria's leading newspaper – *Kronen Zeitung* – is still outstanding in terms of reach and political significance. In 2011 the average daily reach of *Kronen Zeitung* was 38.2 % reaching 2,724 million Austrians every day, followed by *Kleine Zeitung* (mainly dominant in the south-eastern regions of the country) with 11.3 % and the two free dailies *Heute* (13.1 %) and *Österreich* (10.3 %), focusing more on the eastern part of the country (Media-Analyse 2012). In fact, the newspaper and magazine market is dominated by just three private media companies (*Styria Media Group*, *Verlagsgruppe News*, *Mediaprint*). Over the last decades these companies extended their businesses to other media sectors (mainly radio and television but also online) and they are highly interlinked with one another or in particular with German media conglomerates (e.g. *Bertelsman Group*). The second biggest Austrian media company, *Styria Media Group*, is for instance mainly active in the print sector, both on a national and a regional level (being e.g. the owner of the daily newspapers *Kleine Zeitung*, *Wirtschaftsblatt*, *Die Presse*). It is also active in the broadcasting sector as the owner of two radio stations (*Antenne Kärnten*, *Antenne Steiermark*) and as a co-owner of *Sat1 Österreich* in the television market. Even though media mergers have to be notified to the Competition Authority (*Bundeszweitswettbewerbsbehörde*) if companies exceed revenue limits lower than in other sectors formal rejections of such mergers are exceedingly rare in Austria (Grünangerl/Trappel 2011: 87).

The internet penetration rate has been constantly on the increase over the last couple of years reaching 80 % in 2011. In addition, the number of households receiving television via computer (TV-card) has been rising as well, reaching 17 % in 2011 (ORF-Medienforschung 2012b). The online media sector is dominated by news media from either the print sector or the ORF extending their businesses to the online sector.

The Austrian radio market is, however, dominated by the channels of the public broadcaster ORF, which runs three national radio channels (Ö1, Ö3 and FM4). The only nationwide private radio license was granted to *Kronehit* that is owned by *Kronen Zeitung* and *Kurier*. Thus, the Austrian radio market is dominated by regional channels. The ORF runs nine regional radio channels (Ö2), one in every Austrian province. Furthermore, a wide range of local and regional private radio stations is available in Austria. In 2010, 83 private regional radio stations were available in Austria, 15 of them were non-commercial radio stations (Statistik Austria 2011). The ORF-channels combine a daily reach of 70.4 % in the radio

⁷ As satellite and cable penetration has been quite substantial in Austria, the public broadcaster ORF was facing competition from (mainly German) foreign private channels as far back as 2001.

market reaching 5,026 million people every day. All Austrian private radio channels in total reach 26.2 % of the population. Therefore, radio is the medium with the highest reach in Austria (Media-Analyse 2012).

In 2011, 98 % of all Austrian households were equipped with a television set; in more than 40 % of all households more than one television set was available. The distribution is dominated by satellite (55 %) and cable (39 %). Digital distribution is constantly increasing and is strongest among satellite households (53 %) in 2011 but also considerable within cable networks (15 %). Only 5 % of the television households have digital-terrestrial television only. Analog terrestrial distribution was turned off in 2010. Therefore the television digitalization rate is 72 %. On average the Austrian population can receive 94 channels, 69 of them in the German language. Satellite households can receive on average 136 channels (96 in the German language) (ORF-Medienforschung 2012a). However, the number of Austrian national channels is smaller: the ORF operates two generalist channels (ORF1 and ORF2). In addition, two format channels were launched by the ORF in 2012: ORF III (for cultural and information programs) and ORF Sport + (for sports programs)⁸. There are three private television channels on a national level (ATV, Puls 4, Servus TV) a fourth one was launched in 2012 (SIXX Austria) replacing the former cable channel Austria 9. On a regional level many private channels have been established in the last number of years a considerable number of them not broadcasting full-time or being established as local program windows (RTR GmbH 2012e). Furthermore, three non-commercial television channels are available in Austria. Nevertheless, the public broadcaster ORF still dominates the television market, which is rather nationally orientated: even though in decline, the market share of the two generalist ORF channels was 36.4 % in 2011. The four Austrian national private television channels (ATV, Puls 4, Servus TV, Austria 9) only had a combined market share of 7.6 %. The importance of the big neighbor Germany sharing the same language can be seen in particular in the television market: the biggest private television channels from Germany (Pro 7, Sat 1, Kabel 1, RTL, RTL II, VOX) are the main competitors of the ORF representing a combined market share of 27.7 %; most of them providing Austria-specific program windows.

Media concentration concerning ownership structures is also paramount in the television sector: Two national Austrian channels (Puls 4, SIXX) are owned by the SevenOne Media Austria, a subsidiary of the German Pro7Sat1 Media Group. The German and Austrian television channels that belong to Pro7Sat1 Media Group together had a market share of 17,4 % (AGTT 2012).

9. IGNORED DIMENSIONS

It should be noted that the regulatory body in Austria is much more an administrative agent rather than a rule setting authority, as is the case in other European countries. Media policy rules are defined within the political space (Government, Parliament) and not within

⁸ ORF Sport + already existed since 2006 and shared its frequency with TW1, a tourism and weather channel also run by the ORF.

the regulatory body – who has an equal say in the process of law-making as any other public or private entity concerned. Therefore, its legal status but also its status in practice is less exposed to the political debate and to political pressures than the regulatory bodies elsewhere. As a result, media policy in Austria does not enjoy any additional legal independence, despite its importance for policy making in general.

A concluding remark: Media policy in general is not exclusively a matter of regulatory bodies. It is rather a matter of bargaining, negotiations, and powerplay between media actors – both public and private companies and the political elites. In the Austrian case, legal decisions and their implementation and administration are prepared and sanctioned well before the formal political process enacts rules. Therefore, the media policy picture is incomplete if only the performance of the regulatory bodies is observed. Public, private and commercial interests are well defined and defended outside the realm of regulatory bodies.

REFERENCE

AGTT (Arbeitsgemeinschaft Teletest) (2012): Marktanteile Sender 2011. Available online at: http://agtt.at/show_content.php?sid=23 (28.7.2012).

AMD-G (*Audiovisuelle Mediendienste-Gesetz*) (2012): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20001412/AMD-G%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).

Austrian Advertising Council (2009): *Der österreichische Selbstbeschränkungskodex*. Available online at: http://www.werberat.or.at/layout/neuer%20Kodex_7_12_09.pdf (25.7.2012).

Austrian Press Council (1999): *Ehrenkodex für die österreichische Presse*. Available online at: <http://www.voez.at/download.php?id=165> (25.7.2012).

Austrian Press Council (2012): *Entschiedene Fälle*. Available online at: http://www.presserat.at/show_content.php?hid=14 (22.7.2012).

BVG (Bundesverfassungsgesetz) ([1930] 2010): available online at: <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138> (30.7.2012).

BVG MedKF-T (*Bundesverfassungsgesetz über die Transparenz von Medienkooperationen sowie von Werbeaufträgen und Förderungen an Medieninhaber eines periodischen Medium*) (2011): available online at: http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2011_I_125/BGBLA_2011_I_125.pdf (25.7.2012).

BVG-Rundfunk (Bundesverfassungsgesetz über die Sicherung der Unabhängigkeit des Rundfunks) (1974): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10000555/BVG%20-%20Rundfunk%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).

FERG (*Fernsehklusivrechtgesetz*) (2010): available online at: <http://www.rtr.at/de/m/FERG> (25.7.2012).

Fidler, Harald (2012): Facebook-Verbot für ORF: Wrabetz geht zu Höchstgerichten. In: *derstandard.at*, published 2nd May 2012. Available online at: <http://derstandard.at/1334796768518/Beschwerde-abgewiesen-Facebook-Verbot-fuer-ORF-Wrabetz-geht-zu-Hoehstgerichten> (24.7.2012).

- Fuchs, Claudia (2011): Gesetzgebungspaket für elektronische Medien. In: Expertenforum SpringerRecht.at, Part 1/1, 49-53.
- Gottwald, Franzisca/Kaltenbrunner, Andy/Karmasin, Matthias (2006): Medienselbstregulierung zwischen Ökonomie und Ethik: Erfolgsfaktoren für ein österreichisches Modell. Münster: LIT.
- Grünangerl, Manuela/Trappel, Josef (2011): Austria: Informal Rules and Strong Traditions. In: Trappel, Josef/Nieminen, Hannu/Nord, Lars (eds): The Media for Democracy Monitor. A Cross National Study for Leading News Media. Göteborg: Nordicom: 79-112.
- Holoubek, Michael/Kassai, Kaus/Trainer, Matthias (2010): Grundzüge des Rechts der Massenmedien. 4th edition. Wien/New York: Springer.
- KOG (KommAustria-Gesetz) (2001): available online at: https://www.ris.bka.gv.at/Dokumente/BgblPdf/2001_32_1/2001_32_1.pdf (24.7.2012).
- KOG (KommAustria-Gesetz) (2011): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20001213/KOG%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- KommAustria (2012a) Bescheid KOA 11.260/11-018. Available online at: http://www.rtr.at/de/m/KOA1126011018/KOA_11.260_11_018_Bescheid_ORF_-_Facebook_01.pdf (25.7.2012).
- KommAustria (2012b) Bescheid KOA 11.261/11-009. Available online at: http://www.rtr.at/uploads/media/KOA_11.261-11-009.pdf (25.7.2012).
- KommAustria (2012c) KOA 1.925/12-008. Available online at: http://www.rtr.at/uploads/media/KOA_1.925-12-008.pdf (25.7.2012).
- KommAustria (2012d): Geschäftsordnung und Geschäftsverteilung der KommAustria. Available online at: <http://www.rtr.at/de/m/GOKOA> (25.7.2012).
- Mark, Oliver (2012): Nach Verurteilungen: „Österreich“ klagt den Presserat. In: derstandard.at, published 3rd July 2012. Available online at: <http://derstandard.at/1339639630111/Vor-Gericht-Nach-Verurteilungen-Oesterreich-klagt-den-Presserat> (25.7.2012).
- Media-Analyse (2012): available online at: <http://www.media-analyse.at/studienPublic.do?year=2011> (25.7.2012).
- MedKF-TG (*Medienkooperations- und -förderungs-Transparenzgesetz*) (2011): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20007610/MedKF-TG%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- ORF Medienforschung (2012a): Fernsehen: Technischer Empfang/Haushaltsausstattung. Available online at: http://medienforschung.orf.at/index2.htm?fernsehen/fernsehen_heimel.htm (28.7.2012).
- ORF Medienforschung (2012b): Entwicklung der Haushalte 1990-2011. Available online at: http://medienforschung.orf.at/index2.htm?fernsehen/fernsehen_heimel.htm (28.7.2012).
- ORF-G (Bundesgesetz über den Österreichischen Rundfunk) (2012): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10000785/ORF-G%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- PresseFG (2010): (*Presseförderungsgesetz*): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20003079/PresseFG%202004%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).

- PrF-G (*Privatfernsehgesetz*) (2003): available online at: <http://www.bka.gv.at/2004/4/14/privatfernsehgesetz.pdf> (25.7.2012).
- PrR-G (*Privatradiogesetz*) (2010): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20001215/PrR-G%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- PubFG (*Publizistikförderungsgesetz*) (2012): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10000784/PubFG%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- RGG (*Rundfunkgebührengesetz*) (2012): available online at: <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10012892/RRG%2c%20Fassung%20vom%2030.07.2012.pdf> (25.7.2012).
- RR-G (*Regionalradiogesetz*) (1993): available online at: <http://www.rtr.at/de/m/RRG> (25.7.2012).
- RTR GmbH (2012a): Kommunikationsbericht 2011. Available online at: http://www.rtr.at/uploads/media/K-Bericht_2011.pdf (18.7.2012).
- RTR GmbH (2012b): Geschätzte Umsätze und Aufwand 2011. Available online at: <http://www.rtr.at/de/m/Jahr2011> (19.7.2012).
- RTR GmbH (2012c): Geschätzte Umsätze und Aufwand 2011. Available online at: <http://www.rtr.at/de/m/Plan2012> (19.7.2012).
- RTR GmbH (2012d): Public-Value-Beirat. Online: <http://www.rtr.at/de/m/PVBeirat> (19.7.2012)
- RTR GmbH (2012e): Fernsehveranstalter. Available online at: <http://www.rtr.at/de/m/Fernsehveranstalter> (25.7.2012).
- Statistik Austria (2011): Hörfunkveranstalter und Tagesreichweiten des Radios in Österreich 2010. Available online at http://www.statistik.at/web_de/statistiken/bildung_und_kultur/kultur/hoerfunk_und_fernsehen/021236.html (28/07/2012).
- TKG (*Telekommunikationsgesetz*) (1997): available online at: (25.7.2012).
- TKG (*Telekommunikationsgesetz*) (2003): available online at: (25.7.2012).
- VBKG (*Verbraucherbehörden-Kooperationsgesetz*) (2012): <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20004891/VBKG%2c%20Fassung%20vom%2030.07.2012.pdf> (24.7.2012).
- VfGh (*Verfassungsgerichtshof*) (2000): 98. Kundmachung: Ausspruch des Verfassungsgerichtshofes, dass § 13 des Regionalradiogesetzes verfassungswidrig was. Available online at: https://www.ris.bka.gv.at/Dokumente/BgblPdf/2000_98_1/2000_98_1.pdf (25.7.2012).
- VfGh (*Verfassungsgerichtshof*) (2004): Entscheid zur Aufhebung von Teilen des KommAustria-Gesetzes betreffend der Einhebung von Finanzierungsbeiträgen. Nr. 17326 G3/04. Published 7th October 2004. Available online at: http://www.ris.bka.gv.at/Dokumente/Vfgh/JFT_09958993_04G00003_00/JFT_09958993_04G00003_00.html (25.7.2012).
- ZuK-G (*Zugangskontrollgesetz*) (2010): available online at: https://www.ris.bka.gv.at/Dokumente/BgblPdf/2000_60_1/2000_60_1.pdf (25.7.2012).