

3.11 AUSTRIA

1. REGULATORY FRAMEWORK

1.1. National Regulatory Authorities

The Austrian NRA, *Rundfunk & Telekom Regulierungs-GmbH* (RTR-GmbH), which is 100% financed by fees paid by all licensed operators, has continued to play an active role since November 2001, auctioning a frequency package of 2x1 MHz for the digital Federal radio system TETRA and six frequency packages for GSM services, establishing new interconnection tariffs for 2002 and, more recently, designating operators having SMP and analysing the new incumbent's cost accounting system.

On 15 October 2002 a new head of RTR was appointed for the next five years, as well as the members of the *Telekom-Control-Kommission*.

As of 1 July 2002 an amendment to the Competition Act established a new independent Federal Competition Authority, the "*Bundswettbewerbsbehörde*" (BWB), whose Director-General has been appointed by the Government on the advice of an *ad hoc* commission. Besides this BWB, the "*Bundeskartellanwalt*" is the authority within the Ministry of Justice responsible for competition law, while the "*Kartellgericht*" and the "*Kartellobergericht*" are still the central decision-making authorities. Under telecoms law, dispute settlement and cases related to monitoring of abusive behaviour by SMP operators fall within the responsibility of the *Telekom-Control-Kommission*.

Article 10 of the new Act provides that the BWB has to consult *KommAustria* when taking decisions in the media sector. No other reference is made to other kinds of co-operation between telecommunications regulatory authorities and the competition law authorities. Nevertheless, the new Federal Competition Authority ("*Bundswettbewerbsbehörde*"- BWB) and the *Telekom-Control-Kommission* consider that there is no overlap between their responsibilities, while the terms for co-operation between them are currently under discussion.

Although the situation seems to have been improved by putting in place effective instruments to avoid abusive behaviour by operators (abuse of SMP is now prohibited and liable to a penalty and the NRA has a right to lodge a case before the competition authorities and to be heard in any case), it is a matter of debate whether these instruments should be applied by the NRA and not by the competition authorities, especially due to their lack of telecommunications expertise.

Nevertheless, no improvements have been reported since the Seventh Report on the difficulties with effective enforcement of legal obligations and on the length of proceedings before the courts and the Telecommunications Offices ("*Fernmeldebüros*"), which leads to legal uncertainty. These problems, which have been acknowledged to some extent by the Austrian authorities, clearly remain some of the key regulatory issues which still need to be addressed.

As far as the interconnection dispute settlement proceedings are concerned, 27 have been resolved by the NRA since December 2001. The Telecommunications Act sets a maximum of six weeks for dispute settlement; an extension up to ten weeks is possible. In most cases this deadline has not been met by the NRA, but some improvements can be

reported. However, the six-month deadline stipulated in the Interconnection Directive has always been met.

As reported previously, there is wide concern about a suitable mechanism to appeal against decisions taken by the NRA, the lack of which leads to legal uncertainty. The Administrative Court, by amendment of the Telecommunications Act, has had explicit jurisdiction to deal with such complaints since 1 June 2000 only. Due to the lack of explicit transitional provisions, the Administrative Court suspended the proceedings in more than 40 cases already pending at the time of entry into force of that amendment, awaiting the outcome of a request for a preliminary ruling by the European Court of Justice, which is still pending after the Advocate General delivered his opinion on 13 December 2001 (Case 462/99). Out of more than 120 cases which were pending, only three have been decided on substance so far.

1.2. Management of numbers

The December 1997 numbering plan still has not been fully implemented.

Non-compliance of some numbers/number ranges with the numbering plan remains the main source of outstanding problems in this area, especially the non-portability of numbers which are not in conformity with the numbering ordinance and the exclusive use of the online-access code 07189 by the incumbent.

1.3. Frequency management

The efficiency and transparency of the frequency management by the telecommunication authorities is still to some extent a matter of debate for most operators, although the authorities point out that in areas such as radio relay links for base stations the packages of frequencies kept in reserve open the way for a flexible and unbureaucratic procedure for allocating frequencies to all operators. New auctioning proceedings for additional frequencies have been initiated recently: one for a frequency package of 2x1 MHz (40 channels) for the digital Federal radio system TETRA (on 26 July 2002), the other for 6 frequency packages for GSM services (on 19 July 2002). However, in the end the TETRA auction did not take place, since only one tenth of the reserve price was offered.

For the GSM frequencies auction, all national and international operators – especially those already holding 2G and 3G concessions – were invited. Nevertheless, only two, put in bids. The auction took place on 14 October 2002 and resulted in one frequency package being attributed to one operator and two others to the other operator.

Although no more auctions for GSM frequencies were foreseen after this, the Ministry for Transport, Innovation and Technology ("*Bundesministerium für Verkehr, Innovation und Technologie*"- BMVIT) now has to decide whether the three remaining frequency packages should be placed at the disposal of the NRA again to open a new licensing procedure.

For the moment, frequency trading is not possible in Austria, although several mobile operators have shown an interest in this possibility.

2. INTERCONNECTION AND ACCESS REGIMES

2.1. Interconnection

2.1.1. Reference Interconnection Offer

By decision of 20 September 2002, the NRA confirmed *Telekom Austria* (TA) as having significant market power in the markets for the provision of fixed telephone services, for interconnection, and for the provision of leased line services by means of a fixed network for 2002. As for 2001, no operator has been designated as having significant market power in the market for the provision of mobile services.

The Austrian NRA considers that the incumbent's RIO has not been brought into line with several orders/decisions which the NRA issued on 18 March 2002.

This is not, however, the case with the incumbent's "IC-contract" which was updated on 29 May 2002 and is now offered to the new entrants. This "IC-contract" can be consulted on the incumbent's website only by operators which have received an access code after expressing their interest in interconnection.

2.1.2. Interconnection charges

By decision of 9 September 2002, the NRA finally set the 2002 interconnection charges, applicable from 30 June 2002 to 30 September 2003. This decision applies the improved FL-LRAIC bottom-up model, after a ruling of the Administrative Court of 6 September 2001 declared this method legal.

As with the NRA's decisions in the past, the interconnection charges are based on peak and off-peak times, and the principle of reciprocity applies. Local and regional termination and origination charges have been reduced, both peak (to 0.85 and 1.30 cents respectively, or by more than 6%) and off-peak (to 0.50 and 0.72 cents respectively, or by less than 2%), further narrowing the gap between peak and off-peak tariffs.

Interconnection charges for national termination and origination and for transit remained unchanged (0.29 cents peak and 0.15 cents off-peak at regional level and 0.62 cents peak and 0.32 cents off-peak at national level).

2.1.3. Fixed to mobile call termination

On interconnection between fixed and mobile telecommunications networks, as a consequence of the NRA's decision of 18 June 2001, which designated only *Telekom Austria* as having significant market power in the interconnection market, since November 2001 the *Telekom-Control-Kommission* has been taking a new approach to regulate IC tariffs for call termination to mobile at "appropriate prices" by taking into account the full costs of each operator individually, thus no longer applying the principle of reciprocity. Therefore, tariffs for call termination from fixed to mobile have been highly disputed.

In a number of decisions the NRA set new interconnection charges for the different mobile operators. Termination charges for *Mobilkom Austria* were further reduced to 12.4 cents for the period from 1 August 2001 to 31 March 2002 and to 11.25 cents from 1 April 2002 to 31 December 2002, while termination to the network of *T-Mobile* continues to be set at 13.8 cents until the end of 2002, as well as to *Connect Austria* until

October 2003. Finally, termination charges to the network of *tele.ring* have been set at 19.62 cents from the beginning of 2001 to October 2003.

2.2. Unbundling

Full unbundling has recently increased remarkably. While it was operational on 5400 lines by 1 July 2002, only three months later, by 1 October, the number of lines had increased by some 35% to 7300.

As reported in the Seventh Report, the NRA's rulings of 12 March 2001 introduced sub-loop unbundling, collocation area limits of 22 m² maximum, step by step reductions in monthly charges – from €12.35 to €11.63 by 31 December 2001 and €10.90 from 1 January 2002 by using an analytical bottom-up cost estimating model based on the FL-LRAIC approach – and penalties in cases where the incumbent overruns deadlines. The rulings apply indefinitely, but the charges only until 30 September 2002.

Collocation is available at any of the incumbent's main distribution sites. The ruling, however, does not allow for "open collocation" outside the incumbent's premises. Setting up of collocation areas is charged for at cost. Collocation rentals are governed by local or prevailing market rental levels for commercial premises, using the rental level guides issued by the Federal guild of real estate and asset trustees which apply at the time.

The Seventh Report referred to two problems concerning conditions for shared access: tariffs for shared access did not appear to be cost-oriented and voice telephony was excluded. Monthly charges for shared access were originally set at €30.67 which obviously did not respect the principle of cost orientation. Thanks to the NRA's intervention, the incumbent reduced these charges on its own to 50% of the monthly charges set by the NRA for full unbundling, i.e. €5.81 retrospectively until 31 December 2001 and €5.45 from 1 January 2002 onwards; these new charges were published by the incumbent on 10 December 2001. On the other hand, by decision of 17 December 2001, the NRA imposed an obligation on the incumbent to modify its RUO and delete the exclusion of the use of VoIP for telephony services from its RUO by 28 December 2001; the incumbent modified its published RUO accordingly.

Nevertheless, no shared access lines have been requested so far by new entrants from the incumbent.

2.3. Situation of the (broadband) local access market

2.3.1. Status of DSL market, position of incumbent

On 26 March 2002 the incumbent launched a new ADSL wholesale offer. Although some improvements have been achieved in this field, the incumbent still enjoys a very high market share on the ADSL market through a branch company. It has integrated all its subsidiaries into the parent company.

By 1 October 2002 there were 113 900 retail DSL lines supplied by the incumbent, while by 1 July 22 100 wholesale DSL lines were supplied by the incumbent.

2.3.2. *Development of alternative means of access*

Local cable TV operators, which are sometimes subsidiaries of the local authorities, seem to be playing an increasingly important role in local access, particularly in the main cities of Austria, even enjoying a dominant position on some local broadband markets. By 1 October 2002 a total of 88 cable TV operators were providing some 220 000 internet broadband connections, almost double the number of retail DSL lines supplied by the incumbent.

2.4. **Leased lines**

No major improvements have been reported as far as the leased lines market is concerned, where the cost-orientation and non-discrimination obligations are imposed on the incumbent, since it has been designated as having significant market power on this market. This is not, however, the case with a subsidiary which, as a reseller of the incumbent's leased lines, has a quasi-monopoly, e.g. for access to banking terminals. By the end of last year, the incumbent was offering more than 90% of the lines of up to 2 Mbit/s, but only 20% of the lines above that threshold.

On 1 June 2001 the NRA approved new charges for the incumbent's national leased lines, which have applied since 1 September 2001, with a significant (46%) reduction in the charges for digital transmission paths at 2 Mbit/s. However, this reduction in charges for local circuits, which also applies to the links required for interconnection, was compensated by a 9% increase for longer circuits.

As in the Seventh Report, no charges for international leased lines were submitted for approval, although the NRA has requested that this be done. The administrative prosecution proceedings opened by the Telecommunications Office ("*Fernmeldebüro*") in May 2000 have not resulted in any binding legal decision so far.

2.5. **Numbering**

2.5.1. *Carrier selection and preselection*

After its introduction on 1 January 2002, carrier pre-selection (CPS) has proved to be quite successful in Austria thanks to the intervention of the NRA. By March 2002, 775 000 of the incumbent's clients were using CPS, 175 000 more than at the end of September 2001, as reported in the Seventh Report.

Nineteen new entrants are now offering local call services to residential customers by CPS, 22 by CS and 17 by direct access to users.

2.5.2. *Number portability*

Number portability has become a facility of increasing importance for the purposes of competition. While by the end of September fixed number portability had been requested in 2448 cases, less than a year later, by August 2002, there were already 6707 ported fixed telephone numbers.

Some steps have already been taken in order to provide mobile number portability as soon as the new framework enters into force.

2.6. Cost-accounting and accounting separation

2.6.1. Cost-accounting systems in place, statement of compliance

After the legal obligation for the NRA to publish an annual statement of compliance with the provisions of the ONP Directives in the cost accounting system operated by an SMP operator was introduced into national law on 1 June 2000, by decision of 10 July 2001 the NRA stated that the incumbent's cost accounting system was in compliance with the ONP Directives. This statement as well as the description of the cost accounting system (version BETA 1999) are available on the NRA's website.

According to the NRA's decision, no absolute value of performed data has been verified, but the NRA argues that numerous other proceedings instigated by the NRA for approval of end customer tariffs of SMP operators and a large number of interconnection proceedings looked at broad aspects of the cost accounting system of the incumbent in the form of opinions, the results of which were subjected to further plausibility checks which involved comparing them with a bottom-up cost model of the regulatory authorities.

The European Commission has opened infringement proceedings against Austria as regards the obligation to ensure annual verification of the operation of a cost-accounting system and subsequent publication of a statement concerning its compliance with Directives 97/33/EC and 98/10/EC.

By decision of 10 April 2002, RTR opened new proceedings in order to analyse the new incumbent's cost accounting system -Beta 2000-. These proceedings lasted until 21 October 2002, when a decision was taken stating that this new incumbent's cost accounting system is in compliance with the ONP guidelines, subject to certain amendments. Accuracy and completeness of the cost model, including volumes, were subject to verification. This decision is not yet available on the NRA's website.

3. AUTHORISATIONS

3.1. Licence conditions

By 1 July 2002 there were 65 operators holding a national licence to provide voice telephony, only three more than reported last year.

Nevertheless, by March 2002, 43 operators were actually offering local call services, almost double the number reported last year. By then, 44 operators were offering long-distance and international calls and 5 local alternative cable TV operators were offering voice telephony, which demonstrates once again the increasing importance of these operators on the Austrian market.

There are currently four 2G operators operating mobile services on their own national network, two of them using DCS 1800 and the other two using both GSM 900 and DCS 1800 spectrum. Six licences for 3G services were awarded as a result of the auction in November 2000, two of which are new entrants to the mobile market.

3.2. Rights of way- role of local authorities in infrastructure development

The Telecommunications Act explicitly allows licence holders to use public land for installing telecommunications lines free of charge and without any particular authorisation

being required. "Public lands" include roads, pavements and public places. The authorities concerned (Federal, *Länder* and local authorities) can impose charges only where the legal bases for such charges already existed on 1 August 1997. The Telecommunications Act does not prevent, however, claims being made for restitution of the former state, damages or the costs incurred in order to comply with safety requirements for the working sites, provided those claims do not exceed the costs actually incurred.

There is increasing concern about the constraints imposed by regional and local authorities on the roll-out of networks, since the procedures for obtaining rights of way, whether on public or private property, seem to be complex, time-consuming and expensive. This view is contested by the BMVIT, which states that expropriation of public ground is fairly easy, as there are no further restrictions or specific procedures for use of public property, whereas constitutional provisions protecting private property prevent simplification of the granting of rights of way on it.

Planning permission and planning procedures for deploying networks is entirely a matter for the *Länder*, which also issue the relevant regulations. New legislation has been approved as regards planning regulations, countryside and nature conservation law and local planning design standards, while measures have been taken with regard to protection against radiation, specifically as regards the deployment of mobile networks.

Specifically in the field of mobile networks, operation of mobile transmission systems is subject to an operating licence under the Telecommunications Act. Such licences also take account of protecting human life and health. The parameters to be used reflect the EU Council recommendations of 12 July 1999 on limiting exposure of the public to electromagnetic fields in the 0 Hz to 300 GHz range. Whether these limits are actually complied with in practice is monitored by the radio monitoring authorities ("*Fernmeldebüros*") on an *ex post* basis.

Since Austrians are increasingly concerned about electromagnetic radiation, a petition to set lower radiation limits has been broadly supported by municipalities and politicians. As reported last year, lower limits ($<1\text{mW/m}^2$) are sometimes applied subject to private agreements ("*Salzburg model*") in an increasing number of *Länder* and cities, such as Vienna. However, the BMVIT reported that measurements by the Swiss regulator BAKOM in Salzburg in spring 2002 revealed that the limit of 1mW/m^2 was not generally met.

The BMVIT has widely informed the local authorities of the legal constraints in this field. However, no secondary Federal legislation on radiation limits has been approved so far, despite repeated requests from mobile operators, because the Ministry considers the Council recommendation as the mandatory basis for any operational approval, so as to avoid legal uncertainty. Nevertheless, a resolution adopted by the Austrian Parliament requires legislation on emission limits to reflect, on an ongoing basis, any new scientific developments or findings.

4. UNIVERSAL SERVICE / CONSUMERS

4.1. Retail tariffs

Under the Telecommunications Act, *Telekom Austria*, as the only designated SMP operator in the fixed voice telephony market, is required to submit new tariff schemes and

any subsequent substantial modifications of its tariffs to the NRA for approval, in order to ensure their compliance with the principle of cost-orientation. The time limit for approval of tariffs by the NRA is, in principle, eight weeks; if the NRA fails to take a decision in time, the tariffs concerned are deemed to be approved.

Since the incumbent's cost accounting system is not subject to an annual verification based on actual data, cost-orientation and non cross-subsidisation of the incumbent's tariffs can be called into question.

As a result of the incumbent's discount practice, any tariff models which the incumbent submitted for approval were approved by the NRA strictly on condition that it applies only the discounts approved by the NRA and that the discounts allowed must not lead to the relevant tariff options not covering their costs. Nevertheless it is not always clear in which cases the application of a discount leads to a modification of the tariff structure.

The proceedings opened by the NRA before the Telecommunications Office ("*Fernmeldebüro*") because the incumbent failed to submit its "winter tariff" for approval are still pending. By judgement of 14 June 2002, the "*Kartellgericht*" declared that the incumbent had not abused its dominant position by applying these discounts.

Since December 2001 the incumbent has applied several short-term discounts, including one-day free call campaigns, while a special discount to the Federation ("*Bundesrabatt*"), which was never subjected to approval by the NRA, will not be applied any more once the newly introduced public procurement procedure operated by the "*Bundesbeschaffungs GmbH*" is completed.

A comparison of tariffs of all fixed operators is available on the NRA's website.

4.2. Funding

On 20 December 2001 the incumbent submitted a request for funding of the provision of universal service in 1999. The NRA therefore opened a procedure to prove the relevant costs and, where appropriate, the contributions by operators to that net cost. On 4 October 2002 the incumbent withdrew its request but stated that it intends to keep open the possibility of submitting a new one, since there is no legal deadline for the submission of such requests.

4.3. Directory services

A common directory of subscribers is provided both on paper and in electronic form, on a commercial basis, by a subsidiary of the incumbent (*Herold*).

The incumbent has set up a data base containing all subscriber data. Prices for the provision of those data are fixed by contract between the parties without any intervention by the NRA in order to ensure that they are cost-oriented and provide fair, non-discriminatory conditions of access to the data.

4.4. Itemised billing

Some new entrants provide itemised billing free of charge in Austria, while the incumbent still does not, as reported in the Seventh Report. The basic accounts provided by the incumbent without extra charge are still broken down by tariff areas, listing regional calls,

inter-regional calls and international calls separately. International calls in turn are broken down by different tariff zones. Calls to mobile phone networks are also broken down by operator, with added value and online services shown separately. Each section shows the number of calls, the number of charge units incurred in those calls and the costs in each case. Itemised details are available only subject to charges in accordance with the incumbent's general terms and conditions, as approved by the NRA. Individual consumers as well as consumers' associations, however, complain about the kind of bills provided by the incumbent.

In June 2002 the European Commission decided to bring infringement proceedings against Austria before the Court of Justice as regards the obligation to make a basic level of itemised billing available to users free of charge in order to allow verification and control of the charges incurred in using the telephone network and/or the telephone services as well as adequate monitoring of their usage, as required by Directive 98/10/EC.

4.5. Dispute resolution

Consumer complaints relating to telecommunications services are handled by the NRA (RTR GmbH) within a special arbitration procedure. If this fails, the complainant may still pursue matters through the ordinary courts.

According to the NRA's Annual Report, published on its website in September 2002, 1 418 complaints under Article 116 of the Telecommunications Act were submitted to the arbitration body of the regulatory authority in 2001. The number of cases submitted for arbitration increased disproportionately, compared to previous years. While 412 cases were handled in 1998, 756 proceedings were initiated in 1999. In 2000 the number of cases submitted for arbitration went up to 894, while the record was set in 2001, with those 1 418 complaints. This trend seems to be continuing in 2002, when the number of cases submitted for arbitration had reached 1 208 by 16 October. Apart from complaints about telephone bills, there has been an increasing number of proceedings related to internet and SMS services.

4.6. Quality of the service

The NRA has published on its website the measurements of the quality of service offered by the incumbent in 2001, based on European standards ETSI ETR 138 and ETSI EG 201.

5. DATA PROTECTION

5.1. Implementation/Traffic data retention

In the contracts with users, operators stipulate the maximum period for the storage of data for billing purposes, with a maximum of 3 years laid down by law.

Under the Telecommunications Act, operators are under an obligation, on the basis of an ordinance issued, to provide all the equipment required to supervise telecommunications traffic in accordance with the provisions of the Code of Criminal Procedure (StPO). This obligation does not justify any claim for compensation. Five complaints are pending before the Constitutional Court as regards the constitutionality of this provision.

Under the same provision of the Telecommunications Act, operators are furthermore under an obligation to assist, to the extent required, in supervising telecommunications traffic in accordance with the provisions of the Code of Criminal Procedure (StPO), for which appropriate costs will be reimbursed.

5.2. Unsolicited calls and e-mails

As far as the protection of personal data in the context of commercial communications is concerned, an opt-in approach has been taken for phone calls, faxes or e-mail alike. Oral or passive written consent is permitted.

Under Article 7(2) of the e-commerce Act ("*Bundesgesetz, mit dem bestimmte rechtliche Aspekte des elektronischen Geschäfts- und Rechtsverkehr geregelt werden*"), the RTR has compiled an opt-out list on which all not willing to receive commercial correspondence by e-mail can ask to be included. Nevertheless, this list does not affect the general opt-in regulation and therefore has little practical relevance. Only some 60 e-mail addresses were registered on this list by October 2002.

In any case, due to data protection considerations, the RTR distributes this list only to foreign service providers and to providers of financial services, because an opt-out regulation might apply to them.

6. MOBILE ISSUES

6.1. Barriers to roll-out of 2G and 3G

For roll-out of their networks, operators are subject to constraints imposed by regional and local authorities (see above under "Authorisations").

Under their licence conditions, each 3G operator must offer coverage of 25% of the population from 31 December 2003 and of 50% of the population from 31 December 2005. Carrier services must be offered at a data rate of not less than 144 kbit/s. Operators must achieve the level of coverage through their own network. An operator is considered as having its own network if the main network components on the core network side (Switch, VLR, HLR) and the main mobile network elements (RNC, Node B) are operated by the licence holders themselves. Antennas and associated cables may be used jointly with other licensees. On 28 January 2002 the *Telekom-Control-Kommission* published a position paper on infrastructure-sharing in the context of establishment of 3G mobile networks.

In September 2002 two mobile operators announced that they had reached an agreement on national roaming.

At the end of September 2002 the mobile subsidiary of the incumbent began testing its UMTS network, while it and two more operators are expected to launch commercial services in 2003.

3G operators who already had a 2G licence are under an obligation to make network capacity available to other 3G licence holders with no 2G licence. This obligation applies only once the new entrant has achieved 20% coverage of the population and for a period not exceeding 4 years.

On 28 January 2002 the NRA published a decision recognising the right of a MVNO to interconnect and determining the interconnection fees applicable, which would be those applied to national roaming. On the basis of this decision, in mid-August two mobile operators announced that they had reached an agreement enabling one to share the antennas of the other in order to provide mobile services as an MVNO. Nevertheless, on 30 October 2002 the NRA rejected the request of this operator to interconnect with the incumbent and other mobile operators on the grounds that the current framework does not allow this possibility.

One 3G operator requested the NRA to permit modifications to its licence, concerning, in particular, coverage obligations and penalties, due to the delays in availability of 3G, whereas all other market players (operators and producers) had stated that it was possible to comply with these obligations. The NRA rejected the request, but stated that it would continue to monitor the situation on the market.

As reported last year, 3G new entrants complained about the difficulty in accessing spectrum needed for point-to-point connection of base stations. On February 2002 the Supreme Telecommunications Authority reserved the relevant frequencies for them through the same procedure as applied to the 2G operators.

On 14 October 2002 three frequency packages for GSM services were assigned: one to the mobile subsidiary of the incumbent and two to other mobile operators.

Since the number of users of the incumbent's analogue D-net had significantly decreased during the last few years (from about 200 000 to 90 000), the incumbent finally phased out its analogue system on 28 February 2002, as had been announced to users in advance in October 2001.

7. PREPARATION FOR TRANSPOSITION OF THE NEW FRAMEWORK

On 16 July 2002 the BMVIT opened public consultations on a draft of the new Communications Act to be approved in order to transpose the new framework into Austrian law. These consultations lasted until 16 September 2002.

Although the election of a new Parliament by the end of November might delay the legislative procedure, the BMVIT is working on the draft of the new Act in order to secure approval before 25 July 2003.

