

National Reports

Austria

MERGERS

Legislation—European Media Freedom Act—media merger control—media concentrations—online platforms—media plurality—notification procedures

🇦🇹 Austria; EU law; Freedom of expression; Media; Mergers

European Media Freedom Act: Adjustments to Austrian Media Merger Control Legislation

On 24 April 2026, changes to Austrian media merger control legislation entered into force, as part of Austria's national implementation measures relating to the European Media Freedom Act (Regulation 2024/1083 establishing a common framework for media services in the internal market and amending Directive 2010/13).

The changes mainly affect the notification and review of media concentrations under the Austrian Cartel Act (*Kartellgesetz*) and Austrian Competition Act (*Wettbewerbsgesetz*).

The European Media Freedom Act introduces a common EU framework aimed at safeguarding media pluralism, editorial independence and the proper functioning of the internal market for media services. Media mergers are of particular relevance because media undertakings are both market participants and key contributors to public debate, democratic opinion-forming and the diversity of information.

Austria has long had a specific regime for the review of media mergers. Since 1993, media concentrations have been subject to additional scrutiny beyond general competition law standards. As the Austrian framework already largely reflected the objectives now pursued at EU level, the implementation of the European Media Freedom Act required only selective adjustments.

The most important amendments concern the definition of media concentrations, the substantive review criteria and the procedural involvement of the Austrian media authority KommAustria.

Firstly, the definition of a media concentration has been expanded. Online platforms providing access to media content may now qualify as media support undertakings, unless they are themselves media undertakings. In addition, a media concentration may exist even where only one of the undertakings concerned is a media service provider or an online platform providing access to media content.

Secondly, notifications of media concentrations must address editorial independence in a precise and comprehensive manner. The statutory definition of media plurality has also been broadened: the criteria previously listed in the law are now merely illustrative.

Thirdly, the procedural role of KommAustria has been strengthened. KommAustria must be notified of all media concentrations and is involved in all procedural steps. It may request information from the Federal Competition Authority (*Bundeswettbewerbsbehörde*) and ask that KommAustria conduct investigations and recommend that an application for an in-depth review be filed. If the Federal Competition Authority does not follow such a recommendation, it must publish the recommendation together with its reasons.

The amendments also provide for procedural extensions where KommAustria consults the European Board for Media Services in cases involving certain media concentrations with an internal market dimension.

Overall, the changes embed the new European requirements into an already established national framework. For notifying parties, the practical consequences are significant: media plurality, editorial independence and platform-related issues will have to be addressed more explicitly and at an earlier stage of the transaction assessment.

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