[GR] New Legislation on Pay-Services on Radio and Television

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A new law (2644/1998) governing pay-services on radio and television came into force on 9 October 1998. This law applies to any service to which public access is subject to the conditions (e.g., possession of a decoder, payment of a subscription) laid down by the "authorisation-holder", whatever the mode (analogue or digital) or route (terrestrial, satellite or cable) of broadcasting.

Article 2 of the law contains rules intended to avoid abuse of a dominant position in the audio-visual sector in broad terms, including both pay-television and "free reception". Any authorisation-holder (which must have the form of a public limited company with registered shares) may apply for an additional authorisation using a different route, but may neither hold an authorisation for "free-reception" television nor operate in more than two media categories (television, radio, press).

The law draws a distinction between the company which manages a bundle of digital channels (the authorisation-holder, according to Greek law) - which alone is liable to the consumer - and the programme editor. In order to maintain pluralism as regards the production and distribution of programmes, no programme editor may supply more than 30% of any one holder's programmes. Thus any agreement between an authorisation-holder and a programme editor must be approved by the Minister for the Mass Media in the light of a favourable opinion from the National Radio and Television Board (CNRT), unless the editor is a company which already holds an authorisation to broadcast (issued by a Greek or foreign authority). As for the authorisations, the law makes no restrictions in terms of numbers, except in the case of terrestrial broadcasting where, because of the scarcity of frequencies, tenders are called for. Any company wishing to supply pay-services by radio or television must first apply for authorisation from the Minister for the Mass Media issued in the light of a favourable opinion from the CNRT, and then sign an agreement with the Greek State.

The law stipulates identical obligations to those applicable to free-reception channels as regards programme content, with the introduction of provisions for the protection of young people (by means of special signs or techniques preventing young people from gaining access to dangerous broadcasts). There are other special obligations incumbent on the authorisation-holder if it

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collaborates with several programme editors or uses a number of channels, which in practice is the case of a holder which manages a bundle of digital programmes. Specific percentages apply to the programming of broadcasts made originally in Greek, sub-titled in Greek and from EU countries.

Article 11 of the law takes account of Directive 95/47 EC on conditional access; it prohibits the service authorised and companies holding industrial property rights over the means of controlling access from undertaking any action which would restrict freedom of circulation and result in the use of decoders and software. Supervision of compliance with the law is in the hands of the CNRT (an independent authority), which plays a vital role in the authorisation procedure, supervising economic concentration and penalising unlawful behaviour.

For its part, the public sector enjoys a number of advantages, as the law creates a subsidiary of the Public Broadcasting Company (ERT) with a view to providing pay-services by radio and television. The law also allows local authorities to set up companies with a view to supplying the same type of services; this carries the obligation to provide one programme for the populations covered.

Lastly, the Directive 97/36/EC amending Directive 89/552/EEC ("Television without Frontiers") concerning exclusive broadcasting rights for major events has been transposed into Greek law; the list of events covered will be published by presidential decree on the basis of a proposal from the Ministers of Culture and of the Mass Media.

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Law 2644/1998 of 9 October 1998 for the Provision of Pay Radio and Television services and Relevant Regulations, Official Journal of 9 October 1998, No 223.

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