[GR] Self-Regulation in the Media Sector

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The new legislation concerning the National Radio and Television Council (ESR) and the other authorities in the audiovisual sector (Act no. 2863/2000 - see IRIS 2001-1: 9) provides for self-regulation mechanisms by instituting self-regulatory bodies in respect of radio and television services. Under the new legislation, holders of authorisations (both private radio and television channels broadcasting without encryption and suppliers of encrypted radio and/or television services) must conclude multi-lateral contracts in which their parties define the rules and ethical principles governing the programmes broadcast. There must be at least two parties to the contract; other radio and television bodies may be invited to sign subsequently. Failure to conclude or sign a self-regulation contract would constitute a violation of the legislation in force and result in the ESR withdrawing or suspending the corresponding authorisation. The ethical rules provided for in the self-regulation contracts may under no circumstances be contrary to the legislation in force.

The task of ensuring compliance with the rules contained in the self-regulation contracts is entrusted to the Internal Ethical Committees designated by the contracting parties themselves. In the event of violation of the rules contained in the contracts, the Ethical Committees may impose moral penalties, e.g., the obligation to broadcast messages or special programmes, etc.. Failure to abide by the decisions of the Committee imposing such penalties would constitute a violation of the legislation in force, thereby incurring the penalties provided for by law, which are imposed by the ESR. The Internal Ethical Committees may also be entrusted with the power to investigate complaints and ensure exercise of the right of correction on the part of natural or legal persons whose honour or reputation has been damaged or whose strictly personal rights have been infringed.

The Act also provides that the radio and television bodies, the Union of Advertising Companies, the Association of Advertisers and any other representative body in the advertising sector may draw up an ethical code of practice concerning the content and the presentation of advertising messages broadcast by the electronic media. At the same time, the same organisations have set up a non-profit company for the purpose of ensuring that advertising messages broadcast by the electronic media respect both the legislation in force and the ethical code of practice referred to above. Producers of advertising messages and duly authorised radio and television bodies or suppliers of

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encrypted radio and television servicesor unions or associations of the same - may also be associate members of this non-commercial partnership. Representatives of written press companies may also be associate members if, according to the articles of association, the company's objects also include investigating advertising messages published in the written press. The non-commercial partnership is to provide its members with an opinion on whether an advertising message complies with the regulations in force before it is broadcast. In exceptional cases a message may be considered after it has already been broadcast once.

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Act 2863/2000 on the National Radio and Television Council (ESR) and the other authorities in the audiovisual sector, Official Journal 262 of 29 November 2000

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