[CY] Refusal of a Bingo Game Authorisation for a Private Television Channel Is in Conformity with the Law

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Due to the absence of any relevant provision in the law, it was not possible to grant an authorisation for a bingo television programme to a private television channel. This was the decision of the Supreme Court on an appeal of Sigma TV against a refusal of the Finance Minister to allow Sigma TV to carry a game show called "Telebingo". The broadcaster had applied for a bingo authorisation after the Cyprus Broadcasting Corporation, the public service broadcaster, was granted the right to carry the game show “Superbingo”.

Sigma TV challenged the refusal of the authorisation on the grounds that it was against the *acquis communautaire* , namely the principles of equal treatment and free competition, and that it violated Article 28 of the Constitution on equality of all before the law, and Articles 4 and 6 of the law on the general principles of administrative law, as well as the principles of good administration. It also argued that the law on Lotteries was unconstitutional.

The Supreme Court rejected the appeal noting that the law gives the Minister the authority to grant a lottery licence to the public broadcaster; however, that no provision is foreseen concerning private broadcasters. The Minister, therefore, could grant Sigma TV an authorisation only if a specific provision existed in law. Enhancing the law through a court decision is not allowed, as this would be contrary to the separation of powers established under the Constitution. The Court also noted that it could not examine the legality of the authorisation granted to the public broadcaster, as this was not the object of the recourse.

Finally, the Court stressed that it was up to the legislative power to respond to the new European environment of free competition.

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Supreme Court, Case 272/2005, SIGMA RADIO TV v. Republic of Cyprus, The Ministry of Finance, 19 January 2007

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