[GR] Draft Bill on Concentration and Licensing of Media Undertakings

IRIS 2007-5:1/18

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The draft of the Bill on “Concentration and Licensing of Media Undertakings” was informally introduced to interested parties during the month of March, a year after its initial presentation (see IRIS 2006-5: 14). The European Commission almost simultaneously announced its decision to refer Greece to the European Court of Justice for failure to comply with the Court’s ruling of 14 April 2005 (see IRIS 2006-3: 8). The ruling found that Greece had failed to implement the Electronic Communications Competition Directive (2002/77/EC). Judging from the many provisions of the draft Bill relating to electronic communications networks with an audiovisual content, it can be concluded that this obligation is now being dealt with.

The provisions on the restrictions on ownership of media companies appear less rigorous than the existing legal framework, as they deal solely with news stations; participation in more than one news station is permitted, provided this participation does not result in the control of those companies. As for the control of concentrations in the broader media market, the measuring criteria are the advertising expenses and the sales receipts; in addition, a limit is set beyond which a (forbidden) dominant position is considered to have been reached. Alongside the National Council for Radio and Television, the Competition Committee now also has authority to supervise the compliance with the said rules.

Regarding the assessment of radio and television stations for the purpose of granting licenses, two new criteria have been introduced. One is “negative marking”, which entails administrative penalties imposed where necessary, by the National Council for Radio and Television, the other concerns the merging of two separate stations into a single legal entity. The latter demonstrates the willingness of the Government to pursue a rational decrease of the number of radio and television stations due to lack of frequencies. An innovation worth mentioning is the planned participation of the National Committee for Telecommunications and Postal Services as a consulting body. It will be dealing with the administrative acts regulating technical issues for the operation of radio and television stations.

As for issues relating to digital terrestrial television, the new Bill provides for a Presidential Decree, which will regulate all matters concerning the process of

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granting operation licenses. It offers opportunities for digital broadcasting through frequencies allocated by a Ministerial Decision when the stage of digital switchover is reached. It should be noted that the new bill does not create a special authority with competence to settle issues relating to the switchover process, nor does it propose a timetable for this process.

"Commission refers Greece back to Court for failure to adopt new framework for broadcasting services", press release of 22 March 2007

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