[GR] New Act on Concentration and Licensing of Media Undertakings

IRIS 2007-8:1/20

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Thanks to the votes of the current governing party, the Bill on the Concentration and Licensing of Media Undertakings (see IRIS 2007-5: 11) was recently passed into law by the Greek parliament. The final text differs only slightly from the one which was the object of informal discussions within the circle of interested parties last March.

The final text puts an emphasis on the licensing procedure for analogue television (12 articles), since in Greece only a certain number of television and radio stations hold such a license. The granting of licenses is based on a tender initiated by the *Ethniko Symvoulio Radiotileorasis* (National Council for Radio and Television - ESR). Candidates shall be classified by way of the following six criteria: a) duration of operation b) negative marking c) merging d) economic viability e) number of employees f) programming. Before this comes into effect, the Ministers responsible for Audiovisual Matters and Communication have to publish a Frequency Chart (regarding the range and the number of the existing licenses) and a special decision containing the type of television station (with either a general or a specific audience).

The new Act also makes it possible for licensed television stations to transmit digitally using frequencies that are to be allocated for the period up until the digital switchover. The procedure for licensing digital terrestrial television stations is to be regulated through a Presidential Decree; however, no official programme has been introduced for the digital switchover so far. In addition, this new legislation contains provisions on the implementation of the Electronic Communications Directive 2002/77/EC and on television via broadband connection services. The latter services can be provided either by television stations or by network service providers on the condition of ESR’s approval.

Finally, the Greek media landscape is altered due to several changes introduced by the new text on proprietary issues. The Act provides that a legal entity can own one television station broadcasting news and at the same time participate in an additional one, provided that this participation does not result in the control of the latter. 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,

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the Competition Committee now also has the authority to supervise the compliance with the said rules.

ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 3592 Συγκέντρωση και αδειοδότηση Επιχειρήσεων Μέσων Ενημέρωσης και άλλες διατάξεις (ΦΕΚ Α΄ 161/19.7.2007)

http://www.gus.gr/show.php?id=6487&p=2007/6487.txt&mode=html

Act n. 3592/2007, Official Journal A 161, 19 July 2007

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