[GR] Restricted Application of the Law on the Incompatibility between the Ownership of Media Companies and the Conclusion of Public Procurement Contracts

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On 9 October 2007, the National Council for Radio and Television (ESR) decided to discontinue the issuing of certificates establishing the incompatibility between the ownership of media enterprises and the conclusion of contracts with public entities. In fact, the competence of ESR is limited to issuing a certificate on the existence of such an incompatibility based upon the exclusive condition that a final condemnatory Court decision related to the offence of active corruption has been notified to the Council by the interested enterprise or by the Authority responsible for the tender.

In taking this stance, the Independent Authority takes full account of a previous Ministerial decision (published a month earlier) listing the supporting documents for the registration of all these companies in a register held by ESR. The Greek government has in fact finally accepted all the observations of the European Commission regarding the enforcement of three consecutive laws (3021/2002, 3310/2005 and 3414/2005) related to this subject. In view of these developments, the European Commission on 17 October 2007 announced the withdrawal of the infringement procedure concerning this issue against Greece before the European Court of Justice (see IRIS 2005-6: 6).

However, in the meantime, the examination of two prejudicial questions of the Plenary Session of the *Symvoulio tis Epikratias* (Greek High Administrative Court) relating to the compatibility of some provisions of the first law (3021/2002) with European law is still pending before the European Court of Justice.

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