[GR] National Regulatory Authority Imposes Fine on Greek Television Channels

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The Greek *Ethinko Symvoulio Radiotileorasis* (National Council for Radio and Television – ESR) recently issued three important decisions regarding the issues of protection of minors, privacy and protection of a person's personality.

The first decision refers to the well-known series "Prison Break". The series was broadcast by the Greek channel "ANTENNA" and was rated by the special committee of the channel as second category – available for minors with parental consent. According to this rating, the series could not be transmitted during the "children's zone" (i.e. before the watershed). On a daily basis "Prison Break" was shown after 23:00h. Nevertheless, the repetition of transmission on 20 April 2008 from 15:21h until 17:14h (i.e. during the period that has been characterized as "children's zone") caused the reaction of the National Council of Radio and Television. In particular, the Council argued that the series, which contains scenes of violence, is capable of incurring serious damage to the intellectual and moral development of minors. Therefore, the Council imposed a fine of EUR 15,000 on the channel.

The second decision involved non-legitimate collection of information. During two programmes broadcast by the Greek channel "ALTER", a discussion between a former Greek MP and a businessman was transmitted. The discussion was recorded unbeknown to the former MP. According to the decision, this behaviour constituted illicit recording and transmission. The ostensible statement of the television station that the tape was dispatched by an unknown person, even if true, does not justify its illegal transmission on television. The content of the recorded dialogue between the MP and the businessman could not be considered to be of public interest such as would justify the non-imposition of an administrative sanction for the above-mentioned violation. For the breach in question, the Council imposed on the television station the administrative sanction of a fine.

The final decision referred to the reporting by "EXTRA CHANNEL" of the illegal economic activity of a Greek Member of the European Parliament. Although the full name of the MEP was not reported, conclusions were drawn as to his identity during the discussion between the two moderators of the programme. The MEP argued that his personality has been offended by the broadcast and therefore submitted to the television station an application for redress. The committee of

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redress of the television station in its decision argued that the name of the MEP was not mentioned during the programme. The MEP then asked the Council to (a) compel the television station to offer compensation for his offended honour through a public statement and (b) impose on the television station the proper administrative sanction. According to the unanimous opinion of the Council, the programme did broadcast the above information regarding the MEP in question, whose name was indirectly mentioned, without having previously checked the validity of the transmitted information as obligated under Greek Law (Art.8 par. 1 P.D. 77/2003). As a result, the programme insulted the personality, honour, reputation and political activity of the Member of the European Parliament. Since the Council considered the above mentioned station's transmitted decision to be a compensatory statement which, however, did not correspond to the demand of the Member of Parliament and basically did not constitute redress, it imposed on the television station the administrative sanction of a fine.

Decisions No. 407/22.7.2008, 406/22.7.2008 and 403/22.7.2008

http://www.esr.gr/apofaseis.php

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