[CY] Supreme Court Rules on CRTA

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The Supreme Court (Revisional Jurisdiction) decided on 5 November 2008 that "The Radio Television Authority (CRTA) is obliged to request the views of the Radio Television Advisory Committee before issuing its verdict only where such an action is imposed by the Law and not in all cases or on all issues ". The requirement to seek advice was not deemed compulsory in the case examined (Case Dias Publishing House LTD v. Radio Television Authority, Appeal no. 54/2006) and the appeal was dismissed by the five-member, with one justice dissenting.

The case was brought to the Supreme Court by the Dias Publishing House LTD following the dismissal of its first instance recourse against the CRTA's decision to fine its broadcaster Radio Proto for breaching the Law on Radio and Television Broadcasting, 7(I)/1998. The breach related to provisions on the duration of advertisement. The appellant asked the Court to repeal the CRTA's decision and questioned, in essence, the latter's legal status; it claimed that the CRTA 'chose the most unfavorable procedure', by becoming prosecutor, investigator and 'judge', by being the party that imposed the sanctions and cashed the product of the punishment at the same time. A more objective and less unfavorable approach would be the opening of a penal case, so that the Court could decide as a 'tiers' judge.

In its verdict, the Supreme Court recalled that the issues raised were given full and final answers in an earlier decision (2004), when the Supreme Court examined 26 appeals (Sigma Radio TV LTD v. CRTA and Dias Publishing House LTD v. CRTA). According to the decision, it is justifiable, under the auspices of state policy, to entrust an independent public authority with the power to rule on issues related to the sensitive field of broadcasting. It further added that the fact that the decisions of the CRTA are subject to judicial review guarantees respect for the rules of natural justice.

An additional reason for the cancellation of the CRTA's decision, the appellant claimed, was its failure to seek advice from the Radio Television Advisory Committee. Deliberating on the issue, the Supreme Court upheld the view of the first instance Court, which noted that the involvement of the Radio Television Advisory Committee was not mandatory in the examination and eventual punishment for breaches of the relevant provisions of the law. Neither the law nor the regulations make the advice of the Advisory Committee to the CRTA a

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requirement before the latter reaches a decision. Seeking advice is compulsory only where such an action is imposed by law, the Supreme Court concluded.

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Decision of the Supreme Court of 5 November 2008, Case 54/2006, Dias Publishing House LTD v. Radio Television Authority

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