[GR] The TV and Radio Exposure of Political Parties in the Pre-Election Period under Judicial Scrutiny

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The 4th Chamber of Συμβουλίο της Επικρατείας (the Administrative Court of Justice - StE) found the ministerial decision by which only a five-minute period is granted for the presentation of their views by means of a television or radio programme of their own production to political parties participating for the first time in the European elections to be legal. The Court decided that these parties operate in different circumstances than their more well-established counterparts and, therefore, the dedication of additional time to the latter, through the free transmission of advertisements (on television stations with nationwide reach), three ten-minute-long broadcasts of the parties' own production, interviews with their leaders and four topical discussion panels with their representatives, was considered to be reasonable. In their dissenting opinion, two of the judges (out of a total of seven) emphasised the blatant violation of constitutional provisions and of principles of EC law by the current system governing the exposure of political parties on television during election campaigns.

The issue is not settled however, since, due to its importance, the final ruling will not be handed down by the Court until the plenary session next September. In addition, the Court's committee in charge of suspensions has rejected (with one dissenting judge, out of a total of three) the request for a suspension of the contested ministerial decisions, by recalling the public interest and according to the reasoning that a suspension of the current "single, complete and coherent system" of pre-election exposure would interfere with the smooth conduct of the election campaign.

As the law now stands, the audiovisual transmission of the election campaign is based on the principle of proportional equality, the deciding criteria being a party's representation in parliament, as well as the overall presence of both the party and the persons representing it on the national political scene. Even though ministerial decisions, which are published four weeks at the earliest before the polling date, upon the submission of a proposal by the Trans-Partisan Election Committee, include analytical provisions as concerns the obligations of television and radio channels (in particular public services broadcasters), it remains questionable to what extent they are applied in practice, given that the competent independent authority does not publish a report.

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http://www.ste.gr/portal/page/portal/StE/ProsfatesApofaseis#a67

Administrative Court of Justice, Decision No. 1784/2009 (Section D, 7 members) 29 May 2009

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