[CY] Law Barring CYTA from Digital Platform Contest Returned to the Parliament

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The President of the Republic exercised his right of return and sent back to the House of Representatives for reconsideration a law on telecommunications that excluded CYTA (the public telecommunications organisation) from the contest for the second digital television platform. Two digital television platforms will be created; one has already been assigned to Ραδιοφωνικό ϊδρυμα Κύπρου (Cyprus Broadcasting Corporation, RIK), the public service broadcaster; the second platform will be issued to a private organization by a tender process.

The law voted on 15 April 2010 prohibited CYTA's eligibility for the contest on the grounds that if it was the winner of the tender, the two digital television platforms to be created would both be in the hands of State-controlled organisations; these are RIK and CYTA which has not been privatised yet and is maintaining a largely dominant position in the market.

Earlier, in late March 2010, the House of Representatives froze parts of CYTA's budget for advertising, payment of football television rights and investments in Greece reducing its competitive advantages, according to its governing body. Some attributed these moves to pressure by private broadcasters on members of the Parliament.

According to an official announcement dated 26 April 2010, the reasons for the decision to return the law to the Parliament were: The law interferes with specific administrative procedures with the sole goal being to exclude CYTA from the tender process for the digital platform; in addition, this law constitutes an interference of the legislative power with the rules of competition.

According to Article 51 of the Constitution, the House of Representatives “shall pronounce on the matter so returned within fifteen days of such return” and if it persists in its decision the President shall promulgate the law by publication in the Official Gazette within 15 days of the transmission of the relevant documents to his office.

Article 52 stipulates that the President has the right of return to the House for reconsideration; he has also the right of reference to the Supreme Court if the law or any of its provisions is “repugnant to or inconsistent with any provision of the Constitution” (Article 140); in case of “conflict or contest of power or competence

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arising between the House of Representatives" and any organs or authorities, the President has the right of recourse to the Supreme Court (Article 139).

The House of Representatives persisted in its decision (23 votes to 16) on 6 May 2010 and it is expected that the President of the Republic will file a recourse or refer the subject to the Supreme Court for final decision. In the meantime, CYTA will face no problem in its bid for the digital network platform. The first phase of the tender's selection procedure for assignment of the second digital platform was underway in April 2010 and CYTA was one of the contestants.

Αναπομπή Νόμου από τον Πρόεδρο της Δημοκρατίας 26/04/2010

http://www.moi.gov.cy/moi/pio/pio.nsf/All/77439FE548DD39C5C225771100430A69?OpenDocument

Information on the official announcement

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