[GR] Supreme Court Imposes New Tenders for Television Licenses

IRIS 2011-1:1/34

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The Plenary Session of the Συμβούλιο της Επικρατείας (the Council of State - Supreme Administrative Court of Greece) has declared unconstitutional two legislative provisions permitting all regional television stations which participated in the 1998 tender to function even after a “reasonable” time after this tender was published, confirming a decision of the 4th Section of the same Court (see IRIS 2008-1/19). According to decision 3578/2010 (issued on 1 November 2010), these provisions are contrary to the principle of the rule of law and the subsequent obligation of the State to vouch for the enforcement of the law (especially in relation to providing for licensing tenders). They are also contrary to the principle of equality, because they penalise those who, although having submitted an application for a permit, have not established a television channel, as opposed to those who have arbitrarily seized a frequency and illegally set up a television station.

In its reasoning the Supreme Court decision indicates to the government under which conditions a similar provision will be deemed compliant with the Constitution, i.e., if there is a definitely determinable schedule for the licensing operation.

Following from the above and given that Greece has recently entered a digital transition period (IRIS 2010-1/27), the government must elaborate as soon as possible on the new legal framework for digital terrestrial television, without omitting to include a concrete schedule covering all stages up to the issue of the digital licences.

Συμβούλιο της Επικρατείας, Απόφαση Αριθμ. 3578/2010

Decision of the Administrative Court of Justice Nr. 3578/2010

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