[CY] Radio Television Law to turn to AVMS and digital environment

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An amendment to the Ο περί Ραδιοφωνικών και Τηλεοπτικών Σταθμών Νόμος (Law on Radio and Television Stations L. 7(I) /1998) is being studied, in an aim to extend its scope of application to cover audiovisual media services and respond to the new, digital environment. The amendment follows the adoption of an amending law incorporating provisions of the AVMS Directive into Cyprus legislation last December (see IRIS 2011-2/13). It appears also to be a necessary step in view of the digital switchover, set for 1 July 2011. A public consultation on the proposed changes is in progress (see IRIS 2010-3/13).

According to the draft, the Cyprus Radio Television Authority (CRTA) will be renamed “Regulatory Authority of Audiovisual Media Services” and its powers will extend to broadcasting organisations, audiovisual on-demand (AVOD) media services and to providers of “composite paid AVMS” that may offer both broadcasting and non-linear media services. It is proposed that the regulator will have the power to control respect for copyright content, while audience ratings companies will also fall under its authority, concerning both the ‘correctness’ of the applied rating methodology and the way rating companies treat AVMS providers.

The draft includes, among others, provisions that define the range of licences that can be granted, the obligations of licensees and the services that they should offer in the new environment, as well as the criteria for the assessment of applications and the granting of licences; the amount of fees for each type of licence is increased for broadcasters, while AVMS providers will have to pay not only higher licence fees but also an extra annual fee per programme offered.

Issues of limitations and constraints on ownership, the powers of the regulator to impose sanctions on broadcasters and AVMS providers and the respective ceilings are set according to the type of licence and service offered; sanctions can be financial (up to EUR 10,000 per breach of the law for broadcasters and up to EUR 25,000 per breach for AVMS providers) but also include the eventual withdrawal of a licence.

A proposed amendment giving the regulator the power to initiate or examine a case of an alleged breach of the Journalists’ Code of Ethics gave rise to

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controversy; the Law in force provides that the CRTA can examine such a case only after a request by the Cyprus Media Complaints Commission, a body set up by the Journalists Union and Media owners. The Commission has so far refused to apply to the CRTA on the grounds that public authorities cannot interfere with issues arising from the Code of Ethics. Thus, a public confrontation emerged between media professionals on the one hand and deputies and others supporting the amendment on the other hand.

The announcement of a public consultation did not specify the scope and rationale of the proposed amendments. Other issues remain also unclear: The draft dates back to January 2010, almost one year prior to the adoption of an amending law that sought to harmonise Cyprus law with the AVMS Directive; there is no indication to what extent an effort was made to tune the draft to the already voted amending law.

On the other hand, the only deadline mentioned was that for interested parties to submit their views, which leaves open the date of the finalisation of the draft before it is submitted to Parliament. It is expected that, after eventually completing the document in the light of the results of the public consultation, the CRTA will send it for legal/technical examination by the Legal Service of the Republic; then the Council of Ministers will have to adopt it before it is submitted as a draft law to the House of Representatives. Considering the time needed for the whole process to be completed and the fact that the present House will be dissolved before mid-April, in view of the parliamentary elections in May 2011, it is unlikely that a new law will be in force before the digital switchover of 1 July 2011.

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