[GR] Judicial review over public television's shutdown dismissed

IRIS 2014-7:1/24

Alexandros Oikonomou
National Council for Radio and Television

In its decision (1901/2014), which was published on 23 May 2014, the Assembly of the Council of State - Supreme Administrative Court of Greece (the Συμβούλιο της Επικρατείας) ruled that a co-ministerial decision ordering the shutdown of the national public broadcaster (ERT SA) in June 2013 (see IRIS 2013-6/24) was lawful.

By a narrow majority (15 in favour and 10 against), the Court held that Article 15 of the Constitution does not necessitate the establishment of a public broadcasting entity and that the legislator is entitled, taking into account the financial capacity of the State, to choose whether it is necessary and possible to establish a public broadcasting entity based on the effective implementation of constitutional dispositions. The opinion of the court was influenced by a number of factors: firstly, that a new law providing for the establishment of a new public broadcasting body was published shortly after the shutdown (see IRIS 2013-9/20); secondly, a transitional institution of public broadcasting began to operate soon after the shutdown and; thirdly, during this time, the operation of private broadcasters continued without problems.

The dissenting judges argued that the legislator could not abolish the institution of public broadcasting indefinitely and added that the co-ministerial decision violated the principle of continuous operation of the public service, which is even more pronounced in this case, due to the fact that the private broadcasting stations were operating illegally under a special status of tolerance (see IRIS 2011-1/34).

The Court stated that the abolition of ERT did not violate Article 10 of the ECHR and was in compliance with the Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of European Union (Protocol 29 on the system of public broadcasting in the member states) due to the fact that a co-ministerial decision has been adopted in order to set up a new body of public broadcasting.

Finally, the Court unanimously held that both the law on collective dismissals (Law 1387/1983) and the European Directive 75/129/EEC relating to collective dismissals, does not cover workers employed by public bodies exercising public power.

© European Audiovisual Observatory (Council of Europe) 2026

Meanwhile, shortly after the initiation of the formal operation of the new public broadcaster, Nerit, in April 2014, the President and CEO, Mr. George Prokopakis was removed from his position. As announced by the Supervisory Board of Nerit, the former manager did not implement the law concerning the strategic and operational plan (see IRIS 2013-9/20), while many actions on new television productions and recruitment of staff created problems of legitimacy. The Supervisory Board appointed a new President and Chief Executive Professor of Management Science at the University of Athens, Antonis Makridimitris, whose term will expire in early October 2014.

Απόφαση 1901/2014 της Ολομελείας του Συμβουλίου της Επικρατείας της 23.5.2014

Ruling of the Supreme Administrative Court of 23 May 2014

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026