[GR] Application of law on licensing of digital television under controversy

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An intense political controversy over licensing of digital television has arisen in Greece after the unsuccessful effort to nominate new members of the Regulatory Authority Ethniko Symvoulio Radiotileorasis (National Council of Radio and Television - ESR) in February 2016. According to Act 3439/2015, ESR must, first, give its opinion to the competent minister on the number and the kind of licences to be allocated and the auction's starting price, and, secondly, carry out the auction procedure and issue licences (see IRIS 2016-1/16). However, a decision on the nomination of ESR members, which is taken by a majority of 4/5 of a 23-member special parliamentary body Diaskepsi ton Proedron (Conference of the Presidents), has not been reached. Opposition political parties refused to vote for the proposition presented by the President of the Parliament and claimed that Act 3439/2015 should be changed in order to give the regulatory body exclusive decisional powers on every aspect of licensing procedure.

Trying to break the impasse, the government decided that ESR has to be put aside for the first application of the law and passed new laws providing that the decision on the number of licences will be taken by Parliament, that the auction price will be determined by common decision of the Minister and the Minister of Finance and that the auction procedure will be organised by the ministerial services. These new texts are seriously questioned by professors of constitutional law, conflicting with the provisions of Article 15 paragraph 2 of the Greek Constitution which provides that ESR is the competent authority to grant licences to radio and television service providers.

According to another resolution passed by Parliament, following conclusions of a study conducted by the European University Institute in Florence, the public tender will be for four licences of general content and national coverage in high definition standards. This decision was fiercely denounced by opposition political parties and by the existing eight private television stations with national coverage, who presented technical arguments in favour of the status quo. As a consequence, ESR is still without a board (since October 2015 - see IRIS 2016-1/16) and thus unable to perform its duties. At the same time, the existing audiovisual media services providers are preparing to block the licensing procedure by taking the necessary legal measures before the competent courts for the annulment of the call for tender that will be issued by the government in the coming days.

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