[GR] The transposition of the AVMSD in Greece

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Greece has transposed the Audiovisual Media Services Directive (AVMSD) in part A of Law 4779/2021.

In the interest of promoting European works, on-demand media service providers shall ensure at least a 30% share of European works in their catalogues (Article 13, paragraph 1). The law does not describe the concrete means of ensuring the prominence of European works in their catalogues. Financial obligations are imposed on all media service providers established in Greece (Article 8 of Law 3905/2010 (Official Gazette A 219)), but only on non-linear media service providers targeting Greece (Article 13, paragraph 2). On-demand media service providers targeting Greece are required to contribute 1.5% of their annual revenues earned in Greece. These providers may invest, according to the provisions of the law (Article 17 (2)), either in the production of audiovisual works that fall under the provisions of article 20 of law 4487/2017 (Official Gazette A 116) - that is, cinematographic works, TV-films or series, episodes of such series, parts of such episodes and in video games. Alternatively, they may invest in rights of such works that have not yet been presented to the public, or they may contribute to the fund of the National Centre for Audiovisual Media and Communication.

The law introduces more relaxed rules on commercial communications with the aim to supply media service providers with the flexibility to efficiently use their advertising time. Article 14 (article 9 of the Directive) contains only one stricter provision in paragraph 3c, restricting commercial communications regarding firearms, and including some further clarifications. In particular:

- paragraph 7 of the same article clarifies that commercial communications concerning gambling are allowed provided that: a) they are in accordance with the provisions of Law 4002/2011 (Official Gazette A 189) and the Ministerial Decision of the Minister of Finance, No. 79292 ΕΞ 2020 (Official Gazette B 3260); and b) the games concerned are lawful, according to the provisions of the same law;

- paragraph 8 also foresees that audiovisual commercial communications must not violate the provisions of Law 2251/1994 (Official Gazette A 191 – Law on Consumer Protection). In particular these must not mislead the public, especially

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as to the characteristics of products and services and their acquisition terms. Moreover, the same communications must not present products as having therapeutic properties when such properties are not scientifically substantiated and evidenced.

Article 15 states that children's programmes cannot be sponsored by companies active in the production of alcoholic beverages (in paragraph 4) and that sponsorship logos may not be shown during anychildren's programmes (paragraph 7). Weather and sports news programmes following the news and current affairs programmes, on the other hand, can be sponsored (paragraph 6).

Article 16 provides that viewers should be clearly informed of product placement by an appropriate identification (visual or sound signal) at the beginning and at the end of the programme, as well as when the programme resumes after a break. At the end of a programme containing product placement, a list of all products that have been inserted in the programme must be displayed.

Stricter rules are also provided in paragraph 5 of article 24, which forbids the transmission of advertisements and teleshopping of erotic content from 6 a.m. to-01 a.m..

Paragraph 1 of article 32 provides that Video sharing platforms (VSPs) established in Greece should take the appropriate measures to protect:

- minors from programmes, User-generated video (UGV) and audiovisual commercial communication which may impair their physical, mental or moral development;

- the general public from programmes, UGV and audiovisual commercial communication which contain incitement to violence or hatred against a group of people or a member of such group based on race, colour, ethnic or national origin, genealogical ancestry, religion, disability, sexual orientation, identity or gender characteristics;

- the general public from programmes, UGV and audiovisual commercial communication whose content's dissemination constitutes a criminal offence under Union Law. The provision particularly targets child pornography as set out in articles 348A and 348D of the Penal Code, and offences concerning racism and xenophobia as set out in Law 927/1979 (Official Gazette A139), articles 82A and 184 (2-3) of the Greek Penal Code.

VSPs are required to take appropriate measures as provided for in paragraph 6 of article 32 which literally transposes paragraph 3 of article 28b of the directive. The assessment of these measures is entrusted to the NCRTV which also has the relevant enforcement powers (Article 32 (9)). NCRTV is also competent for registring and keeping a list (as foreseen in Article 28a,paragraph 6 of the

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Directive) of VSPs established in Greece (Article 31 (5)).

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