[CY] A draft law for the transposition of the AVMS Directive 2018/1808/EU into national Law

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A draft law amending the Law on Radio and Television Organisations N.7(I)1998 is under discussion in the parliamentary committee on Internal Affairs of the House of Representatives aiming at the transposition of the Directive 2018/1808/EU into Cyprus Law.

The draft law will incorporate the amendments of the AVMS Directive 2010/13/EU, introduced with the 2018 Directive, and further amend the Cyprus Law in compliance with provisions of the new Directive. They include, among others, the following:

A new section explicitly provides for the independence of the Cyprus regulator, the Radio Television Authority, from the government and any other body. The Authority should not seek or receive any advice from any entity. However, its supervisory authority, the Minister of the Interior may give advice to the Authority of a general nature, in relation to its competences, which are necessary for the interests of the Republic. Procedures for the appointment of the Authority's Chairperson and members should be transparent and the Authority should also be self-sufficient and independent in terms of human and material /financial resources.

The competences of the Authority are extended on video-sharing platforms, in terms of ensuring compliance with the Law and imposing sanctions for eventual violations. The Authority may also introduce by law measures that give it powers to access media ownership data, provided that privacy offered by law is respected.

In addition to transposing provisions of the Directive, the amending law provides for the following:

The Authority is vested with the power to decide on the licensing procedures and the application documents for the granting of permanent licences. Instead of the existing ten-year validity, the draft suggests that the duration of a licence for audiovisual services is cut down to five years.

A derogation is proposed in relation to the requirements (share-holding, structure, management, etc.) for granting a licence; if the service provider is linked with a

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legal person of public law, the Authority could disregard any requirements applied for private/commercial entities.

The section on procedures relating to the drawing of a radio frequencies plan refers to the provisions of the Radio Communications Law and the competencies on the matter of the Directorate of Radio Telecommunications, which is under the newly established deputy minister of Research Innovation and Digital Policy.

Finally, the Council of Ministers can dismiss an Authority's member for inability to respond to terms related to the execution of duties guaranteeing the independence and transparency of work of the Authority.

Επίσημη Εφημερίδα, Παράρτημα Έκτο - Νομοσχέδια, 15 Απριλίου 2021, σσ. 633-663

https://www.mof.gov.cy/mof/gpo/gpo.nsf/All/E90F9A3EA0619715C22586B800290847?OpenDocument

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