[CY] Provisions of the AVMS Directive 2018/1808/EU transposed into national Law

IRIS 2022-3:1/21

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In December 2021, the House of Representatives voted on a Law amending the Law on Radio and Television Organisations N.7(I)1998 that regulates licensing and the operation of commercial audiovisual media services and which transposed the provisions of the Directive 2018/1808/EU into Cypriot Law. Cyprus was among nine European Union member states that received - in September 2021 - a reasoned opinion by the European Commission for having failed to implement the Directive within the set deadlines.

The Law incorporates the amendments of the AVMS Directive 2010/13/EU introduced with the 2018 Directive and introduces new provisions to ensure compliance of the Law with provisions of the new Directive, as well as serving other purposes. The Directive introduced new definitions as well as replacing old ones. Other changes include the following:

The Radio Television Authority is defined as the national regulatory authority; a new section explicitly provides for its independence, as a “legally distinct and operationally independent from the Government and any other private or public body”. The Authority “acts impartially and transparently” and 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 to the interest of the Republic”. Procedures for the appointment and dismissal 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.

Under the new EU legal framework for regulation of video-sharing platforms, the competences of the Authority are extended to monitoring and ensuring compliance of these platforms with the law, as well as being vested with the power to imposing sanctions for violations. The Authority may also introduce, by law, measures that give it powers to access media ownership data, provided that privacy law is respected.

In addition to transposing the provisions of the Directive relevant to jurisdiction, European works, commercial advertising, protection of minors, access for persons with disabilities, video-sharing services and other issues, the amending law also

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provides for the following:

The Authority is vested with the power to decide on licensing procedures and the application documents required for the granting of permanent licences. The existing ten-year validity of television licences, is cut down to five years, while for radio it is seven. A derogation in relation to the requirements (such as, share-holding, structure, management etc.) for the granting of a licence, provides that if a service provider is linked to a legal person under public law, the Authority could disregard requirements applied for private/commercial entities. This includes for CYTA, a public law Telecommunications entity.

The section on procedures relating to the drawing up of a radio frequencies plan, was amended to refer to the provisions of the Radio Communications Law and the relevant competences of the Directorate of Radio Telecommunications. This now falls under the newly established Deputy Ministry of Research Innovation and Digital Policy.

The Council of Ministers can dismiss, with a reasoned decision, a member of the Authority for his or her inability to respect the terms related to the execution of duties that guarantee independence and transparency of the Authority's work or if he or she does not possess the qualifications required for being a member. Finally, a new section requires that the Authority publish an annual action report that should be submited to the President of the House of Representatives, who communicates it to the competent parliamentary committee.

Ο περί Ραδιοφωνικών και Τηλεοπτικών Οργανισμών (Τροποποιητικός) (Αρ. 2) Νόμος του 2021, Ν. 197(Ι)2021, Ε.Ε. Παρ Ι(Ι), 23 Δεκεμβρίου 2021, σσ. 1641-1671

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Law amending the Law on Radio and Television Organisations (number 2), Law of 2021, L. 197(I)2021, Official Gazette, App. I(I), 23 December 2021, pp. 1641-1671

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