



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

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by

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Final Report - Annex III

COUNTRY REPORTS

Cyprus

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

4. Overview of legal and policy measures promoting/supporting media pluralism

[CYPRUS]

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National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

- Press Law of 1989, N. 145/1989, as amended; published in the Official Gazette of the Republic on 11.8.1989;
- The Law on Radio and Television Stations of 1998, N. 7(I)/1998, as amended, published in the Official Gazette of the Republic on 30.1.1998;
- The Law on the Cyprus Broadcasting Corporation (CYBC), Law 96(I)/2004;
- Cyprus Radio Television Authority (Terms of service of employees) Regulations of 1999 to 2007
- Radio and Television Stations Regulations of 2000 to 2006;
- Radio and Television Stations Regulations (equal treatments of political parties and candidates) of 2006
- Radio and Television Stations Regulations (Major Events) of 2004
- Radio and Television Advisory Committee Regulations of 1999
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations 1961 (The Rome Convention) (Ratification) Law of 1999, N. 14(III)/1999

- *General legislation*

- Constitution of the Republic of Cyprus;
- Law for the Protection of Competition of 2008, Law No. 13(I) of 2008;
- The Control of Concentrations between Undertakings Law, No. 22(1)/99;
- Radiocommunications Law of 2002, N. 146(I)/2002 as amended
- Radiocommunications Regulations
- Publication of Obscene Matters Law of 1963, N. 35/1963 as amended
- Intellectual Property and Neighbouring Rights Law of 1976, N. 59/1976

- **Codes of conduct**

- Journalists' Code of Practice

- **Other**

- Re-use of public sector information Law, Law No. 132(I)/2006;
- The Freedom of Access to Information on Environment Matters Law of 2000 (N. 125(I)/2000);
- Processing of Personal Data (Protection of the Person) Law of 2001 to 2003;



- European Convention on Intellectual Property and Neighbouring Rights concerning - Transfrontier Television (Ratifying) Law of 1995, N. 29(III)/1995;
- European Convention on Transfrontier Television (Ratifying) Law of 1991, N. 178(III)/1991 as amended;

- European Agreement on the Protection of Television Broadcasts and Protocol (Ratification) Law of 1969, N. 82/1969;
- Additional Protocol to European Agreement on the Protection of Television; - Broadcasts and Protocol (Ratification) Law of 1974, N. 11/1974 and 1984, N. 77/1984

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Art. 19 of the Constitution of the Republic of Cyprus		<p>Article 19 of the Constitution of the Republic of Cyprus provides the right to freedom of speech and expression in any form. It further states that seizure of newspapers or other printed matter is not allowed without the written permission of the Attorney -General of the Republic, which must be confirmed by the decision of a competent court within a period not exceeding seventy-two hours, failing which the seizure shall be lifted. It reiterates that nothing shall prevent the Republic from requiring the licensing of sound and vision broadcasting or cinema enterprises.</p> <p>The wording of Article 19 is almost identical to article 10 of the European Convention of Human Rights, with one exception; the condition that restrictions should be “necessary in a democratic society” is omitted.¹</p>
<p><i>Implementation problem:</i> There are limitations to the freedom of the press by virtue of provisions in the Torts Law, Cap. 148 which give a right to someone to sue for libel and slander. Various cases have been brought against newspapers for publishing personal information about persons or for making innuendos. See for example the cases of:</p> <ul style="list-style-type: none"> • <i>Alithia Publishing Company & papyrus v. Leonida (1997)</i> • <i>Themelio Publishing Company v Kazolides (1991)</i> • <i>Alekos Konstantinides & Alithia Publishing Company v Tssos Papadopoulos (1999)</i> • <i>Alithia Publishing Company v Andrea Nikolaou (1993) – the Godfather case</i> • <i>Dias United Journalists v. Nathanael (1993)</i> • <i>General Press Agency v Christofides (1981)</i> <p><i>Libel used to be a criminal offence as well but the Criminal Law was amended recently. A number of cases were also reported against newspapers.</i></p>			
	The 1989 Press Law		The 1989 Press Law safeguards the freedom of the press, the unhindered circulation of newspapers, and free access to state sources of information. It provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

¹ <http://www.hans-bredow-institut.de>.

<p>1.2. Freedom of/right to information</p>	<p>The Press Law of 1989</p>		<p>All journalists have the right to free access to state sources of information, freedom to seek and acquire information from any competent authority of the Republic and the freedom to make this public; the authority concerned must give the requested information unless it pertains to state or public security, constitutional or public order, public morals or the protection of the honour and rights of third parties.</p>
<p><i>Implementation problem: There is no Freedom of Information Law adopted yet in Cyprus. Only the Freedom of Access to Information on Environment Matters Law of 2000 (N. 125(I)/2000) was adopted but its scope is limited. Furthermore, the right of journalists to have access to information may be limited by virtue of the provisions of the Processing of Personal data (Protection of the Person) Law of 2001 to 2003².</i></p>			
	<p>The Code of Ethics</p>		<p>Respect for the journalist's right to unobstructed access to the sources of news and transparency and necessary prerequisites for proper information.</p>
<p><i>Note: See above for data protection related limitations. The code of ethics is the product of the will of the media professionals to self-regulation; the adoption of the code in 1997 occurred at a time when the authorities failed to introduced any regulations or regulatory bodies and is founded on the conviction of media professionals that they do not need any state or other interference with media freedoms. The code aims at defining the fundamental rules that should guide the work of journalists in all media, print and broadcasting; it entrusts the commission on journalistic ethics, a purely self-regulatory body, with the powers to monitor compliance with these rules. The code is based on the obligation of journalists to inform the public, on the need to defend media freedoms and keep up with high professional standards and ethos. See: http://ec.europa.eu/avpolicy/docs/library/studies/coregul/annex_4_en.pdf</i></p>			
<p>Is there – besides constitutional provisions – a specific act dealing with citizens' or journalists' access to public sector information?</p>			<p>The Press law of 1989 aims at regulating a wide spectrum of issues related to press freedoms, the publication and circulation of newspapers and the publishing sector.³</p> <p>The main policy objectives are the following: Safeguard the right of journalists to seek, obtain and disseminate information, both from public and private sources, as well as establish the obligation of the authorities to provide access to information. Stipulate on the right of reply for all members of the public. A special clause provides for a right of reply of public servants and/or their service.</p>
<p><i>Note: There is no Freedom of Information Law adopted yet in Cyprus. Only the Freedom of Access to Information on Environment Matters Law of 2000 (N. 125(I)/2000) was adopted but its scope is limited.</i></p>			
<p>Are there specific rules dealing with journalists' access to events for news reporting?</p>	<p>Press Law</p>		<p><i>Under the Press Law, the press council was entrusted with powers to regulate issues of journalistic ethics. It was assigned the task to</i></p> <ul style="list-style-type: none"> •ensure respect for the freedom and independence of the press, •defend the rights and interests of the press, •regulate issues relevant to professional conduct of the pres and the journalists, •investigate complaints or initiate investigations in connection to the conduct of the press and the journalists.

² Sources: http://www.ejc.net/media_landscape/article/cyprus/

³ http://ec.europa.eu/avpolicy/docs/library/studies/coregul/annex_4_en.pdf

			<p>The Press and Information Office (PIO) is a government department dealing with press matters and the dissemination of official information to local and foreign media and the public. It is entrusted with the task of publicizing the work of the Government and the House of Representatives. It is also the central publishing agency for the Government and it has the task of monitoring the implementation of the Press and Cinema laws.</p> <p>The PIO structure provides for three divisions, with four sections each, and an administrative unit: The Local Media and Public Relations Division.</p> <p>The Central News Room is responsible for the issuing of all press releases and statements on all matters concerning government machinery and the Public Relations Section covers the activities of the President, ministers and other officials. It is also responsible for the publicity of government activities. The Local Media Section is responsible for the implementation of the provisions of the Press Law. Publications, Cinema and Audio-Visual Productions Division.</p> <p>The Division is responsible for all government publications (covering all government periodicals, books and booklets in Greek, English and other languages), for the photographic section, as well as the distribution of other audio-visual material (films, video films, radio and television programmes etc.). The Foreign Press and International Public Relations Division.</p> <p>The Division deals with the briefing of international media and public opinion and monitors the international and Turkish Cypriot/Turkish press and other media. It also assists in the organisation of conferences taking place on the island and has the overall responsibility for preparing the programmes of visiting foreign journalists and other personalities and briefing them on Cyprus. The Division also includes the Press Offices (Abroad) Section. Currently there are sixteen press offices in the main embassies/missions of the Republic of Cyprus abroad. The PIO maintains contact by telefax communication with the Press Offices and the Cyprus Embassies abroad for two-way briefing. Administration.</p>
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1.3. Explicit recognition of media pluralism	Section 3 of Radio and Television Stations Regulations (equal treatments of political parties and candidates) of 2006		Expressly states that stations have an obligation to ensure the promotion of pluralism in order to ensure freedom of expression and not to affect the rights of journalists to evaluate facts and circumstances in accordance with their value. ⁴
<p><i>Note: Freedom of expression and media pluralism are safeguarded by the Constitution and the relevant press and radio and television station laws.</i></p> <p><i>Currently there are:</i></p> <ul style="list-style-type: none"> - 7 dailies and a large number of weeklies and periodicals in circulation - 7 island-wide and 6 local TV channels - 10 island-wide and 38 local radio stations - 1 news agency (Cyprus News Agency – CNA) 			
1.4. Protection of journalistic sources	The Press Law		All journalists, Cypriot or foreign, have the right not to reveal their source of information and to refuse to give testimony without being liable to prosecution for doing so. The only exception is in instances where a journalist publishes information regarding a criminal offence. He may then be obliged by the Court examining the case or the coroner to reveal his source, provided that the Court or the coroner is satisfied that the following preconditions concur: (a) the information is clearly related to the criminal offence (b) the information cannot be obtained otherwise (c) reasons of superior and imperative public interest require that the information be revealed.
<p><i>Implementation problem: The Courts have the power under the Criminal Procedure Rules to issue various orders which may limit protection, such as, for example, orders to call and examine witnesses, orders for search and seizure, search of premises, orders of arrest, etc. Civil Courts also have the power to order the disclosure of information held by a party in a trial by virtue of the Civil Procedure Rules. Finally, various independent authorities such as the Competition Commission established under the Law for the Protection of Competition of 1989 as replaced by Law 13(I) of 2008, has the power to enter into premises and investigate sources held in electronic or non-electronic form.</i></p>			
	The Code of Ethics		Functionaries of the Media have a moral obligation to observe professional privilege regarding the source of information obtained confidentially. A journalist is not obliged to reveal the source of his information.
<p><i>Implementation problem: This is limited as a result of powers attributed to the Courts by virtue of the Criminal Procedure Law and the Civil Procedure Law (see above)</i></p>			
1.5. Right of reply	The Press Law		Persons, organizations or public institutions that are named or indirectly referred to in a report or article have the right to reply if they consider the information concerning themselves as untrue or misleading. Their reply must be published, free of charge, within three days of its receipt, giving it the same prominence as the initial report.
	The Code of Ethics		The Media give the opportunity of reply, in the appropriate case, to those affected and particularly when they have been attacked.

⁴ <http://www.cyprusemb.se/dbase/cypemb/11.asp>.



<p>1.6. Ratification of international instruments: - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)</p>			<p>CoE's Framework Convention For The Protection Of National Minorities: Signature- 1/2/1995, Ratification- 4/6/1996, Entry into force- 1/2/1998</p> <p>UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005): Ratification – 19/12/2006</p>
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TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	The Code of Ethics		Journalists have an obligation to defend their independence and not to allow interference with their work.
<p><i>Note: The Right of Privacy is safeguarded by Article 15.1 of the Constitution that reads:</i></p> <p><i>‘1. Every person has the right to respect for his private and family life.</i></p> <p><i>2. There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.’</i></p> <p><i>Article 15.1 is modelled on Article 8 of the European Convention of Human Rights</i></p> <ul style="list-style-type: none"> • <i>The right to secrecy of correspondence is safeguarded by Article 17 of the Constitution that reads:</i> <i>‘1. Every person has the right to respect for, and to the secrecy of, his correspondence and other communication is such other communication is made through means not prohibited by law.</i> <i>2. There shall be no interference with the exercise of this right except in accordance with the law and only in cases of convicted and unconvicted prisoners and business correspondence and communication of bankrupts during the bankruptcy administration.’</i> • <i>Law for the Processing of Personal data (Protection of the Person) Law of 2001 to 2003.</i> <p><i>Press cannot publish information infringing data protection rules.</i></p> <ul style="list-style-type: none"> • <i>Protection of Confidentiality of Private Communications (Interception of Conversations) Law of 1996, Law No. 92(I)/1996</i> <p><i>Press cannot use private conversations or recordings without permission</i></p> <ul style="list-style-type: none"> • <i>Copyright and Neighbouring Rights Law</i> <p><i>This law protects the right of the author</i></p>			
2.2. News / information programmes			
2.3. Other media content			
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)			

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)			
3.1.1. Special representation requirements in media company structures			
3.1.2. Special representation requirements in media advisory bodies			
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	The Equal Treatment of men and women in employment and vocational training Law, No. 205(I)/2002		
3.2. Representation of the various cultural groupings in the media			
3.2.1. Access to airtime for cultural groupings			
3.2.2. Content obligations			
3.2.2.1. Promotion of European works			Article 4 of the Directive requires broadcasters to reserve a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works. A certain flexibility is allowed for the implementation of this provision by the “where practicable” approach. All covered channels broadcast an average of 50.34% of European works in 2004.
<i>Implementation problem: Three out of five reported covered channels exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while the remaining two were below it. The compliance rate, in terms of number of channels, was 60%. The report indicated that the programme orientation of one channel towards sports and recreation would explain its low percentage of 29.6%. The Commission would point out that the proportion defined in Article 4(1) applies for each year and to each of the television programmes falling within the jurisdiction of the Member State concerned. The Commission takes note of Cyprus’ intention of awarding a special prize to the channel with the highest proportion of scheduled European works. This appears to be a good incentive to increase proportions in scheduling European works in line with the principle of progressive achievement.</i>			
3.2.2.2. Promotion of European independent works			
<i>Implementation problem: The average allocation to European works by independent producers for all five channels was 43.86% in 2004. The compliance rate, in terms of number of channels, was 100%. The average relative proportion of recent European works by independent producers for all channels was 22.20% in 2004. Compared to the other Member States, this is the lowest average proportion dedicated to recent independent works.⁵</i>			
3.2.2.3. Promotion of national/regional works			
3.2.2.4. Language requirements	Art. 171 Constitution of the Republic of Cyprus		The obligation of the public service to broadcasting audio and vision programmes in both Greek and Turkish, the official languages of the Republic, respecting specific quotas.

⁵ http://ec.europa.eu/avpolicy/docs/reg/tvwf/art_4_5/sec2006_1073_en.pdf

3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)			
3.2.4. Subsidies (apart from general PSB funding)			Subsidies are given via the European Programme MEDIA
3.3. Accessibility (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)			

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)	Law on Radio and Television Stations of 1998		There are specific rules applying, for example where a company applies for a licence to operate a station, it needs to comply with specific share ownership rules, etc
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)			Many radio stations are owned by various political parties.
4.1.2. Requirements of independence from political parties / politicians			There are no such requirements.
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies			
4.1.4. Representation requirements in media companies' bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators			
4.2. Content rules (relating to media programmes, press articles, other content)			
4.2.1. (Equal/proportionate) Access to airtime for political groupings	Radio and Television Stations Regulations (equal treatments of political parties and candidates) of 2006		There are Regulations for the equal treatment of political parties and politicians.
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels			
4.2.1.b. Paid access: rules on political advertising	Radio and Television Stations Regulations (equal treatments of political parties and candidates) of 2006		
4.2.2. Government announcements			
4.2.3. Impartiality obligations			
4.2.4. Fair representation of political viewpoints; special rules in election periods	Codes of conduct in electoral periods		Codes of conduct in electoral periods: These documents are drawn by broadcasters themselves (sometimes in consultation with political parties) in electoral periods. They provide for the rules that will be respected in the coverage of elections and the schedule of programmes in fulfillment of the obligation for coverage and fair access to the media. Not all broadcasters adopt codes and those who do it once do not necessarily follow is as a consistent practice over time.

	Radio and Television Stations Regulations (equal treatments of political parties and candidates) of 2006		They contain specific rules applying during the 40 day period prior to the election day.
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TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media (for instance: is part of the spectrum explicitly reserved for regional/ local media; are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...)	Law on Radio and Television Stations of 1998		The Law provides for the licensing of pan-cyprian and local stations, as well as for certain amateur stations. There are specific types of legal and natural persons who may obtain a licence.
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)			There are 2 types of licence issued – according, mainly; to the licence amount the applicant is willing to pay.
5.3. Content obligations: requirements to cover local events, etc.			There are requirements as to quality and plurality of content. There are also requirements for appropriate, qualified, experienced and numerous permanent staff who are engaged in informational, educational and entertainment programs. There are numerous other requirements as to polyphony, etc.
5.4. Regional State Aids			
5.5. Rules on national minorities			
5.6. Rules on social inclusion of remote areas (Aménagement du territoire)			

TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
6.1.1. Moment of intervention			
6.1.1.1. <i>At moment of market entry (licensing procedure)</i>			
6.1.1.2. <i>At the moment of mergers & acquisitions</i>			
6.1.1.3. <i>Other (constant monitoring/supervision)</i>			
6.1.2. Scope (<i>i.e.</i> trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. <i>Monomedia</i>	Art. 19 Law Consolidating and Revising the Laws Regulating the Establishment, Installation and Operation of Radio and Television Stations		Regarding national radio and TV stations and local TV stations, no shareholder can hold/control more than 25% of the total share capital of the company. Regarding local radio stations, no shareholder can control more than 40% of the share capital of the company. The total of the company shares that belong to people who are relatives up to second grade or are husbands/wives cannot be higher than 25% of the total share capital of the company. For a local radio station the limit is again 40%. No company that holds shares of another company can hold or control directly or indirectly more than 25% of the total share capital of the company. As long as the limits above are adhered to there are no restrictions for holding shares in 2 or more national TV stations, in 2 or more local TV stations, in one national TV station and one local TV station. For radio, there are no restrictions for holding shares: in 2 or more national radio stations, in 2 or more local radio stations, in national radio station and local radio station. For TV and radio: there are no restrictions for holding shares in local TV stations and local radio stations.

6.1.2.2. <i>Crossmedia</i>	after modifications by Law 134(I)/2000		No licence for a radio station to be granted to a natural person or company that has or controls in any way: (i) more than 5% of the share capital in a publishing company, newspaper or magazine; (ii) or more than 5% in national television station. No licence for television station to be granted to a company that has or controls in any way: (i) more than 5% of the share capital in a publishing company, newspaper or magazine; (ii) more than 5% in national radio station. No licence for television or radio station to be granted to a company, the shareholders of which have or control in any way: (i) more than 5% of the share capital in a publisher company, newspaper or magazine; (ii) more than 5% in national radio or television station. For the purposes of this article, in the proportion of the shares that one person holds are also included the shares that their relatives up to second grade or their husbands/wives hold.
6.1.2.3. <i>Vertical integration with networks</i>			
6.1.2.4. <i>Integration with advertising sector</i>			
6.1.2.5. <i>Integration with other (e.g. energy) sectors</i>			
6.1.2.6. <i>Control over both commercial and public media</i>			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. <i>Number of licences</i>	Art. 19 Law Consolidating and Revising the Laws Regulating the Establishment, Installation and Operation of Radio and Television Stations		<i>Supra</i>
6.1.3.2. <i>Market shares</i>			
6.1.3.3. <i>Circulation and audience shares</i>			
6.1.3.4. <i>Capital shares</i>	Art. 19 Law Consolidating and Revising the Laws Regulating the Establishment, Installation and Operation of Radio and Television Stations		<i>Supra</i>
6.1.3.5. <i>Voting shares</i>			
6.1.3.6. <i>Advertising revenues</i>			
6.1.3.7. <i>Involvement in number of media sectors</i>			
6.2. Sector specific rules preventing cooperation between media companies			

6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership	Art. 19 (1)(d) Law Consolidating and Revising the Laws Regulating the Establishment, Installation and Operation of Radio and Television Stations		A foreigner can obtain, following authorization of the Council of Ministers, not more than 5% of the shares (total share capital) of a company (after modification by Law 78(I)/2001. Restrictions regarding companies of EU Member States are no longer valid after accession.
6.4. General competition rules	There is a new Law in place as of 18 April 2008, entitled the Protection of Competition Law of 2008, No. 13(I) of 2008.		
6.4.1. Antitrust			
6.4.1.1. <i>Specific provisions for media sectors (e.g. public interest test...)</i>			
6.4.1.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>			<p>In June 2006 Commission for the Protection of Competition fined: LTV CYP 275,000; Multichoice (MCC) CYP 130,000; NetMed CYP 130,000. LTV is a pay TV provider in Cyprus. It operates one of the two analogue terrestrial pay TV channels. It is also available on the satellite platform of NOVACYPRUS. Multichoice is a subscriber management company for both the LTV and NOVACYPRUS platforms. NetMed is the majority shareholder of MCC, LTV and NOVACYPRUS are also shareholders. Until now, LTV had an exclusive distribution agreement with MCC, which it now wishes to break in order to offer its content over incumbent telecommunications operator CYTA's IP TV platform miVision. CPC ruled that the exclusive distribution agreement that LTV signed with MCC, which prohibits LTV from entering into any commercial agreements with any other competing channel distribution platforms, violates article 4(1) of the national competition law on restrictive practices and is null and void. CPC also has an ongoing investigation open into the agreement between CYTA and LTV to distribute LTV's content over CYTA's IP TV platform miVision. Other commercial broadcasters and telecommunications operators have claimed that the agreement would have exclusionary effects. Telecommunications operators PrimeTel and OTeNet are seeking that LTV gives them the same content that it is providing to miVision at the same cost and on the same terms.</p>

			In March 2006 CYTA was fined CYP 25,000 for refusing to cooperate with the investigation. The decision of the CPC to fine Multichoice and LTV was rendered void by the Supreme Court of the Republic in 2008, following an administrative recourse. The CPC will have to return the fines that were imposed.
6.4.2. Merger control	Control of Concentrations between Undertakings Law 22(1)/99		Mergers are examined where enterprises are considered to be ‘of major importance’: where the ‘aggregate turnover achieved by at least two of the participating enterprises exceeds, in relation to each one of them, two million Cyprus pounds’ and at least one of them must operate in the Republic of Cyprus and carry out business in Cyprus.
	Schedule 1, section2, Article1		The merger of companies will be examined where: (a) two or more of the enterprises participating in the concentration engage in business activities in the same market or a specific group of products or services (horizontal relationship), and the concentration of their activities leads to a combined market share of 15% and above; or (b) any of the enterprises participating in the concentration engages in business activities in a market of products in a preceding or subsequent stage of the procedure of production of products or of specific groups of products in the markets of which any of the other enterprises participating in the concentration engages in activities (vertical relationship) and provided any of the market shares of these enterprises amounts to 25% or more, irrespective of whether or not there exists a supplier/customer relationship among the enterprises that participate in the concentration.
6.4.2.1. <i>Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)</i>			
6.4.2.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>			
6.5. Transparency obligations			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)			

<p>6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)</p>			<p>In the event of a procedure before the Commission for the Protection of Competition – either as a result of a complaint or following the initiation of an own initiative investigation – the parties involved have to disclose all relevant financial and other information in their possession. The Commission has extensive powers to request information and carry out on the spot checks in company premises.</p>
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TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
7.1. Minimum service in a number of programme strands for commercial / community / public service media			
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Regulations on radio and television stations of 2004		List of the events of major importance
7.3. Short news reporting			
7.4. Fixed book price			
7.5. Public service media			
7.5.1. Structural rules - organization			Implementation and enforcement of rules on broadcasting were different for the public service and the commercial broadcasters. The amending law 96(I)/2004 is an attempt to solve this question on issues of content and compliance of the Cyprus Broadcasting Corporation (CYBC) with its mission.
7.5.1.1. <i>Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)</i>			
7.5.1.2. <i>Election of management, composition of board members...(government? Parliament? Other?)</i>	The Law on the Cyprus Broadcasting Corporation		The council of ministers appoints the chairman and vice chairman and seven more members of the board of directors for a mandate of three years. The council may remove the chairman or any other member of the Corporation without providing any reason for the removal.
7.5.1.3. <i>Specific representation requirements for board of directors, other bodies</i>			
7.5.1.4. <i>Advisory bodies: ensured broad representation of cultural, political and geographic groupings</i>			
7.5.1.5. <i>Employment: ensured broad representation of cultural, political and geographic groupings</i>			
7.5.2. Structural rules - funding	The Regulations on public service broadcasting of 2003		Respect for the quotas from the regulations on public service broadcasting of 2003 enables the corporation to qualify for receiving public funding and subsidies.
7.5.2.1. <i>Source of funding (state / tax money, public / licence fees, advertising, merchandising...)</i>			
7.5.2.2. <i>Sufficiency of resources (taking into account the missions and new media activities)</i>			

7.5.3. Definition of public service remit	The Regulations on public service broadcasting of 2003		Define the criteria to which the Cyprus broadcasting corporation should respond in order to qualify for the characterization of public service broadcaster. The criteria are based on the need to respect specific quotas for each category of programmes, i.e. news and current affairs, educational and entertainment, in radio and television.
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>			
7.5.3.2. <i>Obligation to engage in new media activities</i>			
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			
7.5.5. Universal coverage obligations			

TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)			
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)			
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission			
8.3.1. Implementation of market analysis procedure in ECNS Directives			
8.3.2. Result of (first) round of market analysis of market 18			
8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'			
8.4.1. Conditional access			No regulation of CAS for two analogue terrestrial pay-TV channels, cable TV network or IP TV CAS under consideration in the context of the introduction of digital terrestrial TV, but no final decision taken yet.
8.4.2. EPG (or other search tools)			No regulation yet. Regulation of EPGs is under consideration in the context of the introduction of digital terrestrial TV, but no final decision has been taken yet.
8.4.3. API			No regulation yet. Regulation of APIs under consideration in the context of the introduction of digital terrestrial TV, but no final decision has been taken yet.
8.4.4. Other			
8.5. Interoperability requirements			
8.6. Specific rules for distribution systems in print media			
8.7. General competition law			
8.8. Policies fostering distribution systems (libraries, broadband networks...)			
8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National)			

TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority	Radio and Television Stations Law 7(I)/1998		The Cyprus Radio-Television Authority (CRTA) (http://www.crta.org.cy)
<i>Note: There is also an advisory committee established by CRTA comprising of representatives from the Ministry of Interior, Ministry of Communications and Works, Ministry of Education and Culture, the Legal Service of the Republic, private television stations, private radio stations, Union of Journalists, local government, Trade unions, Cyprus Chamber of Commerce, University of Cyprus, Industrialists federation, pan-Cyprian Consumers association, the Church, Advertisers union, Newspaper Publishers union, etc.</i>			
9.1.1. Structure/ organization			Composed of the Chairman, Vice-Chairman and five members, appointed by the Council of Ministers for a six-year term, solely concerned with private radio and television stations broadcasting in Cyprus. Its remit does not cover the Cyprus Broadcasting Corporation (CyBC), which is a state-funded public service broadcasting organization.
9.1.1.1. Guarantees for independence			Section 3 of the Law expressly states that it is independent. No person can be appointed a member of the authority if he is affiliated, has any direct or indirect interest in any radio or television station or CyBC.
9.1.1.2. Representation requirements			Members come from the fields of art, literature, science or technology and have recognized experience as well as special knowledge and experience in mass media.
9.1.2. Credibility and efficiency			See <i>supra</i> , concerning recognized experience, etc.
9.1.2.1. Sufficient resources			Through licence fees.

<p>9.1.2.2. <i>Tasks and duties</i></p>	<p>The Radio and Television Stations Law 7(I) of 1998 and Regulations of 2000</p>		<ol style="list-style-type: none"> 1. Issuing and renewing broadcasting licences for radio and television. 2. Monitoring the ownership of radio and television stations so as to avoid media concentrations, monopolies and oligopolies and ensure pluralism. 3. Monitoring the content of radio and television programmes to ensure compliance with the Radio and Television Stations Law and Regulations by broadcasters. 4. Safeguarding the editorial independence of media professionals from any kind of pressures and interferences. 5. Ensuring the equal treatment of political parties, particularly during pre- election periods. 6. Monitoring international developments in the media field and making proposals or suggestions to the Council of Ministers as regards the need to adopt, amend or update relevant legislation. 7. Examining complaints about the content of radio and television programmes and commercials. 8. Examining breaches of the law and regulations and of the code of conduct by broadcasters, and imposing sanctions, which include recommendations, warnings, fines and the suspension or withdrawal of licences. 9. Issuing circulars and directives regarding observance of the code of journalistic conduct.
	<p>Law 96(I)/2004 on the Cyprus Broadcasting Corporation (CYBC)</p>		<p>Powers on the public service broadcaster: examines fulfillment by the corporation of its obligations as public service broadcaster; investigates eventual breaches of the law; imposes sanctions for breaches of the law relating to issues of advertising, protection of minors, respect of quotas for European works and to broadcasts of events of major importance.</p>
<p>9.1.2.3. <i>Effective sanctioning powers</i></p>			<p>Power to impose sanctions for not compliance with the law. Sanctions may vary from warnings to administrative fines and suspension or withdrawal of a licence.</p>

9.1.3. Cooperation with other regulators			Close co-operation between the Cyprus Radio-Television Authority (CRTA), the Ministry of Interior and the Ministry of Communications and Works, regarding broadcasting issues and drafting of proposals for Law and Regulation amendments.
9.2. Press Council	Article 3 of the Press Law 145/1989		The Cyprus Media Complaints Commission - an independent press council, responsible for the self-regulation of the news media, both written and electronic where members of the public are given the opportunity to lodge their grievances against the media when they feel they have been offended.
<p><i>Note: The independent press council 'Cyprus Media Complaints Commission' (CMCC) was established in May, 1997 by the Association of Newspapers and Periodicals Publishers, the owners of private Electronic Media and the Cyprus Union of Journalists, responsible for the self-regulation of the news written and electronic media. The Cyprus Broadcasting Corporation later acceded to the regulations governing the operation of the CMCC and the Code of Media Ethics. The CMCC accepts complaints submitted within 30 days of the offending publication first appearing or becoming known to the offended party or even a third party. The right to examine publications on its own initiative also exists.</i></p>			
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
9.3. Competition Authority			The Competition Commission http://www.competition.gov.cy/competition/competition.nsf/index_en/index_en?opendocument
9.3.1. Structure/ organization <i>(What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)</i>			
<p><i>Note: The Competition Commission is currently functioning properly although it has, until march 2008 had various problems due to the faulty appointment of the Chairman and one of its members. Now there is a brand new Chairman and new members, as well as a brand new law which aims at setting a new start for the operations of the Commission.</i></p>			
9.3.3. Cooperation with other regulators			The Ministry of Communications and Works is responsible for allocating radio spectrum frequencies.

Short summary of major implementation problems

One problem that has been identified is that the Radio and Television Authority only has power to regulate analogue-broadcasted television programs and not television programme broadcast for example via the internet. Internet providers of television programs do not require a licence to broadcast programs. Only analogue broadcasters do. In this manner, internet broadcasters do not need to pay any fees either, something which is disadvantageous vis-à-vis analogue broadcasters.

In addition, another problem is that faced as a result of piracy. Satellite providers of television programs (i.e. Nova Cyprus) complain about the lack of or poor enforcement of the provisions of the Intellectual Property and Neighbouring Rights Law by the police as a result of the use of illegal decoders allowing for the free access to their programs by non-subscribers.



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