



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

Prepared for the European Commission  
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*by*

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**Final Report - Annex III**

**COUNTRY REPORTS**

**Greece**

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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.

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

### [GREECE]

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#### National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

Law 3540/2007

Law 96/2007

Law 3310/2005

Law 2863/2000

Law 100/2000

Law 2690/1999

Law 2644/1998

Law 261/1997

Law 2528/1995

Law 2328/1995

Law 1806/1988

Law 1730/1987

Law 2943/1954

Law 1092/1938

Law 3592/2007

- *General legislation*

Constitution

Code of Administrative Procedures

Competition Act

Greek Criminal code

- **Codes of conduct**

Journalist Code

Code of Conduct for News and Other Political Programs

Pan-Hellenic Federation of Journalist's unions of Ethics

- **Other**

IFJ-Source Handbook (2004)

**TABLE 1. Constitutional protection of press and communication freedoms**

Measure	Source	Scope of application	Key features
<b>1.1. Freedom of expression</b>	Art. 14 Constitution	Art. 14 par. 1 applies to every media Art. 14 par. 2-3 applies only to text media	<p>1. Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State.</p> <p>2. The press is free. Censorship and all other preventive measures are prohibited.</p> <p>3. The seizure of newspapers and other publications before or after circulation is prohibited.</p> <p>Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of: a) an offence against the Christian or any other known religion. b) an insult against the person of the President of the Republic. c) a publication which discloses information on the composition, equipment and set-up of the armed forces or the fortifications of the country, or which aims at the violent overthrow of the regime or is directed against the territorial integrity of the State. d) an obscene publication, which is obviously offensive to public decency, in the cases stipulated by law.</p>
<p><i>Note: In spite the fact that in Greece there are a number of rules, especially in the Penal Code, that could possibly be considered restrictive, such as art. 168 of the PC (injury to the President of the Democracy), art. 199 PC (insult against religions), 361 PC (defamation), it must be noted that Greek courts, especially in the last decades, are usually very careful so that the application of these rules is made in way that is not very restrictive for the freedom of expression.</i></p>			
	Art. 16 Constitution	Books or anything that can be considered an art form	The art and the science, the research and the teaching are free. The constitution provides for no restrictions to them
<b>1.2. Freedom of/right to information</b>	Art. 10(3) Constitution	All media	Provides for a limited right of access to documents and information, requiring at least a response from authorities to requests within no more than 60 days.
<i>Is there – besides constitutional provisions – a specific act dealing with citizens’ or journalists’ access to public sector information?</i>	Art. 5 Code of Administrative Procedures (law 2690/1999)	All media	Provides “interested persons” with the right to access administrative documents created by government agencies. In cases of private and not public documents that are held in public agencies the applicant must show a “special legitimate interest” in order to obtain these documents. The authorities or agencies must reply within one month and there are financial charges attached to the receipt of documents (similar to the Republic of Ireland). Certain documents of a secret nature will not be made available such as those relating to national

			defence, public order and taxation, or those relevant to discussions of the Council of Ministers or if they could harm judicial, military or administrative investigations of criminal or administrative offenses or if the document relates to the private or family life of other persons.
<i>Are there specific rules dealing with journalists' access to events for news reporting?</i>			
<b>1.3. Explicit recognition of media pluralism</b>			In all the laws related to audio and audiovisual media there are provisions that recognize political and cultural pluralism as essential in the media sector (for example art. 4 2863/2000 according to which one of the tasks of NCRT is to ensure the political and cultural pluralism in the media)
<b>1.4. Protection of journalistic sources</b>	IFJ-Source Handbook (2004)		
<i>Note: There is no legal protection for sources. According to the EFJ survey, governments manipulate public opinion through selective leaks. Many journalists feel abused when tit-bits of information are dangled before them, and demand proper access to information.</i>			
	Art. 14 Constitution, Art. 371 Greek Criminal Code	All media	Despite the fact that in Greece there is no explicit protection of the journalistic sources, the Greek courts usually accept the right of the journalist not to reveal his/her sources based either on the constitutional protection of the freedom of expression and of the press (art 14 of the constitution) or on art. 371 of the Greek Criminal Code according to which the breach of professional confidence is a crime.
	Art. 8 Journalist Code Art. 2 par. Of the Pan-Hellenic Federation of Journalist's Unions Code of Ethics		The access to sources of news is free and undisturbed for the journalist, who is not obliged to reveal his information sources. The journalist must keep the professional secrecy in relation to his/her sources of information .
<b>1.5. Right of reply</b>	Art. 14, 5 Constitution	All media	Confers a Right of Reply upon all citizens with regard to 'inaccurate publication or broadcast' and obliges the offending medium to provide a 'full and immediate retraction or publication or broadcast of the reply'. It also allows the law to prescribe the 'manner in which the right to reply is exercised'.
	Art. 9 p.d. 100/2000	Private Audio and audiovisual media	Every person, legal entity, political party etc that has been offended can ask for a retraction from the station or for the broadcasting of his reply within 20 days from the broadcasting. In cases of persons that are dead the right is given to their relatives up to 4 <sup>th</sup> degree The station must decide within 2 days. If the station refuses to retract the ESR (National Council of Radio and Television) decides on the matter

	<p>Art. 3 par. 12-14 law 1730/1987</p> <p>Art. 37, 38 law 1092/1938</p>	<p>Public radio and television (ERT A.E)</p> <p>Printed media</p>	<p>and its decision is mandatory for the station.</p> <p>The right of reply is regulated generally in the same way as in art. 9 p.d. 100/2000 (see above)</p> <p>According to art. 37 l. 1092/1938 the right of redress is given to persons that exercise public functions and the publication has to do with their acts as public servants. According to this article the editor in chief or the managing editor, or the owner must publish the redress of the public servant for free and can only refuse to publish it in cases that the redress can be considered defamative or if one month (if the offended lives in Greece) or three months (if the offended lives abroad) have passed from the publication (par. 4).</p> <p>Article 38 l. 1092/1938 gives the right of reply (answer) to every person or legal entity irrespective of his capacity as a public servant that has been offended by a publication. The person or legal entity allegedly affected must be mentioned or at least alluded to. The editor in chief or the managing editor, or the owner must publish the reply and can only refuse to publish it under the conditions of art. 37 par. 4.</p>
<p><b>1.6. Ratification of international instruments:</b>          - 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>-No          -Yes</p>		

**TABLE 2. Editorial independence**

Measure	Source	Scope of application	Key features
<b>2.1. Journalists</b>	Art. 7 Journalist Code Art. 3 of the Pan-Hellenic Federation of Journalist's Unions Code of Ethics		The journalist while practicing his function rejects any intervention aimed at concealing or distorting the truth.
	Art. 10 Journalist Code Art. 5 of the Pan-Hellenic Federation of Journalist's Unions Code of Ethics		The journalist does not accept any advantage, benefit or promise of benefit offered in exchange for the restriction of the independence of his opinion while practising his function. The journalist must not receive any payment for his journalistic work from secret funds of public or private organizations. He must not work in organizations that can lead to questioning of his professional independence. He must not accept the advertising use of his name, voice or picture, except for benefit causes.
<p><i>Note: In Greece it is not mandatory for a journalist to be member of a Union, as this would be considered unconstitutional. Given the fact that this Code of Ethics apply only to members of the Unions it can be understood that their application can be limited. Furthermore according to the interpretation of the Constitution the right to define the political or other orientation of a newspaper is given to the owner. So while a journalist cannot be obliged to write or sign a text of a certain context (as this would go against the right of expression), on the other hand he cannot force the owner to publish a text he doesn't agree with.</i></p>			
<b>2.2. News / information programmes</b>	Code of Conduct for News and Other Political Programmes (p.d. 77/2003)	Audio and audiovisual media	The new code of conduct applies to all radio and television broadcasts, both free-to-air and subscription services. It aims at the protection of individuals' rights and respect for public order, pluralism and democracy, within the framework of the Greek constitution (Article 15), which provides that audio-visual media must ensure quality demanded by the social role of radio and television and the cultural development of the country. It should be noted that the Greek constitution explicitly recognises citizens' constitutional right to information (Article 5A). The new code of conduct regulates specific issues relating to the presentation of news bulletins, reporting on legal proceedings, the protection of the presumption of innocence of the accused, as well as the protection of minors, especially when children or adolescents are involved in criminal acts or accidents. Special concern is demonstrated for the protection of private life and of the rights of

			<p>individuals who participate in radio and television programmes and talk shows. According to the new rules of conduct for news reports and political programmes, the broadcasting of information acquired through illegal telephone bugging, secret microphones or cameras is forbidden. It is also explicitly stipulated that the broadcasting media are bound to respect and not to transmit aggravating comments regarding the refusal of an individual to participate in a news programme.</p> <p>News should be presented with due accuracy and impartiality. Events must not be confused with personal views expressed by journalists during a news or political programme. The broadcasting of breaking news must be restricted and take place after careful consideration. Special attention is given to the presentation of violence and the reporting of crimes, criminal techniques and terrorist acts. Such reporting must in no way encourage imitation. Also, it is explicitly laid down that reporters' investigations must not be a substitute for police inquiries and interrogations. During the coverage of protests or party political events it is forbidden to use methods that encourage misleading the audience.</p>
<b>2.3. Other media content</b>	Art. 3 par. 8 , 8 par. 3 law 2328/1995	Free to air television and radio	<p>Television and radio programs can be sponsored only under the condition that the sponsor doesn't interfere with the context of the program. Furthermore it must be made known that the program is sponsored and the program must not promote the products of the sponsor or another person. News bulletins and political informational broadcastings cannot be sponsored.</p>
<b>2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)</b>			
<b>2.5. Consultative programming structure for participation of the public/citizens to media (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, "Société des rédacteurs"...)</b>			

**TABLE 3. Cultural pluralism**

Measure	Source	Scope of application	Key features
<b>3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)</b>			
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...)			
<b>3.2. Representation of the various cultural groupings in the media</b>			
3.2.1. Access to airtime for cultural groupings			
3.2.2. Content obligations			
<i>Note: It must be noted that the recent l. 3592/2007 also regulates the content obligations of the program of the free to air television and radio stations, but its provisions are not so specific. Given the fact that the new law doesn’t explicitly abolish all provisions of the former laws, but stipulates that only the provisions of the former laws that are in contrast with it are abolished, it is open to discussion whether the former provisions that have more specific rules are abolished or not.</i>			
3.2.2.1. Promotion of European works	Art. 10 p.d. 100/2000  Art. 10 par. 4 l. 2644/1998	Television  On demand television	Wording of Directive incorporated directly into national law. 51 % of the total program time.  25% of total program time during the first year which must be increased by 5% every year until it reaches 45%.
<i>Note: There is no relevant provision in law 3592/2007. See 3.2.2</i>			
3.2.2.2. Promotion of European independent works			
3.2.2.3. Promotion of national/regional works			
3.2.2.4. Language requirements	Art. 3 par. 18, art. 8 par. 4 law 2328/1995 Art. 10 par.3 l. 2644/1998  Art. 6 par. 13, 8 par. 13 law 3592/2007	Audio and audio visual media  Free to air television and radio	25% of qualifying time should be for works produced in Greek as an original language. Also requirement to show correct use of Greek.  The main language of transmission or subtitling must be Greek.
<i>Note: See 3.2.2</i>			
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)			
<b>3.3. Accessibility</b> (i.e. special measures to promote access to media)	Art. 3 par. 19, art. 8 par. 4 l. 2328/1995	Free to air television and radio	Every television and radio station is obligated to organise every six months a series of 15

<p>contents by special needs groupings in society, like the elderly, disabled...)</p>	<p>Art. 3 par. 20 l. 2328/1995          Art. 3 par. 21, art. 8 par. 4 l. 2328/1995</p> <p>Art. 9 par. 12 l. 2644/1998</p>	<p>Free to air television and radio</p> <p>Subscription television</p>	<p>broadcasts in order to promote the correct use of Greek or the learning of the Greek language from the foreigners or the illiterate.</p> <p>Every national or regional television station is obligated every 15 days to broadcast an informational or recreational or teaching programme in Greek sign language with subtitles in Greek</p> <p>Every television and radio station is obligated to broadcast messages of social context especially on matters of health social welfare and care for the disabled</p> <p>Every subscription television station that has informational broadcastings is obligated to broadcast every day a news bulletin with the duration of at least 5 minutes in Greek sign language with subtitles in Greek for the information deaf. Also they are obligated every 15 days to broadcast recreational programmes in Greek sign language with subtitles in Greek</p>
	<p>Art. 6 par. 13 law 3592/2007</p>	<p>Free to air television</p>	<p>Every national or regional television station is obligated to broadcast every day a news bulletin with the duration of at least 7 minutes between the hours of 17:00 and 23:00 in Greek sign language with subtitles in Greek for the information deaf. Also 4 hours the week the program must be subtitled</p>
<p><i>Note: There is no relevant provision in law 3592/2007. See 3.2.2</i></p>			

**TABLE 4. Political pluralism**

Measure	Source	Scope of application	Key features
<b>4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)</b>			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	Art 14 par. 9 Constitution  Art. 3, 4 law 3310/2005	All media	The capacity of owner, partner, main shareholder (has or controls over 1% of the share capital) or management executive of an information media enterprise is incompatible with the capacity of owner, partner, main shareholder or management executive of an enterprise that undertakes towards the Public Administration or towards a legal entity of the wider public sector to carry out works or supplies or to provide services. This includes the activities of all types of related persons, such as spouses, relatives, financially dependent persons or companies. Art. 3 of law 3310/2005 set the additional condition that the person must be convicted with an irreversible judgment for corruption as specified in art. 45 par. 1 of the Directive 2004/18. According to art. 4 law 3310/2005 media companies and owners of media companies cannot undertake contracts with the public sector. The same applies basic share holders etc under the condition that they have been convicted for corruption Political parties are not among the entities entitled to radio or television ownership. However, they are able to publish newspapers, since there are no restrictions on one's right to spread his/her views through the press
<p><i>Note:</i> This provision of the Constitution, which was repeated in the initial provision of law 3310/2005 has been strongly criticized in Greek legal literature as incompatible with the freedom of expression and the European Community law. Furthermore the Commission of the European Union with her reasoned opinion dated 27.4.2005 according to art. 226 of the Treaty for the Establishment of the European Community considered that with the provision of art. 3 law 3310/2005 in his initial form, Greece failed to comply with her obligations arising from art. 5 par. 7 and 20 of the Directive 93/96 EC, art. 6 par. 6 and 24 of the Directive 93/37 EC, art. 3 par. 2 and 29 of the Directive 92/50 EC, art. 4 par. 2 and 31 of the Directive 93/38 EC, and art. 28, 39, 43 and 56 of the Treaty for the Establishment of the European Community. That's why law 3414/2005 which amended the provisions of law 3310/2005 added the condition of the conviction for corruption. Law 3310/2005 is still criticized as extremely strict and possibly incompatible with the freedom of expression and the European Community law and cannot yet be estimated if its application is positive.</p>			
4.1.2. Requirements of independence from political parties / politicians			
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Art. 3 law 2863/2000	Audio and Audiovisual media	The capacity as a member of the ESR (National Council for Radio and Television) is incompatible with the capacity of the Member of the Cabinet, the Vice Minister, the Member of the Parliament, the Secretary of the Ministry, public servant as well as with any rank within a political party.

4.1.4. Representation requirements in media companies' bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators	Art.2 law 2863/2000	Audio and Audiovisual media	The National Council for Radio and Television is an independent regulatory authority. The members of the NCRT are elected from the Conference of Presidents of the Greek Parliament with a majority of 4/5. The members of NCRT must be distinguished for their scientific grounding or their professional experience or their offer to public life especially in fields that are associated with the responsibilities of the Authority.
<b>4.2. Content rules (relating to media programmes, press articles, other content)</b>			
4.2.1. (Equal/proportionate) Access to airtime for political groupings			
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels	Art. 15 Constitution  Art. 3 par. 22 2528/1995  Art 3 par. 5 law 1730/1987 (public television and radio)	Audio and audiovisual media	allocation of free airtime is made on the basis of the principle of “analogic equality” that is in analogy with their performance at the previous elections also taking into account the need for all political parties to inform the public about their political programmes and ideas. These restrictions can not apply to printed media since there are no restrictions on one's right to spread his/her views through the press
4.2.1.b. Paid access: rules on political advertising	Art. 45,46,47 p.d. 96/2007	Audio and audiovisual media	Paid political advertising is prohibited during the election periods (see below), with the exception of the press. In non election periods the paid access can be monitored using the provisions of the law for the financial status and financing of political parties
4.2.2. Government announcements	Art. 3 law 3540/2007  Art 9 law 2328/1995, art. 6 p.d. 261/1997	Press  All media	The publication of government and in general public announcements is made to newspapers that fulfil the conditions of the law on the basis of equal distribution.  At least 10% of the advertisements of the government and the public sector must be given to the press and 40 % to the radio. The specific media are chosen on the basis of the following criteria: cost and audience shares. Furthermore in cases that the advertising relates to specific matters the impact of the media in specific groups must be taken into consideration.
4.2.3. Impartiality obligations			
4.2.4. Fair representation of political viewpoints; special rules in election periods	Art. 45,46,47 p.d. 96/2007	Audio and audiovisual media	In election periods the public and private radio and television stations must transmit messages from political parties for free. The air time is regulated by a decision of the Minister on the basis of the principle of analogical equality. Any

			<p>other transmission of messages that promote a political party is strictly prohibited These restrictions can not apply to printed media since there are no restrictions on one's right to spread his/her views through the press. In any case the law provides for a maximum election expenditure.</p>
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**TABLE 5. Geographical pluralism**

Measure	Source	Scope of application	Key features
<b>5.1. Licensing policy fostering local/regional types of media</b> (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...)	Art. 2 par. 2 law 2328/1995	Free to air television	At least 40% of the spectrum must be reserved for regional or local television stations.
	Art. 6 law 2328/1995	Free to air radio	Licences can be given only for local radio stations. The cooperation between radio stations is legal only after the approval by the National Council for Radio and Television (ESR) and the radio station can transmit the programmes of the cooperating radio station only for 5 hours a day. Any other transmission of the programme of another radio station is prohibited.
	Art. 11 par. 11 l. 3592/2007	Free to air television	The cooperation between a regional TV station and a national or an other regional TV station is legal after the approval by the National Council for Radio and Television (ESR) and the regional TV station can transmit the program of the cooperating national or regional TV station only for 3 hours a day with the restriction that the character of the tv station is not altered by this cooperation.
<b>5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)</b>			
<b>5.3. Content obligations: requirements to cover local events, etc.</b>	Art. 8 law 2328/1995	Free to air radio	The program of the radio station must be connected to its local character and special diligence must be shown for the presentation of the social , political and cultural life of the region as well as for its history.
	Art. 8 par. 13, 13 par. 13 l. 3592/2007	Free to air radio and television	At least 30 % of the program of the regional TV and radio stations (newsletters, other programs) must be connected with issues and events of local character.
<b>5.4. Regional State Aids</b>	Art. 9 law 2328/1995	All media	30% of the advertising of the Government and the public sector must be given to regional media.
<b>5.5. Rules on national minorities</b>			
<b>5.6. Rules on social inclusion of remote areas (Aménagement du territoire)</b>			

**TABLE 6. Pluralism of ownership/control**

Measure	Source	Scope of application	Key features
<b>6.1. Sector specific rules limiting media ownership</b>			
<i>Note: It must be noted that the recent l. 3592/2007 regulates, among other issues, the licensing procedure of free to air television and radio stations. Given the fact that the new law doesn't explicitly abolish all provisions of the former laws, but stipulates that only the provisions of the former laws that are in contrast with it are abolished, it is open to discussion whether all the former provisions are abolished or not.</i>			
6.1.1. Moment of intervention			
6.1.1.1. At moment of market entry (licensing procedure)	Art. 2 par. 4, 7 par. 4 Law 2328/1995 Art 5 par. 3, 6 par. 2 law 2644/1998  Art. 1 par. 7 l. 3592/2007	Audio and audiovisual media	The provisions of the law regarding media ownership (see below) constitute conditions of the licence and the NCPR checks them during the licensing procedure
6.1.1.2. At the moment of mergers & acquisitions	Art 1 par. 13, 6 par. 11 law 2328/1995	Television and radio	The NCRT must approve the transfer of the company that has a licence for a television or radio station or of a percentage bigger than 1 % of its shares, as well as its participation in an other company
<i>Note: There is no relevant provision in law 3592/2007. See 6.1</i>			
6.1.1.3. Other (constant monitoring/supervision)	Art 1 par. 13, 6 par. 16c law 2328/1995 Art. 8 par. 7 law 2644/1998	Audio and audiovisual media	The NCRT can constantly monitor if the company fulfils the conditions of the law
<i>Note: There is no relevant provision in law 3592/2007. See 6.1</i>			
6.1.2. Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. Monomedia	Art. 13 par. 10 Law 2328/95		In printed media it is provided that a physical or legal person and his/her relatives up to the fourth degree may be holders of or participate in only: 1) maximum of two daily political newspapers (a morning and an afternoon one) issued in Athens, Piraeus or Thessaloniki, 2) one daily financial newspaper and one daily sports newspaper issued in Athens, Piraeus or Thessaloniki, 3) two non-daily provincial newspapers issued in different regions and 4) one Sunday publication.
<i>Note: See 6.1.2.1</i>			
	Art. 5 l. 3592/2007	Audio and audiovisual media	Every company can control only one television and one radio station. A person can be a share holder up to 100% only in one company that has a licence for an informational TV or radio station. He can also be a share holder in another media company only if he doesn't control it. According to art. 5 par. 3 l.

			3592/2007 there is control of a company when the person or the legal entity is the owner, member of the Board of Directors or one of the 10 bigger shareholders or voting shares holders in more than one media companies , or has the right to appoint at least one of the members of the Board of Directors. The same restrictions about the control of a company apply also to spouses and relatives up to the 3rd degree under the condition that there is unfair influence. The participation in a non informational TV or radio station is free, under the condition that i) it is limited to one non informational station when there is also participation or control of one informational or two non informational stations or ii) it doesn't surpass 15% of the total available licences for non informational stations in every region with a maximum of three regions.
6.1.2.2. <i>Crossmedia</i>	Art. 5 par. 8, 9 l. 3592/2007	All media	The participation in printed media companies doesn't fall under the restrictions of art. 5 l. 3592/2007 (see above), irrespective of the participation in electronic media companies. In any case the concentration of media companies with total market shares that exceed i) 35 % when they are active in one media market (the four media markets are: television, radio, newspapers and magazines) ii)32 % when they are active in two media markets, iii) 28 % when they are active in three media markets and iv) 25% when they are active in all four media markets is forbidden.
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>	Art. 3 law 3310/2005	All media	The capacity of owner, partner, main shareholder or management executive of an information media enterprise is incompatible with the capacity of owner, partner, main shareholder or management executive of an enterprise that undertakes towards the Public Administration or towards a legal entity of the wider public sector to carry out works or supplies or to provide services. This includes the activities of all types of related persons, such as spouses, relatives, financially dependent persons or companies with the additional condition that the person must be convicted with an irreversible judgment for corruption as specified in art. 45 par. 1 of the

			Directive 2004/18 According to art. 4 law 3310/2005 media companies and owners of media companies cannot undertake contracts with the public sector. The same prohibition applies to basic share holders etc under the condition that they have been convicted for corruption.
6.1.2.6. Control over both commercial and public media			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. Number of licences	Law 3592/2007	Audio and audiovisual media	See 6.1.2.1
6.1.3.2. Market shares			See 6.1.3.3.
6.1.3.3. Circulation and audience shares	Art 8 par 8 law 2644/1998  Art. 3 par. 4 l. 3592/2007	Subscription television and radio  All media	The NCRT or the other regulatory agencies in order to judge whether the activity of a company that has a relevant licence can obstruct free competition can use as criteria market shares, circulation and audience shares, advertising revenues, etc The criteria for the establishment of the dominant position of a media company are for the radio and television sector the total of the advertising expenses plus the revenues from the sale of radio and television program or any other services and for the printed media sector the total of the advertising expenses plus any income from their sales in Greece.
6.1.3.4. Capital shares	Art. 5 l. 3592/2007	Audio and Audiovisual media	See 6.1.2.1
6.1.3.5. Voting shares			
6.1.3.6. Advertising revenues			See 6.1.3.3.
6.1.3.7. Involvement in number of media sectors	Art. 5 l. 3592/2007	All media	See 6.1.2.1
<b>6.2. Sector specific rules preventing cooperation between media companies</b>			
<b>6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership</b>	Art. 1 par. 9, art. 6 par. 6a law 2328/1995	Free to air television and radio	The participation of non EU foreigners in the shareholding of limited companies with a licence to broadcast free to air television and radio should not exceed 25% of the total capital
<i>Note: This restriction has not been repeated in art. 6 and 8 of law 3592/2007, which provide which companies are eligible for a licence. See above under 6</i>			
<b>6.4. General competition rules</b>	p.d 703/1977		The general law on free competition, which also apply in the media sector.
6.4.1. Antitrust			
6.4.1.1. Specific provisions for media sectors (e.g. public interest test...)	Art. 3 l. 3592/2007	All media	It contains more specific provisions on the notion of dominant position and concentration of companies in the media sector
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.4.2. Merger control			
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public			

<i>interest test...)</i>			
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)			
<b>6.5. Transparency obligations</b>			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)			
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...)	Art. 14 ,par 9 Constitution j. Art. 1, par 10 and 17 art 6 par. 16c and 8 Law 2328/1995 art. 8 law 2644/1998, art. 40 par. 5 1806/1988	All media	Transparency of ownership of the media, and restriction of ownership of the media is addressed in the Greek constitution (Article 14 par 9), which calls for further legislation to regulate the media field. The ownership status, the financial condition and the financing means of information media should be disclosed, as specified by law. The measures and restrictions necessary for fully ensuring transparency and plurality in information shall be specified by law. According to Article 1 par 17 and art. 6 par. 16c of the Law 2328/1995, art. 8 of the law 2644/1998 the CNRT can request information regarding the organisation and financing of radio and television stations. Furthermore according to art. 1 par. 10, art 6 par. 8 of the law 2328/1995, art. 40 par. 5 1806/1988 the owners, shareholders and members of the board of media companies must submit every year a statement regarding their property and the means by which they accumulated it.

**TABLE 7. Pluralism of media types and genres**

Measure	Source	Scope of application	Key features
<b>7.1. Minimum service in a number of programme strands for commercial / community / public service media</b>	Art. 6 par. 13 I. 3592/2007	Free to air television	The program of the free to air informational television station must contain at least an hour of newsletters daily, at least twenty hours of broadcasts on culture, art or theatre yearly and at least 10 hours yearly from each of the four of the following categories, informational shows, light entertainment shows (TV games etc), talk shows, Greek TV series, foreign TV series, children’s shows, documentaries, sports.
	Art. 8 par. 13 I. 3592/2007	Free to air radio	The program must contain at least an hour of newsletters daily, 30 % of which must be relevant with local issues, at least 25 hours of informational broadcasts and commenting on the political and economical Greek and international agenda every week, 30 % of which must be relevant with local issues.
<b>7.1bis. Special framework for community media (“medias associatifs”): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc.).</b>	Art. 6 par. 8, 8 par. 8 law 3592/2007	Audio and audiovisual media	Legal entities (companies) that are created by local authorities (municipalities and communities).can apply for a licence for a free to air television or radio station
<i>Note: On 15 November 2007, Miklós Haraszti, the OSCE Representative on Freedom of the Media, presented his regular report to the OSCE Permanent Council, the organization’s main decision-making body. To the President of Greece Karolos Papoulias, the media freedom representative wrote concerning the promulgation of a law which sets unnecessarily high requirements for obtaining a broadcasting licence, rendering it difficult for, inter alia , community and low-cost broadcasters to go on air;</i>			
<b>7.2. Events list</b> (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)			
<b>7.3. Short news reporting</b>			
<b>7.4. Fixed book price</b>			
<b>7.5. Public service media</b>			
7.5.1. Structural rules - organization			
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)	Art. 14 par. 2 law 1730/1987	National radio and television stations	The program of ERT A.E. must respond to the needs of the total of the population of the country, taking into consideration the needs of the special social groups, irrespectively from audience’s shares.

7.5.1.2. <i>Election of management, composition of board members...(government? Parliament? Other?)</i>	Art. 1 par. 6 law 1730/1987	National radio and television stations	ERT A.E (National Radio and Television) is governed by a board of directors that consist of the President the Vice-President the managing director and 5 members that is 9 members in total. 7 of the members of the board are appointed by the Minister of Media and Communication after the opinion of the NCRT while one member of the board is elected by the employees of ERT A.E. and one member is appointed by the National Committee of Electronic Media
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. <i>Structural rules - funding</i>			
7.5.2.1. <i>Source of funding (state / tax money, public / licence fees, advertising, merchandising...)</i>	Art. 14 par. 1 law 1730/1987	National radio and television stations	The funds of ERT A.E. come from the special taxation for ERT A.E., advertising, state funding and any other source.
7.5.2.2. <i>Sufficiency of resources (taking into account the missions and new media activities)</i>			
7.5.3. <i>Definition of public service remit</i>			
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>	Art. 14 par. 2 law 1730/1987	National radio and television stations	The program of ERT A.E. must respond to the needs of the total of the population of the country, taking into consideration the needs of the special social groups, irrespectively from audience's shares.
7.5.3.2. <i>Obligation to engage in new media activities</i>			
7.5.4. <i>Content obligations (not yet mentioned in table 3, 4 or 5)</i>			
7.5.5. <i>Universal coverage obligations</i>	Art. 14 par. 2 law 1730/1987	National radio and television stations	ERT A.E. must cover the total of the population of the country by using the proper technical equipment

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

Measure	Source	Scope of application	Key features
<b>8.1. Guarantees for 'public contents' to be distributed (must carry or other)</b>	<p>Law 2644/1998</p> <p>Art. 3 par. 19,20,21 art. 8 par. 4 l. 2328/1995</p> <p>Art. 3 law 1730/1987</p>	<p>Subscription television and radio</p> <p>Free to air television and radio</p> <p>National television and radio (ERT AE)</p>	<p>For analogue TV:</p> <ul style="list-style-type: none"> <li>-Broadcasters, not the terrestrial platform per se, have programming obligations. Enabling legislation for the provision of subscriber radio and television services and related regulation (Law 2644/1998). However, broadcasters are vertically integrated, and broadcast using their own transmission facilities.</li> <li>-subject to must-carry:               <ol style="list-style-type: none"> <li>1)The Greek Parliament</li> <li>2)Content for social messages</li> <li>3)Content for the provision of information and news services to people with hearing disabilities</li> <li>4)Political plurality programming</li> </ol> </li> </ul> <p>For satellite TV:</p> <p>NB -Digital satellite pay TV providers are obliged to offer space on their platform to the public sector as a FTA channel (not encrypted).</p> <p>Enabling legislation for the provision of subscriber radio and television services and related regulation (Law 2644/1998).</p> <ul style="list-style-type: none"> <li>-subject to must-carry:               <ol style="list-style-type: none"> <li>1) The Greek Parliament</li> <li>2) Up to 24 hrs. daily programming to one or more public institutions</li> </ol> </li> </ul> <p>See above in 3.3</p> <p>ERT AE must show special diligence for the presentation of the sessions of the Parliament</p>
<b>8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)</b>			
<b>8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission</b>			
8.3.1. Implementation of market analysis procedure in ECNS Directives			

8.3.2. Result of (first) round of market analysis of market 18			NB Not yet completed Data collection completed, analysis ongoing
<b>8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'</b>			
8.4.1. Conditional access	NB Article 9 par. 5 Law 2644/1998		-Scope: Conditional access for consumers to all radio and television subscriber services transmitted by any technical method or means. -Who has obligation?: All radio and television broadcasters licensed under the terms of Law 2644/1998 -Remuneration?: No compensation is contemplated. It is an obligation under law.
8.4.2. EPG (or other search tools)	Law 2644/1998, article 9.  Law 3431/2006 Article 42 (as it was amended by art. 16 par. 4 l. 3592/2007)		No definition of EPG provided Regulatory authority: ESR The law requires all licensed digital television operators: 1) to grant access to the EPGs to subscribers free of charge; and 2 )to include the programme of content providers in the EPGs free of charge.  When necessary the National Authority for Telecommunications can impose on the operators the obligation to grant access to the APIs and the EPGs under fair, reasonable and unbiased conditions.
8.4.3. API	Law 3431/2006 Article 42 (as it was amended by art. 16 par. 4 l. 3592/2007)		When necessary the National Authority for Telecommunications can impose on the operators the obligation to grant access to the APIs and the EPGs under fair, reasonable and unbiased conditions.
<i>Note: No regulation. Digital television exists in Greece only for satellite pay platform. Art. 13 of the recent law 3592/2007 provides that a licence is necessary for terrestrial digital television stations. All the necessary details will be regulated by a presidential decree. Furthermore according to art. 14 until the presidential decree is issued the national free to air television stations can also broadcast their program digitally.</i>			
8.4.4. Other			
<b>8.5. Interoperability requirements</b>			
<b>8.6. Specific rules for distribution systems in print media</b>	Law of 28-5-1935 Law 2943/1954		The distribution of the press is made through the editors, distribution agencies and newsvendors.
<i>Note: On this subject there have been a number of decisions by the National Competition Commission which concerned the denial of the distribution agencies to supply vendors with press.</i>			
<b>8.7. General competition law</b>	Law 146/1914 p.d. 703/1977  Art 3 l. 3592/2007		The basic Greek law for unfair competition which also applies to the media. It contains more specific provisions on the notion of dominant position and concentration of companies in the media sector
<b>8.8. Policies fostering distribution systems (libraries,</b>			



<b>broadband networks...)</b>			
<b>8.9. State Aids to distribution platforms and/or schemes</b> (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
<b>9.1. National Regulatory Authority</b>			The National Council for Radio and Television (ESR) ( <a href="http://www.esr.gr/english.php">http://www.esr.gr/english.php</a> )
	Law 2863/2000		
9.1.1. Structure/ organisation	Art. 1 Law 2863/2000		The National Council for Radio and Television is an independent Regulatory Authority.
9.1.1.1. Guarantees for independence	Art. 3 law 2863/2000		The president and vice president of the council cannot have any other professional activity in the public or private sector during their term. The capacity as a member of the ESR (National Council for Radio and Television) is incompatible with the capacity of the Member of the Cabinet, the Vice Minister, the Member of the Parliament, the Secretary of the Ministry, public servant as well as with any rank within a political party. The Members of the Council are not allowed during their term and for 3 years after to be share holders, members of the board or to be employed in any way in a company whose activities fall under the jurisdiction of the NCRT
9.1.1.2. Representation requirements	Art. 2 law 2863/2000		The members of the NCRT are elected from the Conference of Presidents of the Greek Parliament with a majority of 4/5. The members of NCRT must be distinguished for their scientific grounding or their professional experience or their offer to public life especially in fields that are associated with the responsibilities of the Authority.
9.1.2. Credibility and efficiency			
<i>Note: The NCRT has in many cases been criticized for his decisions. In general it has made considerable efforts for the application of media law</i>			
9.1.2.1. Sufficient resources			
9.1.2.2. Tasks and duties	Art. 15 par. 2 Constitution  Art. 4 law 2863/2000		The Radio and television are under the direct control of the state. The control and the enforcement of administrative sanctions fall under the exclusive jurisdiction of the NCRT.  The NCRT exercises the immediate control

			of the State over radio and television. It is responsible to : a) grant, amend renew and revoke licences or approval of transactions and contracts in the sector of radio and tv services, b) to control the enforcement of the legislature and ensure the political and cultural pluralism in the media c) to control the observance of the rules of free competition in the media sector d) to issue and set in force normative acts e) to decide about the right to restoration (reply)
9.1.2.3. <i>Effective sanctioning powers</i>	Art. 4 law 2863/2000		The NCRT can impose administrative sanctions (fines etc) for the breach of media legislature. These decisions are administrative acts that can be controlled only by the Greek Courts.
9.1.3. Cooperation with other regulators			
<b>9.2. Press Council</b>			
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
<b>9.3. Competition Authority</b>			
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>			
9.3.3. Cooperation with other regulators			



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