



Reforming the media landscape in Greece

In October 2015, the Greek Parliament approved a bill that drastically reforms the media landscape in the country.

The new law was required for the following reasons:

1. Compliance with international standards

- In accordance with the Geneva Agreement (GE 06), Greece has completed – as obligated – its switchover from analog to digital broadcasting. Nonetheless, until now there was no legal framework regarding content providers in compliance with the requirements of digital broadcast transmission. The new law provides such a legal framework through an international open bids procedure.
- A similar model of international bids has already been adopted by many European countries, including Italy, Portugal, Cyprus, Romania, and Spain, and there have been outstanding results in terms of transparency and financial outcomes.
- Moreover, previous allocation of scarce spectrum frequencies to digital terrestrial broadcasting services had not been carried out in compliance with international and European agreements Greece had signed.
- European Law and relevant Directives (i.e., Directive 2010/13/EU and its proposed amendments) obligate member states and their independent regulatory authorities to ensure polyphony, transparency, free competition, and protection of the TV product consumer.
- In accordance with [WRC 15] international conference resolutions, the process of licensing content providers must also take into account the spectrum frequency allocation policies of neighboring countries so as to avoid any interference that might be caused by Greek digital broadcasting.



2. Transparency and democracy

The proposed licensing procedure addresses a series of problems and dysfunctions in the field of TV broadcasting in Greece. For over twenty five years, private TV content providers have been broadcasting while holding only provisional licenses.

Entering the digital era, TV channels sought to become established as de facto digital content providers under the pretext that there are no spectrum limitations any longer. However, the government has insisted on a license procedure through international open bids in an effort to restore legality regarding TV channels operations in compliance with constitutional requirements.

The new law ensures transparency in public performance and operations. There are specific rules obligating TV media owners to provide detailed information regarding their ownership structure. Moreover, licensees holding non-performing loans as well as those who are contractors to public authorities are excluded from participation in the open bids process.

3. Opening market competition

In connection to competition, existing content providers hold a dominant position in the domestic market, thereby blocking entrance to any potential new players. With insufficient business and contingency plans, they have been accumulating enormous financial obligations and loans. Their dominant position affects not only competition, but also freedom of the press. While Greece was ranked as the 31st country in the annual Reporters Without Borders World Press Freedom Index in terms of press freedom in 2008, its place in the same ranking system had dropped to 99th in 2014.

The reform of the media landscape will remedy old institutional dysfunctions and will bring Greece back newly into the European media market, opening a new chapter in the audiovisual and communications areas.

From a democratic, institutional, and financial perspective, it is necessary to establish a viable and well-functioning radio & television landscape in Greece as soon as possible.

THE PROCEDURE of ATTRIBUTING THE LICENCES

● The licence procedure will be effected through international tendering and auctioning TV licences on invitation for tender by the **NCRTV** (National Council for Radio and Television, Greece's independent regulatory authority).

This procedure **ensures the return** of the public good of information to the citizens.

● **New Law voted** (October 2015) by the Greek Parliament.

New members will be appointed to the Board of the NCRTV, to replace those whose mandate expired in 2015.

● The new board of the **NCRTV** shall:

a) Provide a **documented opinion** on the number of licences to be attributed.

b) Launch a **public consultation procedure**.

The results of the consultation, alongside the NCRTV's documented opinion and the international experts' scientific report will determine the final number of licences that will be validated by the Minister of State.

c) Open the tender procedure for licences of **10 year duration**. The tender and licensing shall conform to the national and international agreements on frequency allocation.

● The participants in the tender will conform with specific **terms and conditions**, concerning:

i. The minimum requirements on technical equipment and infrastructure.

ii. Ownership transparency: Assets, shares' registration, debt and liabilities, minimum paid-up shared capital, maintenance capital throughout the duration of the licence, commitment to the program specifications.

iii. Pluralism and open competition, through the exclusion of actors involved in the broadcasting and advertising market, convicts of felonies or other offenses, business owners holding contracts with the Greek State, actors lacking tax or social insurance clearance certificates.

● International auditors, assigned by the NCRTV, shall **evaluate the financial viability of the candidates**.

● The NCRTV shall review the applications in order to ensure that the candidates fulfill the participation conditions and will then **attribute the licences**.

● The NCRTV reserves the right to **revoke licences**, in case the terms and conditions of the tender are violated.

