

The EU Audiovisual Media Services Directive and its transposition into national law – a comparative study of the 27 Member States

www.medialaw.lu

Member State: Greece

Important Notice

This text is an unofficial translation conducted at the University of Luxembourg in the framework of a research project on the transposition of the “**Audiovisual Media Services Directive**” in the Member States of the European Union.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, several national legal acts have been shortened to include only those provisions of relevance for the study. Subsequently, the modified acts were translated by a translation agency external to the university.

The translations only serve the purpose of being an information source; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at: www.medialaw.lu, where additional information on the comparative study may be found.

Member State: Greece

Government gazette of the Hellenic Republic First Volume, Issue No. 190

Official Journal: Εφημερίς της Κυβερνήσεως (ΦΕΚ) (Τεύχος Α), number: 190

Article 2

(Article 1 Directive 2010/13)

Terms

For the purposes of this document the following definitions shall apply:

1. a) **“Audiovisual media services”**: A service as defined in Articles 56 and 57 of the Treaty on the Functioning of the European Union, which is under the editorial responsibility of an audiovisual media service provider, the main purpose of which is the provision of programmes for the information, entertainment or education of the general public via electronic communications networks within the meaning of Article 2, point 14 of Law 3431/2006 as applicable. An audiovisual media service is either television broadcasting as defined in point e) of this Article, or on-demand audiovisual media services as defined in point g) of this Article, and/or audiovisual commercial communications as defined in point h) of this Article.
- b) **“Programme”**: a series of moving images with or without sound which constitutes an individual item within a schedule or a catalogue established by an audiovisual media service provider, the form and content of which is comparable to the form and content of television broadcasting. Programmes include feature-length films, sports events, series, documentaries, children's programmes and original drama.
- c) **“Editorial responsibility”**: The exercise of effective control with respect to the selection of programmes and to their organisation in a chronological schedule, in the case of television broadcasting, or in a catalogue in the case of on-demand audiovisual media services.
- d) **“Audiovisual media service provider”**: The natural or legal person who has the editorial responsibility for the selection of the audiovisual content of the audiovisual media service and determines the manner in which it is organized.
- e) **“Television broadcasting”**: (a linear audiovisual media service): An audiovisual media service which is provided by an audiovisual media service provider for simultaneous viewing of programmes on the basis of scheduled broadcasts.
- f) **“Broadcaster”**: The provider of linear audiovisual media services.
- g) **“On-demand audiovisual media service”** (non-linear audiovisual media service): An audiovisual media service for the viewing of programmes at a moment chosen by the user, at his own request, from a catalogue of programmes drawn up by the provider of audiovisual media services.
- h) **“Audiovisual commercial communication”**: Images with or without sound which are intended to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or a similar consideration, or for self-promotional purposes. Forms of audiovisual commercial communication include television advertising, sponsorship, teleshopping and product placement.
- i) **“Television advertising”**: Any form of television announcement which is broadcast in return for payment or similar consideration, or for self-promotional purposes, by a public or private undertaking (NPDD (Public Entity) or NPID (Private Legal Entity)) or by a natural person in connection with trade, business or craft activities or the pursuance of a profession,

in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment.

j) **“Surreptitious audiovisual commercial communication”**: the representation in programmes, in words or images, of goods, services, the name, the trademark, or the activities of a producer of goods or a provider of services, when such representation by the audiovisual media service provider is intended to serve as advertising and it is possible that the public might be misled by the nature of this representation. Representation of this type shall be considered intentional particularly when it is done in return for payment or other similar consideration.

k) **“Sponsorship”**: Any contribution by a public or private undertaking (NPDD (Public Entity) or NPID (Private Legal Entity)) or a natural person not providing audiovisual media services or not producing audiovisual works, to the financing of audiovisual media services or programmes, with the intention of promoting their name, their trademark, their image, their activities or their products.

l) **“Teleshopping”**: Direct offers of goods or services to the public, including immovable property, rights and obligations in return for payment, regardless of the way in which the price is set (e.g. by auction) or the payment method.

m) **“Product placement”**: Any form of audiovisual commercial communication consisting of the representation of, or reference to, a product, service or trademark so that it features in a programme, in return for payment or for similar consideration.

n) **“European works”**:

i) works originating in European Union member states.

ii) works originating European third states which are party to the European Convention on Transfrontier Television of the Council of Europe which fulfil the conditions of paragraph 3.

iii) works co-produced within the framework of agreements regarding the audiovisual sector which have been established between the European Union and third countries, which fulfil the terms defined in each of the said agreements.

2. The application of the provisions of section n) points ii) and iii) of paragraph 1 is conditional on works originating in member states not being subject to discriminatory measures in the said third countries.

3. The works referred to in the first and second points of section n) of paragraph 1 are works mainly made by authors and workers who reside in one or more of the states referred to in those provisions, provided that they fulfil one of the following conditions:

a) they are made by one or more producers established in one or more of those states,

b) the production of these works is supervised and actually controlled by one or more producers established in one or more of those states,

c) the co-producers from the said states contribute the greater part of the total co-production costs, and the co-production is not controlled by one or more producers established outside the said states.

4. Works that are not European within the meaning of paragraph 1 section n), but that are produced within the framework of bilateral co-production agreements established between member states and third countries shall be considered European, provided that the co-producers from the European Union contribute the greater part of the total production cost and that the production is not controlled by one or more producers established outside the territory of the member states.

Chapter II

General provisions

Article 3

(Article 2 Directive 2010/13)

Jurisdiction

1. For the purposes of this document, providers of audiovisual media services that fall under the jurisdiction of the Greek state are defined as those which: a) are established on Greek territory as stipulated by paragraph 2 or, b) fulfil the conditions of paragraph 3.

2. For the purposes of this document a provider of audiovisual media services is considered to be established on Greek territory in the following circumstances:

a) if it has its head office in Greece, where editorial decisions about audiovisual media services are made,

b) if it has its head office in Greece and a significant part of its workforce involved in the provision of audiovisual media services works in Greece, or in more than one European Union member state including Greece, even if the editorial decisions about the audiovisual media services are made in another European Union member state,

c) if a provider of audiovisual media services originally commenced its operations in Greece, according to Greek law, even if a significant part of its workforce involved in the provision of audiovisual media services does not work in Greece or another member state of the European Union, as long as it maintains a stable and effective link with the country's economy,

d) if it has its head office in Greece, but the decisions about the audiovisual media service are made in a third country, or vice versa, as long as a significant part of its workforce involved in the provision of audiovisual media services works in Greece.

3. The providers of audiovisual media services to whom the provisions of paragraph 2 do not apply shall be subject to the jurisdiction of the Greek state if:

a) they use a satellite up-link situated in Greece,

b) despite not using a satellite up-link situated in Greece, they use satellite capacity situated in Greece.

4. If, in accordance with paragraphs 2 and 3, it is not possible to determine which European Union member state has jurisdiction, the competent member state shall be that in which the provider of audiovisual media services is established, within the meaning of Articles 56 to 62 of the Treaty on the Functioning of the European Union.

5. This document does not apply to audiovisual media services which are aimed exclusively at third countries and which cannot be received with standard consumer equipment, directly or indirectly, by the public in one or more member states of the European Union.

Article 4

(Article 3 Directive 2010/13)

Freedom of Reception

1. Reception of audiovisual media services, the producers of which are subject to the jurisdiction of European Union member states, shall be free in Greece.

Blocking reception and restricting retransmission within Greece of audiovisual media services which originate from providers subject to the jurisdiction of other European Union member states shall not be permitted, for reasons which fall within the fields covered by this document.

2. The National Council for Radio and Television may decide to temporarily prohibit, by any technical means, the retransmission of the television programmes referred to in the previous section only when:

a) it clearly, seriously and flagrantly infringes the rules and principles governing the protection of minors from the content of television programmes, and/or

b) it incites hatred on grounds of race, gender, religion, beliefs, nationality, disability, age or sexual orientation.

3. To impose the above mentioned prohibition, the following conditions must be met:

a) the broadcaster has infringed the obligations referred to in the previous paragraph at least two (2) times during the previous twelve (12) months,

b) the National Council for Radio and Television has notified the broadcaster which broadcasts the illegal programme and the European Commission in writing of the alleged infringements and its intention to order the imposition of this measure should there be a new infringement.

c) at least fifteen (15) days have passed since the written notification of the National Council for Radio and Television's intention without achieving an amicable settlement between the relevant Greek authorities, the European Commission, and the European Union member state under whose jurisdiction the broadcaster of the illegal television programme falls, and the alleged infringement persists.

4. If, within two (2) months of the written notification of the measure, the European Commission rules that it is not compatible with Union law, the National Council for Radio and Television must remove the prohibition against the retransmission of the television programme.

5. Regarding on-demand audiovisual media services, the National Council for Radio and Television may decide to restrict or prohibit, by any technical means, the provision of the said service, as long as these measures:

i) are necessary for one of the following reasons:

– for the protection of public order and especially for the prevention, investigation, detection and prosecution of criminal offences relating to the protection of minors, the fight against incitement to hatred on grounds of race, gender, religion, beliefs, or nationality as well as violations of human dignity concerning individuals, especially relating to disability, age and sexual orientation.,

– for the protection of public health,

– for public security, including the safeguarding of national security and defence,

– for the protection of the consumers and investors,

ii) are taken against an on-demand audiovisual media service prejudices or presents a grave risk of prejudicing the objectives referred to in point i) and

iii) are proportionate to those objectives.

6. Before taking any of the measures referred to in paragraph 5 and regardless of any court proceedings, including preliminary proceedings and actions within the framework of criminal investigations, the National Council for Radio and Television must have:

— asked the corresponding body in the European Union member state under whose jurisdiction the audiovisual media service provider falls to take measures, and the member state took no measures or the measures which were taken were not suitable,

— notified in writing the European Commission and the corresponding body in the European Union member state under whose jurisdiction the service provider falls of its intention to take such measures.

7. In urgent cases it is possible to deviate from the terms laid out in paragraph 6. In this case, written notification of the measures must be made as soon as possible to the European Commission and the European Union member state under whose jurisdiction the service provider falls, with clear reference to the reasons why it was judged to be an urgent case.

8. If the European Commission rules that this measure is not compatible with Union law, the National Council for Radio and Television must not take the intended measures or must immediately lift the prohibition or restrictions against the on-demand audiovisual media services.

Article 5

(Article 4 Directive 2010/13)

Procedure for co-operation – Procedure for circumvention

1. In cases where the provisions of this document are, for reasons of general public interest, more detailed or stricter than those of Directive 2010/13/EU and where a broadcaster which falls under the jurisdiction of another member state of the European Union is broadcasting television programmes which are wholly or mostly directed at the Greek state, the Ministry of Culture and Tourism shall immediately make a substantiated request to the European Union member state which has jurisdiction in order to find a mutually satisfactory solution to any problems which may arise. The request must state the reasons why these provisions are objectively necessary and justifiable to ensure the aforementioned public interest. Facts on which an assessment that a television broadcast is wholly or mostly directed at the Greek state may be based include, in particular, the source of revenue from advertising, the main language of the service being provided, and the existence of programmes or audiovisual commercial communications which specifically target the Greek public.

2. Should the Ministry of Culture and Tourism receive a substantiated request from another European Union member state about the transmission of a broadcaster who falls under the jurisdiction of the Greek state, it must respond with the results within two (2) months of the request's submission. During this time the National Council for Radio and Television shall pass judgement on the grounds for the request, and shall ask the broadcaster to comply with the stricter or more detailed rules of the other member state, which have been justified on the basis of general public interest, within a deadline of three (3) days of being informed, in whatever way, of the decision. If the broadcaster does not comply, the sanctions referred to in Article 30 of this document shall be imposed.

3. In the case that the relevant Greek authorities believe that the results achieved by implementing paragraph 1 are not satisfactory, and that the broadcaster concerned has established itself in the European Union member state which has jurisdiction over it with the intention of circumventing the stricter rules of Greek legislation, they may take measures corresponding to those which they would have taken if the broadcaster had fallen within the jurisdiction of the Greek state. These measure must be objectively necessary, must be implemented without discrimination, and be proportionate to the objectives they pursue.

4. The measures stipulated in paragraph 3 can only be taken when both the following conditions are met:

- a) it has notified the European Commission and the member state in which the broadcaster is established of its intention to take the measures, while making clear on what grounds it bases its assessment, and
- b) the European Commission has ruled that the said measures are compatible with Union law and that the assessments for taking the measures are well founded.

Chapter III

Provisions applicable to all audiovisual media services

Article 6

(Article 5 Directive 2010/13)

Access to details of the audiovisual media service provider

1. Broadcasters must accompany their programmes by a reference either on their website or a teletext service or any other convenient means, which must permanently state at least the following information regarding the provider's details:

- a) the company name and the trading name of their undertaking,
- b) the address of their main office,

c) the provider's telephone and fax numbers, their electronic mail address and any internet site they may have,

d) the details of the National Council for Radio and Television, its postal address, its telephone and fax numbers, its electronic mail address and its internet site.

2. Providers of non-linear audiovisual media services are similarly obliged to provide the information mentioned in paragraph 1 to those who receive their services. To fulfil this obligation they must, in particular, accompany the selection catalogue (menu) that they offer with a relevant card which shall appear on the service's opening page.

Article 7

(Article 6 Directive 2010/13)

1. Providers of audiovisual media services must take the necessary measures so that the services they provide do not incite hatred on grounds of race, gender, religion, beliefs, nationality, disability, age or sexual orientation. Furthermore, they must not exploit people's beliefs and superstitions.

2. Programmes of all types, including audiovisual commercial communications, which are transmitted by public or private broadcasters must respect the personality, honour, and reputation; the private and family life; and the professional, social, scientific, artistic, political or other legal activities of every person whose image appears on the screen or whose name or details sufficient to identify him or her are reported.

Article 8

(Article 7 Directive 2010/13)

Access to audiovisual media services for people with a disability

1. Audiovisual media service providers, whether broadcasters or providers of non-linear services, must gradually make their services accessible to people with visual or hearing disability.

2. Broadcasters defined as informative media according to paragraph 5 of Article 5 of law 3592/2007 must transmit at least four hours a week of the programmes referred to in point ii of section b) of paragraph 13 of Article 6 of law 3592/2007 with simultaneous subtitling in Greek. Specifically these programmes may be informative, light entertainment (game shows, variety shows, events), Greek serials, children's programmes, documentaries, sports-related programmes etc., with the exception of news broadcasts which are subject to the provisions of section e) of paragraph 13 of Article 6 of law 3592/2007 as it may be in force.

3. Broadcasters defined as non-informative media according to Article 5 paragraph 5 of law 3592/2007 are under obligation to transmit television programmes in a manner which ensures accessibility to people with disabilities for at least 3% of their weekly programme schedule, in accordance with the directive being drawn up by the National Council for Radio and Television regarding evaluation of their programme content.

4. Providers of non-linear audiovisual media services must transmit content with simultaneous subtitles in Greek for at least 20% of their catalogue. If the selection catalogue (menu) they provide includes news broadcasts, the provisions of section e) of paragraph 13 of Article 6 of law 3592/2007 that are in force are applied. In this case the news broadcast which is transmitted in sign language shall contain the day's most important new items and shall have a duration of at least two (2) minutes.

Article 9

(Article 8 Directive 2010/13)

Providers of audiovisual media services must not transmit cinematographic works outside the time periods agreed with the rights holders.

Article 10

(Article 9 Directive 2010/13)

Audiovisual commercial communications

1. Audiovisual commercial communications must:

- a) be readily recognisable as such. Surreptitious audiovisual commercial communications are prohibited.
- b) not use subliminal techniques.
- c) not offend human dignity.
- d) not include or promote discrimination based on gender, racial or ethnic origin, nationality, religion, beliefs, disability, age or sexual orientation.
- e) not encourage behaviour harmful to health or safety.
- f) not encourage behaviour clearly harmful to the environment.
- g) not exploit people's beliefs and superstitions.

2. All forms of audiovisual commercial communications referring to the following are forbidden:

- a) cigarettes and other tobacco products,
- b) medicinal products and medical treatments which are only available on prescription in Greece,
- c) firearms. As an exception, advertising hunting weapons is permitted.

3. Audiovisual commercial communications must not cause physical or moral detriment to minors. In particular, it is not permitted to:

- a) directly encourage them to buy or hire a product or service by exploiting their inexperience or credulity,
- b) directly encourage them to persuade their parents or others to buy the advertised goods or services,
- c) exploit the special trust minors place in their parents, teachers or other persons,
- d) unreasonably show minors in dangerous situations,
- e) encourage excessive consumption of foods and beverages, in particular those which contain ingredients and substances such as fat, saturated fat, trans-fatty acids, salt/sodium and sugars.

4. Audiovisual commercial communications for alcoholic beverages must not be aimed specifically at minors nor encourage excessive consumption of such beverages. The transmission of audiovisual commercial communications for alcoholic beverages during children's programmes or during the children's television zone is strictly forbidden.

5. Audiovisual media service providers must, within one (1) month of commencing broadcasts in whatever legal way, draw up a code of conduct within the framework of, and/or supplementary to, the codes of the Advertising Self-Regulation Council (SEE) and the Greek Code of Advertising and Communications, regarding unsuitable audiovisual commercial communications which accompany or are included in children's programmes and which refer to food and beverages containing substances with physiological effects, in particular ingredients such as fats, saturated fats, trans-fatty acids, salt/sodium and sugars, the excessive consumption of which are not recommended in the overall diet. Existing audiovisual media service providers must comply with the above obligations within six (6) months of the publication of this document. Every two years, the National Council for Radio and Television shall invite audiovisual media service providers for consultations regarding the need for a review of the codes of conduct which they have drawn up and any possible amendments. The National Council for Radio and Television shall also, during the review of the codes of conduct regarding television advertising, make provision for regulations relating to the above topics.

Article 11

(Article 10 Directive 2010/13)

Sponsorship

1. Audiovisual media services or programmes which are sponsored shall fulfil the following requirements:
 - a) their content and, in the case of television broadcasting, their scheduling shall not be influenced in a way that affects the responsibility or editorial independence of the audiovisual media service provider,
 - b) they should not directly encourage the purchase or hire of products or services through specific promotional references to those products and services,
 - c) viewers shall be clearly informed that the particular programmes have been sponsored. These programmes shall be clearly identified by the name, logo and/or any other symbol of the sponsor such as a reference to its product or products or to its service or services with a distinctive sign, at the beginning and end of the programmes and once during them.
2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.
3. Programmes whose content is evidently directed at minors are prohibited from accepting sponsorship about alcoholic beverages.
4. Sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatments may promote the name or image of the undertaking, but not specific medicinal products or medical treatments which are only available on prescription in Greece.
5. Sponsorship of news and current affairs programmes is not allowed.
6. Sponsorship logos may not be shown during children's programmes, documentaries, broadcasts of religious events and religious programmes.
7. Embedded programmes of all types, lasting up to three (3) minutes and providing the public with useful information, may only be sponsored by natural or legal persons whose activities are not directly linked with the content of those programmes.

Article 12

(Article 11 Directive 2010/13)

Product placement

1. Product placement shall be prohibited.
2. By exception, product placement is permitted in cinematographic or television works and series made to be distributed by audiovisual media services, as well as sports and light-entertainment programmes, exclusively and solely when all the following conditions are fulfilled:
 - a) their content and, in the case of television broadcasting, their scheduling shall not be influenced in a way that affects the responsibility and editorial independence of the audiovisual media service provider,
 - b) they shall not contain direct encouragement to buy or hire products or services, in particular by making special promotional references to those products or services,
 - c) they shall not give excessive prominence to those products,
3. Product placement is also permitted where there is no payment but only the provision of products or services free of charge, such as production props or prizes with a view to their being included in a programme, all the conditions of paragraph 2 being fulfilled.
4. Product placement shall be prohibited in the programmes in paragraph 2 when they are directed at minors.
5. Providers of audiovisual media services must clearly inform viewers of the existence of product placement. Programmes which contain product placement shall be satisfactorily identified at the start, end, and also after every break in order to avoid any confusion on behalf of the viewer. Programmes which are not produced or commissioned by the audiovisual media service provider itself or by an undertaking affiliated to the audiovisual media service provider are exempt from this requirement, under the condition that the provider does not benefit from the placement.
6. Placement of the following is strictly prohibited:

- a) tobacco products or cigarettes, or products of undertakings whose main activity is the manufacture or sale of cigarettes and other tobacco products,
 - b) specific medicinal products or medical treatments which are only available on prescription in Greece,
 - c) in all other cases where television promotion is prohibited.
7. The provisions of all the above paragraphs shall apply only to programmes produced after 19 December 2009.

Chapter IV

Provisions applicable only to on-demand services

Article 13

(Article 12 Directive 2010/13)

Protection of minors

On-demand audiovisual media services shall only be provided in a way which ensures that minors will not normally see or hear services which may seriously harm their physical, mental or moral development. Appropriate measures for the protection of minors include, in particular, labelling programmes, using personal identification numbers (PIN codes) and the use of a convenient filtering system.

Article 14

(Article 13 Directive 2010/13)

Promotion of European works

1. On-demand audiovisual media services should, where feasible, promote, using appropriate means, the production of European works and access to them. This promotion may comprise, in particular, financial contributions made by the said services towards the production and rights acquisition of European works, or the significant proportion and/or attractive presentation of European works in the programme catalogue offered by the on-demand audiovisual media service.
2. On-demand audiovisual media service providers must submit to the Hellenic Audiovisual Institute (IOM), in June each year, details relating to their implementation of the obligations under paragraph 1 during the immediately preceding twelve month period. These details shall be defined by the Deputy Minister of Culture and Tourism.
3. The Ministry of Culture and Tourism must, based on the details held by the Hellenic Audiovisual Institute, submit a report to the European Commission by 19 December 2011 at the latest, and every four years thereafter, relating to the implementation of paragraph 1.

Chapter V

Provisions concerning exclusive rights and short news reports in television broadcasting

Article 15

(Article 14 Directive 2010/13)

Freedom of access to television broadcasts of events of major importance for society

1. Broadcasters may not broadcast on an exclusive basis events which are regarded as being of major importance for Greek society, or for the society of another member state of the European Union, in a way which deprives Greek society or the other member state's society respectively of broad access to television coverage of those events. To this end, the public should, as the case may be, have the possibility of following these events via free-to-view broadcasters by whole or partial live coverage or by whole or partial deferred coverage.
2. Broadcasters subject to Greek jurisdiction may not exercise exclusive rights acquired after 30 July 1997 in a way which deprive a substantial proportion of the public in another European Union member state of the possibility of following events which the member state has designated as being of major importance, via whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage in a free television programme, as determined by the said member state in accordance with paragraph 1 of Article 14 of Directive 2010/13.

Article 16

(Article 15 Directive 2010/13)

Broadcast of short news reports

1. Broadcasters which exercise exclusive rights to broadcast events of high interest to the public, and to individual parts thereof, must provide without discrimination other broadcasters established in Greece or other member states of the European Union with the right to use short excerpts exclusively and solely for general news programmes, on fair, justifiable and equal terms. The said terms must be announced in good time before the event, so as to provide sufficient time for the rights to be exercised.
2. Access to events of high interest to the public must be sought from the broadcaster which is established in Greece and has acquired exclusive rights. Where exclusive rights within Greece have not been acquired, the application should be submitted to the overseas broadcaster which has the relevant wider rights.
3. Broadcasters may freely choose short extracts from the signal of the broadcaster transmitting the event or the current part of the event, stating at least the source unless this is impossible for practical reasons.
4. The short extracts shall not exceed ninety (90) seconds for each individual event or each individually broadcast part thereof. They may be used for programmes which cover all the European Union by any broadcaster, including broadcasters which exclusively show programmes with sports content.
5. Where there is provision for compensation for the broadcasting of short extracts, this should not exceed the additional costs which arise directly from providing access.
6. These extracts may only be used by on-demand audiovisual media services if exactly the same programme is offered as a recording by the same audiovisual media services provider.

Chapter VI

Promotion of distribution and production of television programmes

Article 17

(Article 16 Directive 2010/13)

Promotion of European works

Broadcasters should broadcast European works for at least 51% of the total duration of the programmes broadcast by them, calculated on an annual basis. In calculating the total broadcast time, the time allotted to news, sports events, game shows, advertising, teleshopping and teletext services is not included.

Article 18

(Article 17 Directive 2010/13)

Independent producers

Broadcasters must show European works by producers who are independent of broadcasters for at least 10% of their total transmission time, calculated on an annual basis. In calculating the total broadcast time, the time allotted to news, sports events, game shows, advertising, teleshopping and teletext services is not included.

Article 19

(Articles 16 and 18 Directive 2010/13)

1. Audiovisual media service providers must submit to the Hellenic Audiovisual Institute, in June each year, details relating to their implementation of the obligations stemming from articles 17 and 18 during the immediately preceding twelve month period. These details shall be defined by the Deputy Minister of Culture and Tourism.
2. The Ministry of Culture and Tourism must, based on the details held by the Hellenic Audiovisual Institute, submit a report to the European Commission every two years, relating to the implementation of the provisions of articles 17 and 18. This report shall, in particular, contain a statistical report relating to the achievement of the percentages given in articles 17 and 18 for each television schedule; the reasons why, in each case, it was not possible to attain that percentage; as well as the measures that have been taken or are expected to be taken to attain it.
3. This chapter does not apply to television broadcasts directed at regional audiences and which are not part of a national network.

Chapter VII

Television advertising and teleshopping

Article 20

(Article 19 Directive 2010/13)

1. Television advertising and teleshopping must be easily recognisable and clearly distinct from the editorial content of the programme by optical and/or acoustic and or spatial means, without prejudice to the use of new advertising techniques.
2. Isolated advertising spots and teleshopping spots should only be broadcast as an exception. This provision does not include broadcasts of sports events.

Article 21

(Article 20 Directive 2010/13)

1. Advertising spots or teleshopping spots inserted during programmes should not affect their integrity, taking into account their logical flow, natural breaks, and the duration and nature of the programme, nor affect the rights of the rights holders. In all cases, their volume level should not exceed the average volume level of the immediately preceding programme.
2. The transmission of films made for television (except series, serials and documentaries), cinematographic works and news programmes may be interrupted by advertising spots and/or teleshopping spots once in each scheduled period of thirty (30) minutes. The same applies to the transmission of children's programmes as long as the scheduled duration of the programme exceeds thirty (30) minutes.
3. Inserting advertising spots or teleshopping spots during religious services is prohibited.
4. Transmission of television advertising and announcements which directly or indirectly promote services of a sexual nature, multimedia information services and others between the hours of 06.00 and 01.00 is prohibited.

Article 22

(Article 22 Directive 2010/13)

Television advertising and teleshopping for alcoholic beverages must comply with the following criteria:

- a) it shall not be aimed specifically at minors or, in particular, depict minors consuming such beverages,
- b) it shall not associate the consumption of alcohol with enhanced physical performance or with driving,
- c) it shall not create the impression that the consumption of alcohol favours social or sexual success,
- d) it shall not imply that alcoholic beverages have therapeutic qualities or that they act as a stimulants, tranquillizers or sedatives,
- e) it shall not encourage immoderate consumption of alcoholic beverages and it shall not give a negative image of abstinence from their consumption or of measured consumption of them.
- f) it shall not place emphasis on high alcohol content as a positive quality of the beverages.

Article 23

(Article 23 Directive 2010/13)

1. The proportion of advertising spots and teleshopping spots within any given clock hour shall not exceed 20%
2. The broadcaster cannot refuse to transmit, on equal terms, advertising spots which refer to similar products or services, unless their content contravenes the provisions of the previous Article.
3. Announcements made by a broadcaster about its own programmes and ancillary products derived directly from those programmes, social awareness campaigns, sponsorship announcements and product placements shall not be counted towards the above advertising time.

Article 24

(Article 24 and 21 Directive 2010/13)

1. Transmission of teleshopping by broadcasters shall be subject to the following time limits: Teleshopping windows of a minimum uninterrupted duration of fifteen (15) minutes may be broadcast. The conditions of Article 23 paragraph 1 do not apply to teleshopping windows.

2. Teleshopping windows must be clearly distinguished from other parts of the programme by optical and acoustic means. A special audiovisual signal shall be transmitted at the start and end of the teleshopping window in order to inform the public what type of television programme it is. The audiovisual signal shall be the same for all windows.
3. Direct offers to the public which are broadcast during a teleshopping window may refer to one or more products or services.
4. Teleshopping must not encourage minors to enter into contracts to buy or hire products or services.
5. Teleshopping for medicinal products for which a marketing authorisation is required within the meaning of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 “on the community code relating to medicinal products for human use”, as may be in force, and as incorporated into Greek law by Ministerial Decision of the Medical Directorate 3(a)/83657 (Government Gazette Issue B 59/24.01.2006), as well as teleshopping for medical treatments, is prohibited.

Article 25

(Article 25 Directive 2010/13)

The provisions of this document shall apply, in a proportionate way, to broadcasters devoted exclusively to advertising and teleshopping as well as to broadcasters devoted exclusively to self-promotion. Chapter VI as well as Article 21 paragraphs 1, 2 and 3 and Article 23 shall not apply to the said broadcasters.

Chapter VIII

Protection of minors from television broadcasts

Article 26

(Article 27 Directive 2010/13 and Article 22 Directive 89/552)

1. The dramatisation or dramatic re-enactment of events during the transmission of news broadcasts or other information programmes is strictly prohibited.
2. The presentation or participation, in news broadcasts or other information programmes, of minors who are witnesses to, or victims of, criminal activities or accidents, as well as minors who are in a vulnerable state, is prohibited. Such presentation shall be allowed, as an exception, when it is necessary for public information and does not prejudice the minor's personality, and only with the written permission of the person exercising parental care or custody. The presentation of a minor who is the perpetrator of a crime or responsible for an accident is strictly prohibited.
3. The participation of minors in entertainment and educational television programmes is permitted only with the consent of the parents or of those who have custody, and as long as it does not have a negative effect on their physical, mental or moral development.
4. Free-to-view broadcasters must not broadcast programmes which might seriously harm the physical, mental or moral development of minors and, in particular, programmes that involve pornographic scenes or scenes of gratuitous violence. They must also not broadcast scenes of physical or verbal violence during news programmes unless this is necessary for public information about a specific event.
5. All television programmes (except advertising spots and teleshopping spots) shall be classified into categories according to the adverse effects their content may have on the personality and general moral and mental development of minors. There shall be a special symbol or acoustic signal corresponding to each category, which shall be transmitted on

screen throughout the duration of the programme or a defined section of it. Furthermore, the symbol must be written next to the programmes' titles every time they are published or listed in the Press, and must be shown throughout corresponding self-promotion spots (trailers). Transmitting the broadcaster's self-promotion spots (trailers) during time periods when it is prohibited to show the programmes to which they refer, is prohibited.

6. In the case that a certain programme is repeated unedited, it must be labelled with the original symbol.

7. The programme classification categories, and symbols and acoustic signals for each category, as well as their permitted transmission times, shall be defined by a decision of the Deputy Minister of Culture and Tourism. The same decision shall define the programme classification process, which shall be carried out by an internal committee of specialists set up by each broadcaster. The classification of each programme shall be directly related to its content and its transmission time.

Chapter IX

Right of reply in television broadcasting

Article 27

(Article 28 Directive 2010/13)

1. Any person, regardless of nationality, whose legitimate interests, in particular their personality, their honour or reputation, or their private or family life, or their professional, social, scientific, artistic, political or other activity has been damaged by the content of a television programme, has the right to seek redress from the broadcaster which transmitted the contentious programme within a limitation period of twenty (20) days from its transmission or retransmission. The right of reply may also be exercised by those have parental care or custody of under-age children, living or dead; the spouse or relatives up to the fourth degree of kinship of a deceased person, whose memory has been damaged in this way; as well as the lawful representative of a legal person or group of people whose reputation or business interests have been damaged in the above way. All Political Parties, trade unions, social or collective entities as well as their members also have the right of reply when their views on a matter related to their activities are distorted or kept back in a way which changes the viewer's impression of the true substance of their views. If the affected person is resident or established abroad, this deadline is extended by twenty (20) days. The deadline is revived if the programme, or the contended points thereof, is repeated.

2. The request for a reply shall be submitted to the broadcaster in any convenient way which makes it possible to prove the submission, in particular by fax, electronic mail, telegram, recorded delivery, or non-judicial notice, and it must contain:

- a) the full details of the natural or legal person who has been damaged, the full details of the spouse or relative of the deceased, or of the lawful representative of a legal person,
- b) the date and time of the contentious programme,
- c) the reasons why the specific reference was damaging,
- d) the text of the reply or the request to appear in the same or an equivalent programme, or for a recording and broadcast of an appropriate reply. A reply is appropriate when it is of at least the same length as the damaging reference and is transmitted in the immediately following programme in the case of a series of similar programmes, or in a news broadcast which is comparable in terms of transmission time, or in a television programme which is comparable in terms of transmission time and audience.

3. The content of the reply must not involve a punishable act, nor render the broadcaster liable under civil law, nor transgress standards of public decency.

4. The broadcaster shall come to a decision about the request within two (2) days and shall notify the interested party in a manner comparable to the manner in which the request was submitted. Redress may also be made without following this procedure at the initiative of the broadcaster or the interested party.

5. If the broadcaster rejects the application, it must send it together with its substantiated decision and a copy of the contentious programme, within 24 hours at the latest, to the National Council for Radio and Television. The National Council for Radio and Television or, in urgent cases, its President, shall reach a verdict within three (3) working days without being bound by procedural conventions. They have the right to request more details and information. The substantiated verdict of the National Council for Radio and Television or its President, if it wholly or partially upholds the request for right of reply, is binding on the broadcaster.

6. The affected party's right of reply and the comparable obligations of the broadcaster are without prejudice to any civil or criminal liability. The administrative procedure before the National Council for Radio and Television in the previous paragraph shall be irrespective of any criminal or civil liability the broadcaster may have and, in particular, clauses relating to the protection of personality under the Civil Code and the Code of Civil Procedure. In any case, non-compliance by the broadcaster with the above verdict shall bring about the imposition of the administrative sanctions stipulated in Article 30 of this document and, furthermore, it shall be taken into consideration in any other civil, criminal or administrative procedure to increase the imposed damages or financial compensation or fine or other sanctions, whereas compliance by the broadcaster shall be taken into account for its reduction.

7. In all cases referred to in paragraph 1 where the infringement of rights can be redressed by the procedures of this Article, the prior submission of a request to reply and the inadequate response by the charged television station to that request are preconditions for the imposition of the stipulated administrative sanctions regarding the event which brought about the request to reply.

Chapter X

Co-regulation and self-regulation measures

Article 28

Co-regulation and/or self-regulation measures

(Article 4 paragraph 7 Directive 2010/13)

1. Broadcasters may draw up, either unilaterally or as multilateral self-regulation agreements, rules within the framework of the current radio and television legislation, which regulate more specifically matters relating to the content of audiovisual media services and to the presentation and promotion of the content thereof by them. Self-regulation agreements can be drawn up by two providers with a possibility of other providers joining up subsequently, as long as the latter agree unreservedly to all the terms of the self-regulation agreement and their joining is accepted by all the participating providers.

2. The rules referred to above may be imposed on any new broadcaster from the time of its licensing, in accordance with Article 11 paragraph 6 of law 3592/2007.

3. The rules adopted as outlined above may not be contrary to, or lead to contravention of, the appropriate provisions of the current radio and television legislation.

4. The implementation of the provisions of this document is irrespective of the implementation of the provisions which provide for the regulatory and sanctioning powers of the National Council for Radio and Television.

Chapter XI

Sanctions

Article 29

Sanctions

(Article 4 paragraph 6 Directive 2010/13)

In the case of any infringement of the provisions of articles 6, 7; 8 paragraphs 2 to 4; 9, 10, 11, 12, 13, 15, 16; 19 paragraph 1; 20, 21, 22, 23, 24, 25, 26 and 27 of this decree, the National Council for Radio and Television *ex officio* or pursuant to the accusation by any lawfully interested party shall make a ruling, with a specifically reasoned judgement and subsequent to a mandatory hearing of the interested parties during at least one sitting of the Plenary Session, and impose on the offending broadcasters and on-demand audiovisual media service providers one or more of the sanctions provided for in Article 4 paragraph 1 of law 2328/1995 as it may be in force, the other provisions of paragraph 1 and of paragraphs 3, 4 and 5 of that Article being implemented accordingly. Specifically for offending broadcasters which provide subscription television services, one or more of the sanctions stipulated in Article 12 paragraph 1 of law 2644/1998 as it may be in force shall be imposed, the provisions of paragraphs 2,3,4,5,7 and 8 of that Article being duly implemented.

Chapter XII

Final provisions

Article 30

The National Council for Radio and Television and the relevant bodies in any particular case must provide other European Union member states and the European Commission with the information required for the implementation of the provisions of Directive 2007/65/EC as may be in force at the time.

Article 31

As soon as this decree comes into force, the provisions of Presidential Decree 100/2000 shall be revoked, without reviving the provisions which were revoked by paragraph 4 of Article 11 thereof, as well as any other provision which is contrary to, or regulates differently the subject of, the present decree.

Article 32

Entry into force

The provisions of the present decree shall enter into force on the 19.12.2009, apart from those which provide for the imposition of criminal and administrative sanctions which shall come into force when they are published in the Government Gazette, unless individual

provisions thereof stipulate otherwise. We place the Deputy Minister of Culture and Tourism in charge of the publication of the present decree.