

ELEMENTS OF THE STATUTE

LAW 2328/1995

Official Gazette: A 159 19950803

TITLE: LEGAL STATUS OF THE PRIVATE TELEVISION AND OF THE LOCAL RADIO, REGULATION OF MATTERS RELATED TO THE RADIO TELEVISION MARKET AND OTHER PROVISIONS.

ARTICLE 4: ADMINISTRATIVE PENALTIES – RECALL OF THE LICENSE – SPECIAL CRIMINAL PROVISIONS – CIVIL LIABILITY OF THE TELEVISION STATIONS

1. In case of a violation of: a) the provisions of the national legislation, the legislation of the European Union and the international laws governing directly or indirectly the private television stations and the operation of the private television in general, b) the Law 2121/1993 (Official Gazette 25 A'), as applicable, as well as of any other provision of the national legislation, the legislation of the European Union and the international laws regarding the intellectual property rights and mainly the paragraph 6 of article 6 of Law. 1866/1989, as replaced by the paragraph 24 of the article 1 of this law c) all ethic rules as specified according to the article 3 of this law, the NCRTV decides proprio motu, or after a query addressed by the Minister of Press and Mass Media or after the complaint of anyone having a legal interest, the enforcement of one or more of the following sanctions: aa) recommendation for the compliance with a specific provision of the law, followed by a warning for the imposition of other sanctions bb) a fine of 15.000 to 150.000 euros which will be collected in accordance with the related provisions , cc) a temporary suspension for up to three (3) months or a permanent termination of the specific broadcast of the station, dd) a temporary suspension for up to three (3) months of every broadcast of the TV program, ee) a recall of the operation license of the station and finally ff) ethical sanctions (i.e. a compulsory broadcast related to the rest of the imposed sanctions). The NCRTV sends the decision to the Minister of Press and Mass Media, who reviews its legality and issues the enforcement act. The selection of the kind and the amount of the administrative sanctions is performed in accordance with the significance of the infringement, the audience share of the TV program, the market share of radio and television broadcasting services acquired by the license holder, the amount of the realized or planned investment and the existence of possible recidivism. The decision of the NCRTV for the enforcement of the temporary

suspension of validity or the permanent recall of the license or the imposition of a fine over 150.000 euros is taken through a majority of two thirds (2/3) of the members of the NCRTV who were present at the meeting. The enforcement of the sanctions under the elements cc and dd, may be accompanied by the obligation of the TV station to broadcast messages featuring social content, as described in article 3 – paragraph 21, in accordance with the specific terms incorporated in the enforcement decision. The decision of the NCRTV regarding the enforcement of the sanctions described at the present paragraph comprises a complete and specific rationale, compiled after a hearing of the involved parties that takes place at a summon of the NCRTV.

3. All fines described at the previous paragraphs are imposed jointly and in full to the company and individually to its lawful representative or representatives, the members of the board of directors and all the shareholders who possess a percentage of shares exceeding two and a half percent (2,5%).

4. The administrative sanction of the fine prescribed in this article is imposed to the company holding the broadcasting license. The aforementioned administrative sanction is imposed jointly and in full to the company, to the lawful representative or representatives, as well as individually to all executive members of the board that were proven to be aware of the infringement of the radio television legislation attributed to the company.

5. The abovementioned sanctions are independent from any possible penal or civil liability.

6. In case of sanctions imposed after a query issued by the Minister of Press and Mass Media, the NCRTV is obliged to issue a resolution within thirty (30) days from the submission of the query, unless a briefer deadline is defined. If the abovementioned deadline is laid down, the Minister of Press and Mass Media issues the enforcement act without a decision by the NCRTV.

ARTICLE 5: TRANSITIONAL PROVISIONS FOR THE PRIVATE TELEVISION STATIONS

4. Any violations of the radio and television legislation, the legislation about copyright and related rights and of the labor, insurance, tax, urban planning and forest legislation, or, in case of non-payment of all due debts to the public utility services (for example the Public Power Corporation, the Hellenic Telecommunications Organization and the Greek Postal Services) or to collective societies of copyright and related rights on behalf of the stations that submit an application for a broadcasting license during the real period of their operation without the license according to article 4 of the L. 1866/1989 or during their operation under a temporary license issued according to the paragraph 2 of article 5 of the L. 2181/1994, are taken into account negatively during the examination of their applications by the NCRTV.

ARTICLE 10: CONSOLIDATION OF THE PROFESSION OF THE AUDIOVISUAL WORKS INDEPENDENT PRODUCER.

1. The contracts for the production of audiovisual work with the intellectual authors of such work on the one hand and with the audiovisual, cinema, advertising or other organizations of that kind on the other hand that conclude contracts for the production of such works and when they don't produce them by themselves (independent productions), are concluded solely from those who practice the profession of the audiovisual work producer. The audiovisual works comprising advertising content and purpose with a duration up to two minutes (2'), do not fall within the provisions of this article.

2. As a producer of audiovisual work is defined – in accordance to quotation b of paragraph 2 of the article 47 of the L. 2121/1993 (Official Gazette 25 A'), the producer of an image or audio and image data carrier. The producer of audiovisual works prepares and creates audiovisual works, acquires all necessary production means, is responsible for the technical and economical issues related to the specific production and concludes all contracts and agreements that are necessary for the production.

3. In order to practice the profession of audiovisual works producer, he should register to the relevant professional chamber. In order to register to the specific local professional chamber, the audiovisual works producer must submit the following supporting documents: a. A Certificate of Graduation of a lyceum or six-grade high school or equivalent Greek or foreign school. b. A criminal record indicating that the producer has never been convicted for theft, embezzlement, illicit profits, fraud, and abuse of trust, extortion, forgery, bribing, fraudulent

bankruptcy, usury, subterfuge, contraband, drug traffic and monetary crimes. c. A document that shall certify that he/she is not under a judicial prohibition or apprehension. d. A document that shall certify that he/she is not at a state of bankruptcy. e. Documents certifying that the candidate possesses general professional knowledge. More specifically: aa. Degree from a Greek University or Technical school or from a foreign equivalent school in one of the following related sectors (mass media, economy, law, business administration), or from an acknowledged professional education faculty for the production of audiovisual work, or a document certifying the attendance of a professional training program financed by the E.U., lasting at least one semester or bb. Documents certifying employment for at least two consecutive years, or three years in total as an independent producer or as the legal representative of a production company. The employer in case of dependant work issues the specific certificates. If the employer is also the producer himself as a natural person, or the legal representative or the administrator of a company from the organizations, the specific certificates are issued by the organizations ordering the audiovisual work. As employment is defined the economic responsibility of the interested party himself or of the legal representative for the production of at least one long play film or at least eight hourly television broadcasts, or the performance of equivalent work as determined by a three-member committee set by the minister of Press and Mass Media, with one representative of the ministry of Culture, one of the ministry of Press and Mass Media and a representative of the most representative independent producers' union. If the candidate is a citizen of another EU member state, as a criminal record is considered the certificate issued by the competent authority of the specific state, in accordance with the article 2 p.d. 530/1991 "Facilitation of the right for establishment and free provision of services (Official Gazette 205 A).

4. The capacity of the audiovisual producer, shareholder or member of the board of an audiovisual production company is incongruous with the capacity of an employee at the public sector under any legal relationship, as described in paragraph 2 of the article 1 of the l. 3021/2002, or as an owner, shareholder or member of the board of an advertising company.

5. The enterprises (private or companies) that produce audiovisual work are registered at a special share of the audiovisual work producer's register. a. In case of personal production companies, the administrator must be registered to the specific register. b. In case of limited liability companies and in case of more than one administrator, at least one of them must be registered to the register. An administrator not registered in the register of audiovisual work producers can substitute this administrator in no way during the compilation of a contract regarding audiovisual work. c. The shares of the audiovisual work limited companies are nominal and the managing director of the company must be registered in the audiovisual producers register.

6. The registered producer of audiovisual work should submit new certificates for the cases b, c, d, every five years and in the first four months of the year starting at the 1st of January of the year immediately after his/her registration, to the professional chamber, as described in paragraph 3 of the specific article, as well as a document issued by the producers association certifying that he/she has worked as a producer during the previous five years.

7. If the certificates of the previous paragraph are not in order, the producer is deregistered from the chamber.

8. A presidential decree, issued after a proposal of the minister of Press and Mass Media defines the more specific prerequisites and any other details necessary to the enforcement of this article.
