

ELEMENTS OF THE STATUTE

LAW 2644/1998

Official Gazette: A 233 19981013

TITLE: FOR THE PROVISION OF PAY-RADIO AND TELEVISION SERVICES AND RELEVANT PROVISIONS.

ARTICLE 4: CONTRACTS OF THE LICENSE HOLDER WITH THE ADMINISTRATORS AND PROGRAM PROVIDERS

1. The contracts concluded by the license holder with the program administrators are invalid unless they have been previously approved by the minister of Press and Mass Media under a resolution issued with the agreement of the NCRTV. The contracts are submitted to the Ministry of Press and Mass Media and forwarded to the NCRTV. The consent or not of the NCRTV for the approval the contracts, is formulated within an thirty (30) days time limit from the date of their submission. In case of inactive lapse of time, the contracts are considered valid.

2. The contracts described under the previous paragraph comprise at least the following: a) the type and targeting of the procured audiovisual content, b) the minimum and maximum broadcast time all of the procured audiovisual content, c) the brand name used, d) the beholden who is responsible for the fulfillment of all kinds of obligations deriving from the domestic and international legislation for the protection of copyrights attached to the procured audiovisual content, as well as to the lawful acquisition of the related rights of broadcasting, e) the rightholder of the economic and other type of returns that should be paid by third parties for the broadcast of advertisements and relevant messages, f) the type of the return that should be paid by the administrator for broadcasting of the procured audiovisual content and g) the observance of the ethics codes compiled in accordance to article 10 paragraph 2, as well as of all other of authorities and regulations prescribed at the present law for the protection of the personality, dignity and private life of the individual, from the content of the pay-radio and television services.

3. When the contract for the procurement of audiovisual content is concluded with administrators holding a license of establishing a radio or television station, which was granted under the Law 2328/1995 or the legislation of a different state, and this contract concerns exclusively a program already broadcasted in free receive, the approval of paragraph 1 isn't a prerequisite for its validity. The license holder is obliged to submit to the

Ministry of Press and Mass Media, as well as to the NCRTV a declaration of establishment of collaboration with a program administrator, as described at the previous quotation. This declaration should comprise the terms described in elements b', d', e' and f' of paragraph 2.

4. The contracts concluded between the license holder or the program administrators and the program providers, are compiled in written and submitted to the NCRTV and the Copyrights Register maintained by the Ministry of Press and Mass Media, at least three (3) days prior the broadcast of this program. The contracts should comprise the terms referring to the elements b' and d' of paragraph 2. Failure to comply with the previous quotations, results to the complete nullity of the contracts.

5. The broadcast on behalf of the license holder of audiovisual content procured by administrators or vendors of programs is prohibited, provided that the prerequisites and the procedures prescribed in the present article have not been observed.

CHAPTER C Provisions related to the broader mass media market

ARTICLE 16: ADMINISTRATIVE SANCTIONS TO RADIO AND TELEVISION STATIONS BROADCASTING IN FREE RECEPTION MODE

1. The provision of paragraph 1 of article 4 of L. 2328/1995 is substituted.
2. The provision of paragraph 6 of article 4 of L. 2328/1995 is substituted.

ARTICLE 17: TRANSITIONAL PROVISIONS FOR THE TERMS OF OPERATION OF TELEVISION STATIONS

1. The local and provisional TV stations operating during entering into force of the present article and have submitted an application in time for granting of a license, in accordance to the procedure under the resolutions No. 4775/I/3.3.1998 (OFFICIAL GAZETTE par.15), 4774/I/3.3.1998 (OFFICIAL GAZETTE par.14), 15011/E/13.7.1998 (OFFICIAL GAZETTE par.36) and 15012/E/13.7.1998 (OFFICIAL GAZETTE par.36) of the Minister of Press and Mass Media, are considered to be operating legally within the region corresponding to the Frequencies Chart indicated at their application, in accordance to Addendum II of the joint resolution No. 15587/E/19.8.1997, of the Ministers of Transportation and Communications and Press and Mass Media (OFFICIAL GAZETTE 785 B'), in expectance of the resolution of the Minister of Press and Mass Media under which the licenses of operation of private

television stations for the corresponding region will be granted, or until the issue of a decision rejecting the licenses after the completion of reviewing, as prescribed in article 2, paragraph 5, cases c and d of L. 2328/1995, the observation of the lawful prerequisites or the sufficiency of the technical study. The application for granting the license of operation must be submitted from the mother company of the operating station or by a company to which the mother company of the operating station participates, or at least one of the shareholders or one of its associates.

2. The television stations mentioned in the previous paragraph, must observe the operating regulations prescribed in article 3 of L. 2328/1995, as well as those prescribed in the applicable ethics codes of the NCRTV and the legislation about copyright protection. Any infringement of the abovementioned regulations that is confirmed after a documented and specifically substantiated complaint filed by an individual having a legal interest, results to the immediate closure of the television station, after a resolution taken by the Minister of Press and Mass Media, as well as the negative evaluation of this station, performed by the NCRTV under the criterion of program completeness as prescribed in article 2, paragraph 6 of L. 2328/1995. Prior to the issue of the act of the Minister of Press and Mass Media, the lawful representatives of the stations are called in any appropriate way to submit their objections in written.
