

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Greece

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Greece	135 TV stations	6 (OnTelecoms,Vivondi,HellasOnline,ConnexTV)	4 in total (ERT,NET,ERT3,Parliament Channel)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Greece	Information requirements (art. 5 AVMS Directive)	All the areas are covered by Presidential decree 100/2000, and the National Council for Radio and Television (NCRTV) is the responsible authority for all the categories.			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	AVMS Directive) Hate speech (Art. 12 and 6 AVMS Directive) Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive) Protection of minors (Art. 27 AVMS Directive) Right of reply (Art. 28 AVMS Directive) Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Greece	National Council for Radio and Television	<a href="http://www.esr.gr">www.esr.gr</a>	1989	Panepistimiou&Amerikis 5 10564 ATHENS/GR Tel. 0030-210-3354500

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Greece	NCRTV	Yes	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Greece	NCRTV	81 (Law 2863/2008, Law 3592/2007, Art.19)	47	€3.126m	€3.039m	2010. For the total number of staff, see art. 7 min. Act 2/95354/0021/09.03.2009. For the state budget approved in Parliament, see law 3813/2009. See also min. Act 2/4431/25.01.2010

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Greece	NCRTV	Law 1866/1989	Laws 2863/2000,3052/2002,2328/1995,2644/1998,3021/2002,Presidential decrees310/1996, 100/2000

### Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Greece	NCRTV	Independent authority	Yes			Art. 15 § 2, Constitution of Greece

### Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Greece	NCRTV		Yes	Constitution Art.101A

## III. POWERS OF THE REGULATORY BODIES

### Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Greece	NCRTV	Tick boxes	No	√	√
		Areas		1.Regulation of television and radio sectors 2.Supervision of the implementation of media ownership regulations by the Competition Commission	Anti-trust regulation in communications sector
		Source		Laws 3592/2007, 2863/2000	Law 3592/2007, Articles 3 and 5 (specific media ownership regulation). Until today the Competition Commission is inactive in the implementation of the media ownership rules and the NCRTV is inactive in the supervision of the implementation of media ownership rules

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Greece	NCRTV	Quotas	√	√	√			Art. 4 § 1, law 2328/1995, art. 12, law 2644/1998, art. 4 law 2863/2000
		Advertising	√	√	√			Art. 4 § 1, law 2328/1995, art. 12, law 2644/1998, art. 4 law 2863/2000
		Protection of minors	√	√	√			Art. 4 § 1, law 2328/1995, art. 12 & 15 § 3, law 2644/1998, art. 4 law 2863/2000

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Greece	NCRTV	Quotas						
		Advertising	√ all sanctions are discretionary	√ €20,000-€50,000 (source: research of the consortium)	√	√	√	According to NCRTV, fines can range from €14,673.51 (5.000.000 drachmas) to €1,467,351.43 (500.000.000 drachmas). See art. 16 § 1 law 2644/1998.
		Protection of minors	√	√ €15,000-€80,000 (source: research of the consortium)	√	√	√	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Greece	NCRTV		√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Germany	LMA	√	√		√	√
Greece	NCRTV	√	√	√	√	√
Hungary	National Radio and Television Board (ORTT)	√	√	√	suspending the broadcasting rights for different periods	N/A



**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Greece	NCRTV	Yes. They follow the provisions of the code of administrative procedures (law 2690/1999) and of the law 2863/2000 according to the internal regulation of NCRTV ratified by the ministerial Act 2020/E/6.9.2002	<a href="http://www.esr.gr">www.esr.gr</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Greece	NCRTV	Board	7	No	No	No	No	<i>Sui generis</i> legal requirements Distinguished scientists, professionals or public personae coming <i>mainly</i> from areas of activity which are related, directly or indirectly, to the mission	No	Implicit proportional party representation	Annual Report 2009 Art. 2 § 3, law 2863/2000

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									and the powers of the independent authority 7 100%		

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Greece	NCRTV	<ul style="list-style-type: none"> <li>Audiovisual content regulation (radio &amp; TV)</li> <li>Power to grant, renew or revoke licences (radio &amp; TV)</li> <li>Post-licensing audiovisual market regulation (e.g. application of media ownership rules)</li> <li>Sanction powers</li> <li>Elaboration of the codes on advertisement, information and entertainment programs (ratification by a presidential decree).</li> <li>Consultative competence</li> </ul> <p>The NCRTV is competent to determine its internal organisation and procedures following the provisions of the code of administrative</p>	<p>Majority vote (art. 5 § 6, law 2863/2000, art. 16 § 2 min. Act 20291/E)</p> <p>Presence quorum (art. 5 § 6, law 2863/2000, art. 8 § 1 min. Act 20291/E)</p>	<p>Yes (art. 14 § 4 min. Act 20291/E)</p>	<p>The agendas of the NCRTV's plenary sessions are published (see <a href="http://www.esr.gr">www.esr.gr</a>)</p> <p>After the plenary sessions, the President of the NCRTV gives a press conference (art. 11 § 7 min. Act 20291/E)</p>

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<p>procedure (law 2690/1999) and the law 2863/2000. Its internal regulation is ratified by a ministerial Act (see art. 5 § 1 law 2863/2000, art. 2 § 7 law 3051/2002).</p> <p>The NCRTV does not have a decision making power on human resources. The regulatory body submits a proposal to the Minister of Economy and Finances who decides after consulting the Minister of Internal Affairs (see art. 2 § 5 law 3051/2002).</p>			

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Greece	NCRTV	Chairman	Yes	The President of the Hellenic Parliament	The Hellenic Parliament's Conference of Presidents	Yes	Art. 101A § 2 Constitution of Greece, art. 14 standing orders of the Hellenic Parliament, art. 2 § 2 law 2863/2000
		Board members	Yes	The President of the Hellenic Parliament	The Hellenic Parliament's Conference of Presidents	Yes	Art. 101A § 2 Constitution of Greece, art. 14 standing orders of the Hellenic Parliament, art. 2 § 2 law 2863/2000

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Greece	NCRTV	Chairman of the board	4 years	No	Yes, once	Art. 2 § 4 law 2863/2000
		Board members	4 years	No	Yes, once	Art. 2 § 4 law 2863/2000

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Greece	NCRTV	Chairman of the board	Eminent scientist		Law 2863/2000, Art.2(3)
		Board members	Scientist or eminent person of public life		Law 2863/2000, Art.2(3)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Greece		Chairman	Yes		The rules on incompatibilities concern: Minister, Deputy Minister, Secretary General and Undersecretary	The rules on incompatibilities concern the members of the Hellenic Parliament, and, also, the persons who hold office or position in the political parties	The Chairman and the Board Members must not have any legal relationship with the media industry during the term office and 3 years after.	No	The obligation to disclose participations in companies is a general transparency rule during the term of office that is applied also to the chairman and to the board members of the NCRTV and not a special rule to avoid conflicts of interests in the appointment process (see art. 3 § 9 law 2863/2000, art. 2 law 3213/2003)	Art. 3 §§ 1 & 3 law 2863/2000, art. 3 § 5 law 3051/2002
		Board members	Yes		Same as above	Same as above	Same as above	Same as above		Art. 3 §§ 1 & 3 law 2863/2000, art. 3 § 5 law 3051/2002
		Senior staff	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	No information available

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Greece	NCRTV	Chairman	Yes		On top of the incompatibility rules at the appointment stage: The Chairman of the regulatory authority cannot be subject to supervision or control by governmental or administrative authorities. He/she is bound not to disclose confidential information that comes to his/her knowledge during the exercise of duties, unless to a competent court or a special Parliamentary Committee	Board members cannot hold office or position in political parties.	The Chairman of the regulatory authority cannot be a partner, a stock holder, a member of the board or occupy, with or without remuneration, any other position in a company or an enterprise whose activities are subject, directly or indirectly, to NCRTV's supervision	Art. 2 § 1, 3 § 5 law 3051/2002, art. 1 § 1, 3 §§ 4 & 7 law 2863/2000
		Board members	Yes		Same as a above	No information available	Same as above	Art. 2 § 1, 3 § 5 law 3051/2002, art. 1 § 1, 3 § 4 law 2863/2000
		Senior staff	Yes		Same as above	No information available	Same as above	Art. 6 §§ 4 & 7, 3 § 4 law 2863/2000

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Greece	NCRTV	Chairman	Yes		Yes, for 3 years	Art. 3 § 4 law 2863/2000

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
		Board members	Yes		Yes, for 3 years	Art. 3 § 4 law 2863/2000
		Senior Staff	Yes		Yes, for 4 years	Art. 6 § 4, 3 § 4 law 2863/2000

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Greece	NCRTV	Chairman		No	In the present state of the Greek law no one can dismiss the NCRTV's Chairman	There are only grounds for forfeiture from office if the NCRTV's Chairman and Board members are condemned with final sentence for felony or for a series of criminal offences (see art. 3 §§ 4 & 6 law 3051/2002, art. 14 standing orders of the Hellenic Parliament)	No information available	Law 2863/2000, Art.3(5)
		Individual board members		No	In the present state of the Greek law no one can dismiss the NCRTV's Board members		No information available	

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Greece	NCRTV	2005-2009	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Greece	NCRTV	No	State funding (100%)	Since its establishment (1989) the NCRTV has allocated only provisional radio and TV	Since its establishment (1989) the NCRTV has allocated only provisional radio and TV licences (Annual Report 2009 of	NCRTV decides on the amount of fines which are paid	No	Law 2863/2000, Art.1(2), Art.4§2, Annual Report of 2009 of NCRTV



Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
				licenses (Annual Report 2009, p.67), which is why spectrum fees have not been paid.	NCRTV, p.67), which is why authorisation/license fees have not been paid by operators.	to the public treasury after a final court case (Annual Report 2009 of NCRTV, p.26)		

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Greece	NCRTV	The Minister of Economy and Finances	Yes. The NCRTV's Chairman submits to the Minister of Economy and Finances an annual budget plan. A copy of the budget plan is presented to the President of the Hellenic Parliament.	The Minister of Economy and Finances	No	Art. 2 § 2 law 3051/2002, art. 138A § 7β standing orders of the Hellenic Parliament

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Greece	NCRTV	Yes	For each expenditure	Yes The General State Accounts Office The Audits State Council	No	No	Art. 1 § 2 law 2863/2000

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Greece	NCRTV	Parliament	Yes	<ul style="list-style-type: none"> <li>The NCRTV presents an annual report to the President of the Hellenic Parliament who forwards it to a Parliamentary Committee (e.g. the Permanent Committee of Institutions &amp; Transparency).</li> <li>The Committee's deliberations are submitted to the President of the Hellenic Parliament who forwards them to the NCRTV and, also, to the Minister who is competent for the Media sector. The Committee's deliberations may be debated at the Plenary, without a vote procedure.</li> <li>Besides, the Committee hold hearings of the NCRTV's Chairman and members of the Board and may render a report with recommendations to the regulatory authority (the minority's opinions are included).</li> </ul> <p>The Committee's report, as a result of the hearings, is submitted to the Parliament's Plenary and it may become an object of a parliamentary control session, without a vote procedure.</p>	Law 2863/2000, Art.4 (4) Art. 101A § 3 Constitution of Greece, art. 2 § 1 law 3051/2002, art. 138A, 38 § 1α, 41A, 43A §§ 2 <sup>a</sup> & 6 standing orders of the Hellenic Parliament
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	The Media Minister	Law 2863/2000, Art.4(4)
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Greece	NCRTV	Annual report: The Hellenic Parliament & also the Minister who is competent for the Media sector Special reports: The Hellenic Parliament ( <i>N.B.</i> Optional reporting)	Annual	Supervision activities Annual report: scope not defined Special reports: scope not defined	No	No	No	<a href="http://www.esr.gr">www.esr.gr</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Greece	NCRTV	No	No	No	No	No	No

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Greece	NCRTV	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Art. 101A § 1 Constitution of Greece, art. 1 § 1 law 2863/2000, art. 2 § 1 law 3051/2002
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	Art. 101A § 1 Constitution of Greece, art. 1 § 1 law 2863/2000, art. 2 § 1 law 3051/2002
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Greece	NCRTV	Internal	1 NCRTV <i>Comment:</i> A formal complaint is brought before the authority which issued the act based on the general right to petition public authorities, as guaranteed by article 10 of the Constitution	No	Those who can plausibly claim that the NCRTV's contested acts cause material or moral damage to their legal interests	Art. 10 Constitution of Greece, art. 24 law 2690/1999
		External	1 Administrative Courts/Interim Relief Committee of the Council of State: Application for the suspension of execution of the NCRTV's contested acts		The persons who can plausibly claim that the NCRTV's contested acts violate	Art. 5 § 8, law 2863/2000

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
			2 Administrative Courts/ The Council of State: Application for substantive judicial review/Application for annulment of the NCRTV's acts		their legal interests II. The Minister who is competent for the Media sector	

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Greece	NCRTV			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Greece	NCRTV	√	√	√ <i>Comment:</i> <i>Internal stage</i> The formal complaint leads not only to an examination of the act under legal aspects but also to a substantive control <i>External stage</i> i) Application for annulment: One single ground for annulment: the violation of law, with four different sides <ul style="list-style-type: none"> <li>• The lack of competence</li> <li>• The infringement of an essential formal or procedural requirement</li> <li>• The violation of a substantive provision of law</li> <li>• The abuse of power</li> </ul> ii) The application for substantive judicial review is examined by the court not only with regard to the lawfulness but also with regard to the substantive propriety of the contested administrative act.	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Greece	NCRTV	1 Internal	√		N/A
		2 External		√	The NCRTV is obligated to take the measures called for by the court's judgement, or to refrain from any action declared to be unlawful.



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Greece	NCRTV	Yes	€54,000/2010 (budget codes 0871, 0873)	Yes	-	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Greece	NCRTV	NCRTV's decisions concerning the three codes of regulation (see table 16) must be subject to public consultation. In practice, prior public consultations do not take place (source: research of the consortium) According to NCRTV, a public consultation was organised in relation to the last NCRTV code that was ratified by a	<ul style="list-style-type: none"> <li>Federation of the Greek Editors Unions</li> <li>Greek Advertisers Association</li> <li>Hellenic Advertising Agencies Association</li> <li>ERT S.A. (state radio &amp; television company)</li> <li>The private television stations</li> </ul>	Not defined	Not required	Not required	Art. 3 § 15 Law 2328/1995, art. 4 § 3 Law 2863/2000

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		presidential decree in 2003 (code on information programmes, P.D. 77/2003).	<ul style="list-style-type: none"> <li>The two most representative Unions of the local radio stations</li> </ul>				

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Greece	NCRTV	2005-2009	None (source: research of the consortium) According to NCRTV, a public consultation was organised in relation to the last NCRTV code that was ratified by a presidential decree in 2003 (code on information programmes, P.D. 77/2003).

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Greece	NCRTV	All decisions are published according to the internal order of NCRTV ratified by the ministerial Act 20291/E/6.9.2002	Yes, according to law 2983/2000, Art. 5(7) all the decisions of NCRTV must be motivated	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Greece	NCRTV	Consultations with the National Commission of Telecommunications and Post Open channel of communication, cooperation & assistance (see art. 4 § 2 law 2863/2000)	Concerning the licensing of digital media services Law 3592/2007, Art.15, (4, 10, 13). Ad hoc manner	No	Generally there are only potential cooperation possibilities, not realized

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Greece	NCRTV	Yes, e.g.: <ul style="list-style-type: none"> <li>European Platform of Regulatory Authorities – EPRA</li> <li>Mediterranean Network of Regulatory Authorities</li> <li>Contact Committee of EU for the implementation of the AVMS Directive</li> <li>Network of Independent Broadcasting Authorities of Euxinous Pontus</li> </ul>	Art. 4 § 2 law 2863/2000	

