

Greece narrowly escaped the imposition of a fine for its previous failure to implement the Electronic Communications Competition Directive 2002/77/EC.

Commission Directive 2002/77/EC of 16 September 2002, safeguards the existence of competitive market conditions throughout the EU for electronic communications' networks. The scope of the Directive when it comes to full market liberalisation, covers all electronic communications services, including broadcasting services. Under this Directive, Member States had to inform the Commission of the measures taken in order to implement its provisions into national law by 24th July 2003.

Greece failed to notify the Commission by the due date and as such was referred to the Court of Justice by the Commission. On 14 April 2005 the Court confirmed that Greece had failed to fulfil its obligation to implement the Directive. On 10 April 2006, the Commission asked Greece for information on the state of implementation of its obligations, by way of a "letter of formal notice" under EC Treaty infringement procedures for failure to respect a Court ruling (Article 228 of the Treaty). Greece replied on 26 June 2006 that a new media law it was adopting would also implement the Directive as regards broadcasting transmission services.

The Commission then formally requested Greece to comply with the Court ruling before the end of December 2006 by sending it a "reasoned opinion", the second step of the infringement procedure.

Following the above Greece implemented law no. 3592 which implemented in full the provisions of Directive EC/2002/77 as well as the provisions of Directives EC/2002/19, EC/2002/20, EC/2002/21 and EC/2002/22 and among else includes:

1. Provisions regarding unfair competition and measures against the abuse of a dominant position in the market i.e. whenever there is a market share exceeding 35% by imposing hefty fines, etc.
2. Provisions regarding the accuracy of the audience measurement through credible supervision.
3. Provisions enjoining a single entity from owning more than one television or radio station.
4. Provisions regarding the procedures and criteria applied for the granting of licenses to operate private television stations.
5. Provisions regarding the procedures and criteria applied for the granting of licenses to operate private radio stations.

The Commission has welcomed the implementation of the above legislation in Greek jurisdiction and has therefore decided to close the infringement proceedings against Greece.

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