

# **Media System of Cyprus**

**report by our correspondent**

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**for the**

## **Study on Co-Regulation Measures in the Media Sector**

Study commissioned by the European Commission, Directorate Information Society  
Unit A1 Audiovisual and Media Policies, Digital Rights,  
Task Force on Coordination of Media Affairs

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This report is part of the research which has been done for the study on “Co-Regulation Measures in the Media Sector”. The Study is commissioned by the European Commission, Directorate Information Society, Unit A1 Audiovisual and Media Policies, Digital Rights, Task Force on Coordination of Media Affairs (Tender No. DG EAC 03/04).

The above study aims at providing a complete picture of co-regulatory measures taken to date in the media sector in all 25 Member States and in three non-EU-countries, as well as of the research already done. The study will especially indicate the areas in which these measures mainly apply, their effects and their consistency with public interest objectives. In this context, the study will examine how best to ensure that the development of national co- and self-regulatory models does not disturb the functioning of the single market by re-fragmenting the markets. This study started at the end of December 2004, the final report will be compiled by the end of December 2005.

More information on the study can be found at <http://co-reg.hans-bredow-institut.de>

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# Cyprus

## Introduction

### Overview of media system

Cyprus joined the European Union in May 2004 as a divided country; the media institutions and regulatory frameworks described in the present report are those operating in the areas under the effective control of the government of the Republic of Cyprus.

### The media landscape

#### The print media

The written press has gone through many changes in the last two decades; today's major features are the decline or disappearance of many dailies and weekly newspapers, the multiplication of specialized publications and concentration of ownership.

In 2004, seven dailies were published, six in Greek and one in English language. There were also one English language and two Greek weeklies, as well as four sport and one financial weeklies. Only five weekly magazines are published; three of them are free supplements to newspapers. In recent years we witness the growth of special interests and lifestyle publications, mainly bi-monthly and monthly.

The largest in circulation newspaper *Φιλελεύθερος* (Phileleftheros - Liberal) belongs to the *Phileleftheros Group*, which is also the owner or is associated with the publishers of 11 special interests magazines. The group is also linked to a radio station. *Σημερινή* (Simerini – Today's) also belongs to a publishing group, *Dias Publishing House Ltd*, a company that owns or is associated with eight specialized magazines and extends its activities to broadcasting.

Exact circulation figures are not available; no circulation audit bureau exists in Cyprus. A readership survey revealed that 69% of the readers read *Phileleftheros* in weekdays and about 50% on Sunday<sup>1</sup>.

The estimated overall advertising expenditure<sup>2</sup> for 2004 is 38,300,000 Cyprus pounds (65,500,000 euro). The share of the print media is 7,000,000 CP (18.3%).

#### The broadcast media

The broadcasting sector underwent profound changes following the liberalisation of the sector. Liberalisation was forced by municipal authorities and public pressure; it eventually led to the hasty introduction of the *law on radio stations* (1990)<sup>3</sup> and of the *law on television stations* (1992<sup>4</sup>), replaced in 1998 by the *law on radio and television stations*. The public

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<sup>1</sup> Survey by Synovate, published in *Phileleftheros*, 23 May 2004.

<sup>2</sup> Estimates by the Association of Advertisers

<sup>3</sup> Official gazette, 9.7.1990

<sup>4</sup> Official gazette, 23.4.1992.

service broadcaster led from the first days of commercial radio and television a direct competition policy with the new entrants.

The public service *Cyprus broadcasting corporation* (CYBC) has two television channels, *RIK1* and *RIK2*. The first channel focuses on general interest programmes and broadcasts an important part of the programmes of the Greek channel *Alpha*. *RIK1* had in 2004 12.5% share<sup>5</sup> of the market compared to 9.7% in 2003.

The second channel (*RIK2*), created in 1992, is more entertainment oriented, with extensive coverage of sports. It also broadcasts *Euronews* in the early morning hours. Its share *RIK2* in 2004 was 6.9%, which is slightly lower than in 2003 (7.1%).

There are today five commercial TV stations operating island wide; two of them are subscription broadcasters. There are also six local television channels.

The first commercial television broadcast went on air in 1992, two days after the enactment of the law allowing the licensing of private television stations. *Ο Λόγος TV* (Logos – The Verb) and *Logos Radio* are owned by the Church of Cyprus. The Greek *Mega TV* is participating in the channel's capital. The channel's audience share<sup>6</sup> in 2004 was 15.9%, (17.0% in 2003). *Sigma TV* started operation in 1995 and owned by *DIAS Publishing House* has a share of 25.4% of the audience. *ANTI* television belongs to the owners of *ANTI FM* radio and has no links with the print media sector. Its share was 20.3% in 2004 (21.5% in 2003). *LTV* (*Lumiere TV*) and *Alpha TV* are subscription channels (54,000 subscribers in March 2003<sup>7</sup>).

Local television stations operate in the capital Nicosia (*one*), in Larnaca (*one*), in Limassol (*two*) and in Paphos (*two*).

The programme of the public service television *NET* is relayed to Cyprus.

The public service CYBC operates four radio channels. *Radio channel 1* broadcast in Greek (21%<sup>8</sup>), *channel 2* addresses mostly a non-Greek-speaking listenership; *to trito* (Channel 3), created in 1991 has established its leadership with 36%. The fourth channel relays the programme of the Athens-based music station *Radio LOVE*.

In the field of commercial radio, nine channels have an island wide license, 34 are local broadcasters and four are small local stations.

*Super FM* and *Ράδιο Πρώτο* (Proto - First) rank second, behind CYBC's *to trito*, with 32%. They are both closely linked to *Dias Publishing House Ltd*, which also owns *Sigma TV*<sup>9</sup>. *Ράδιο Σφαίρα* (Sfera – Globe), linked to *Phileleftheros Group* has a share of about 20%, one

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<sup>5</sup> AGB-Cyprus.

<sup>6</sup> Figures from AGB-Cyprus.

<sup>7</sup> <http://www.multichoice.biz/index1.php>.

<sup>8</sup> Survey by Synovate, in daily Politis, 30.01.2005.

<sup>9</sup> Dias Publishing House, Radio Proto and of Sigma TV appear to belong to different shareholders. On the company's web site, though, it is stated "*DIAS Publishing House, is Cyprus's largest and fastest growing print and electronic media company*" ([www.dias.com.cy](http://www.dias.com.cy)).

point more than *Ράδιο Αστρο* (Astra – Stars), a general interest channel having close relations with AKEL, the left-wing political party.

The estimated **advertising expenditure** on broadcasting media was 24,250,000 CP for television and 3,100,000 CP for radio. The nominal investment for television advertising in 2004<sup>10</sup> was 101,854,539 CP, spent for the screening of 308,091 spots. There was an increase of about 20% compared to 85,051,015 CP and 259,033 spots in 2003. The real investment, though, is estimated to 22,100,000 CP in 2003 and to 24,250,000 in 2004.

Sigma TV screened 39.5% of the spots in 2004, ANT1 24,6%, MEGA 23,9% and the two channels of the public broadcaster totalled 11.9% of the spots.

**Satellite and digital broadcasting services** are doing their first steps; they operate in legal vacuum. In July 2004, *Multichoice* launched *NOVA* Cyprus for the distribution of digital television through satellite. The public service *Cyprus telecommunications authority* (CYTA), launched in the course of 2004 its own service *MiVision* distributed by *Cytanet*, its internet platform. The public service *electricity authority of Cyprus* (EAC) and

*Athena Satellite TV* announced also plans for starting their services in 2005.

In the field of online services, the first to go online (1995) was *Logosnet*, owned also by the church of Cyprus. Other main operators are *Cytanet*, of the public service *Cyprus telecommunications authority* (CYTA), *Spidernet*, *Thunderworx*, *Avacomnet* and *Netway*.

No regulatory framework exists other than the *telecommunications and postal services law*, focusing on technical, financial and quality of service issues.

There are only isolated cases of **film production** in Cyprus and one can not speak about a film industry on the island.

## Media regulation

Media regulation is a very recent practice in Cyprus. The *press law of 1989* was the first attempt to introduce a regulatory system inspired by contemporary democratic practices; it eventually replaced the respective law introduced during British rule, serving the needs of the colonial power to control the press<sup>11</sup>. In the same spirit, the law regulating public screening of cinematographic works provided for the establishment of a “board of censors”. The *press law* provided for a regulatory framework based on a combined effort by public authorities and the parliament on one hand and media professionals on the other. Less than one year later, authorities were called to deal with the broadcasting media. Following initiatives by municipal authorities<sup>12</sup> and the public, the government proposed a draft law on radio broadcasting, establishing an advisory committee that would deal with licensing procedures<sup>13</sup>. Less than two years later and two days only after the publication of the law allowing for the

<sup>10</sup> Relevant figures come from AGB-Cyprus.

<sup>11</sup> The law was introduced in 1935, by an authoritarian regime established following unrest by Greek Cypriots claiming Union with Greece in October 1931.

<sup>12</sup> “Pirate” Radio Broadcasts by the municipality of Nicosia put forward the claim for freeing the airwaves.

<sup>13</sup> Law N. 120/1990, Official Gazette, 9.7.1990

establishment of commercial television broadcasters, the church of Cyprus operated its television channel “*O Logos*”.

Under the circumstances, the aim of the new laws on radio and television was to create a legal framework. There was little or no time for taking into account concerns relating to its effectiveness or the independence of the media regulatory bodies.

These concerns were met in the *law on radio and television stations* of 1998, in the frame also of efforts to harmonisation with the TWFD. An independent authority was entrusted with the powers to regulate the broadcasting sector.

### **Constitutional law**

Article 19 of the constitution guarantees freedom of expression. Its wording is almost identical to article 10 of the European Convention of Human Rights, with one exception; the condition that restrictions should be “necessary in a democratic society” is omitted. There is also a paragraph stipulating that seizure of newspapers or printed matter can only take place following a written permission by the attorney general and confirmed by a court decision within seventy two hours.

Article 171, provides for the obligation of the public service to broadcasting audio and vision programmes in both Greek and Turkish, the official languages of the Republic, respecting specific quotas.

Under the constitution, executive power is exercised by the council of ministers, save on issues where such power is expressly reserved by the constitution to the president and vice-president of the Republic and to the communal chambers<sup>14</sup>. The president appoints the independent officers of the state (attorney general, auditor general, accountant general, the members of the public service commission, the president and the judges of the supreme court and the heads of the security forces). The council of ministers appoints the board of directors of organizations of the broader public sector or independent bodies. In the respective laws is provided that the minister<sup>15</sup> may give directions on issues of general policy aiming to serve the “*general interest of the Republic*”.

### **1. Broadcasting**

The broadcasting landscape in Cyprus includes the following:

- The public service broadcaster, the *Cyprus broadcasting corporation*, (CYBC) established during British rule and operating as a corporate body.
- Commercial broadcasters, established after 1990 (radio) and 1992 (television); they use terrestrial means for analogue transmission of their programmes.
- Broadcasting services provided via the internet or through digital, cable and satellite transmission; this type of services initially started in 2004.

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<sup>14</sup> Communal chambers were dissolved in 1964 and provisions about the vice-president are not in force.

<sup>15</sup> The minister is the one responsible for matters in the sector of activities of such body.

The main regulatory framework for broadcasting is found in the *law on radio and television broadcasting of 1998* as amended in 2004. The law amended and consolidated the *laws on radio* (1990) and *television* (1992) and regulated issues only relating to commercial terrestrial broadcasting. New provisions introduced in 2004 made it possible to extend regulation to the public service CYBC and to broadcasters under the jurisdiction of Cyprus. There is a legal vacuum as to regulation of issues related to broadcasting services providers; work is underway by government departments, the *Cyprus radio and television authority* and other bodies for the elaboration of a new framework responding to the needs of the entire sector.

Under the *law on the Cyprus broadcasting corporation*, the public service broadcaster enjoys extensive autonomy. The amending law of 2004 curtailed this autonomy and imposes control on content, management of frequencies and on fulfilment of CYBC's obligations.

### **1.1. Regulatory framework**

The laws of 1990 and 1992 on commercial broadcasting provided for a limited range of regulatory measures, leaving most issues under the power of the *council of ministers*. They provided for the need to introduce regulations on a wide range of issues. This was done in 2000, two years after the promulgation of the law on Radio and television broadcasting of 1998. The media operated for about ten years in an almost non-regulated environment.

The urgent need to harmonize the legislation with the *acquis communautaire*, a requirement for the participation of Cyprus in the Media programme, determined the content and the philosophy of the new law; the provisions of the TWFD were incorporated in it. This constituted an ideal source of reference in a country where standards, experience and know-how in broadcasting affairs were connected to the monopoly of the public service broadcaster.

The existence of separate legislation for the public broadcaster makes it necessary to promulgate parallel amending laws aiming at a common regulatory platform. The provisions of the Directive TWF are also incorporated in the law on the *Cyprus broadcasting corporation*.

Under the law on radio and television broadcasting, the parliament voted *normative administrative acts*, regulations that provide details on the implementation of the law. The regulations voted in 2000<sup>16</sup> include provisions relating to applications and licensing, obligations in connection to content and rating of programmes and investigation and decision making procedures. Furthermore, *the journalists' code of ethics* and *the code on advertising, telemarketing and sponsorship*<sup>17</sup> are incorporated in this legal document with the consent of the respective professional unions.

*The code on advertising, telemarketing and sponsorship* is a set of administrative rules providing for the obligations of the broadcasters and the powers of the *Cyprus radio and*

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<sup>16</sup> ΚΔΠ 10/2000, Official gazette 28 January 2000.

<sup>17</sup> The professionals of the advertising sector are in the process of drafting their own code of conduct, in cooperation with the association of their clients, the advertisers. *The Cyprus association of advertising agencies* has recently changed its statutes and name in order to accept as members more professionals of the communication sector; the new name is *Cyprus association of advertising and communication*.

*television authority* in relation to the implementation of the code; it also sets the principles that should govern advertising and sponsorship, as well as special provisions in respect of advertisements of specific products and timing-duration of breaks.

The *regulations on radio and television stations of 2004*<sup>18</sup> list the events of major importance.

The *code of journalistic ethics*, adopted in 1997 by media professionals,<sup>19</sup> constitutes the charter guiding the work of the *commission of journalistic ethics* formed by media professionals. The code lists the fundamental principles that all journalists should respect.

Further to the above, in some cases, broadcasters adopt internal codes of conduct, especially in relation to obligations during electoral periods.

### **1.1.1. Legal provisions**

The main policy objectives of *the law on radio and television stations (N. 7(I)/1998)* are the following:

- It sets the framework and the conditions for the establishment and operation of commercial broadcasters through a licensing system.
- It establishes an independent authority entrusted with media regulatory powers.
- It sets the rules that guarantee pluralism and avert concentrations.
- It aims at protecting the minors from harmful content.
- It aims at safeguarding the right of the viewers and ensuring access to the media.

The above are placed within the framework of harmonisation of the legislation with the *acquis communautaire*. This is done by incorporating in the law the provisions of the directive TWF.

The amending law 97(I)/2004<sup>20</sup> aims at unifying the regulatory system by entrusting the *Cyprus radio television authority* with powers relating to transfrontier broadcasts and the implementation of the provisions of TWFD.

The *law on Cyprus broadcasting corporation* aims at providing public service broadcasting by the corporation, governed by a board of directors. Implementation and enforcement of rules on broadcasting were different for the public service and the commercial broadcasters. The amending law 96(I)/2004<sup>21</sup> is an attempt to solve this question on issues of content and compliance of the CYBC with its mission.

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<sup>18</sup> K.Δ.Π. 254/2004, Official gazette 30 April 2004.

<sup>19</sup> The union of journalists, the union of publishers of newspapers and magazines and the owners of broadcast media signed the code in May 1997 and the public service broadcaster joined six months later.

<sup>20</sup> N. 97(I)/2004, Official gazette 30 April 2004

<sup>21</sup> N. 96(I)/2004, Official gazette 30 April 2004



### 1.1.2. Administrative regulation/rules

#### **Regulations under *the law on radio and television stations of 1998***

The regulatory authority has the power to issue circulars, instructions and recommendations, and to draft regulations. Regulations are presented to the parliament following their approval by the council of ministers.

*The regulations on radio and television stations of 2000* interpret or elaborate further on the law on radio and television broadcasting. Among other issues, they aim at the following:

- Making detailed provisions that would enable implementation by the regulator.
- Setting procedures, technical and other standards and requirements for licensing.
- Elaborating on obligations on content and practices.
- Introducing measures for the protection of minors by defining a programme rating system.

Under rule 21(2), the broadcasters are obliged to form an ethics commission assigned with the task to “sustain programme standards”, as provided by the law and the regulations. The commission is also responsible for training and submitting quarterly reports to the regulator.

The regulations aim at ensuring fair examination of complaints, by defining a procedure where the rights to fair trial are respected.

#### **Regulations under the law on the Cyprus broadcasting corporation (CYBC)**

The *regulations on the Cyprus broadcasting corporation (code of journalistic ethics and advertising) of 2001*<sup>22</sup>, aim at aligning the corporation’s legal framework with the one in force for the other broadcasters. The regulations are almost identical with the sections relating to content in *the regulations on radio and broadcasting stations* (K.Δ.Π.10/2000) that govern the operation of the commercial broadcasters. Both documents incorporate *the code of journalistic ethics*, which was signed by media professionals in 1997, and *the code on advertising, telemarketing and sponsorship*.

A second document, the *regulations on public service broadcasting of 2003*<sup>23</sup> defines the criteria to which the Cyprus broadcasting corporation should respond in order to qualify for the characterization of public service broadcaster. The criteria are based on the need to respect specific quotas for each category of programmes, i.e. news and current affairs, educational and entertainment, in radio and television. Respect for these quotas enable the corporation to qualify for receiving public subsidies.

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<sup>22</sup> K.Δ.Π. 561/2003, Official gazette, 11 July 2003

<sup>23</sup> K.Δ.Π. 616/2003, Official gazette, 25 July 2003

### **1.1.3. Other provisions**

#### **The code of journalistic ethics**

The code of ethics is the product of the will of the media professionals to self-regulation; the adoption of the code in 1997 occurred at a time when the authorities failed to introduce any regulations or regulatory bodies and is founded on the conviction of media professionals that they do not need any state or other interference with media freedoms.

The code aims at defining the fundamental rules that should guide the work of journalists in all media, print and broadcasting; it entrusts the commission on journalistic ethics, a purely self-regulatory body, with the powers to monitor compliance with these rules.

The code is based on the obligation of journalists to inform the public, on the need to defend media freedoms and keep up with high professional standards and ethos.

#### **Codes of conduct in electoral periods**

These documents are drawn by broadcasters themselves (sometimes in consultation with political parties) in electoral periods. They provide for the rules that will be respected in the coverage of elections and the schedule of programmes in fulfilment of the obligation for coverage and fair access to the media. Not all broadcasters adopt codes and those who do it once do not necessarily follow it as a consistent practice over time.

## **1.2. Regulatory authorities/bodies**

### **1.2.1. Authority/ies**

#### **Broadcasting – The Cyprus Radio and Television Authority**

##### **1.2.1.1. Legal basis**

*The Cyprus radio and television authority* was established under article 3 of *the law on radio and television broadcasting* of 1998. It is an independent body, bound to respect the Regulations set for the functioning of public administration bodies. The chairman, vice chairman and five members of the authority are appointed by the council of ministers for a six year mandate. They meet at least once a week to examine complaints or examine other issues relating to their duties and functions.

##### **1.2.1.2. Functions/competencies**

The authority is entrusted with the powers to monitor compliance by broadcasters with the provisions of the broadcasting law and the terms set in their license. It exercises supervision on transfrontier broadcasts in connection to the provisions of the directive on TWF. Supervision in respect of content and fulfillment of obligations extends to the public service CYBC.

Under article 3, *the radio and television authority* is entrusted with powers to:

- Grant broadcasting licenses in the public interest.

- Exercise control on ownership in order to avoid tendencies to oligopoly or monopoly.
- To safeguard the editorial and creative independence of those working in the broadcasting sector and avert any interference with their work,
- Examine cases of breach of the law relating to the protection of minors, incitement to hatred, to the provisions on sponsorship telemarketing and advertisements, and to other issues.

Under article 26, all broadcasters should respect programme standards of impartiality, pluralism, respect for human rights and human dignity and ensure access to the media by the public and its representatives.

The authority allocates frequencies according to a plan designed by the director of telecommunications of the ministry of communications and works and final approval by the council of ministers.

### **Enforcement**

The authority has the power to impose sanctions for not compliance with the law. Sanctions may vary from warnings to administrative fines and suspension or withdrawal of a license.

### **Powers on the public service broadcaster**

Under provisions introduced by the amending law 96(I)/2004 on the *Cyprus broadcasting corporation, the radio and television authority* has powers on the public service broadcaster. The authority

- examines fulfillment by the corporation of its obligations as public service broadcaster,
- investigates eventual breaches of the law,
- imposes sanctions for breaches of the law relating to issues of advertising, protection of minors, respect of quotas for European works and to broadcasts of events of major importance.

Investigation can be initiated by the authority or start following complaints by viewers.

On issues related to the *code on journalistic ethics* investigation can only start at the request of the *commission of journalistic ethics*<sup>24</sup>

A new clause in both the aforementioned amending laws, gave the authority the power to ask a court to order a broadcaster to stop or suspend an activity which is in breach of the law and eventually to publish the court's decision.

All decisions of the authority are executable and are only subject to judicial review by courts.

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<sup>24</sup> About the commission, please see below.

#### **1.2.1.3. Organisation**

The chairman, the vice-chairman and the other five members of the authority do not have full time status. They meet at least once a week. The authority has permanent specialised staff and can also employ consultants. It has its own budget and is financed through fees on license and on advertising revenues.

Under article 11 of the law of 1998, the authority establishes *an advisory committee* composed by representatives of ministries, local authorities, media professionals, trade unions, scientific organisations, academic institutions and other. The committee meets once per month; regulations voted by the parliament set the rules of its functioning.

### **1.2.2. Self- or Co-regulatory body /ies**

#### **The commission of journalistic ethics**

##### **1.2.2.1. Legal basis**

*The commission of journalistic ethics* was established in 1997 under *the code of journalistic ethics* adopted by *the union of journalists, the association of newspaper publishers and the (commercial) broadcast media owners*. The establishment and operation of the commission are founded on the perception that state interference with issues of freedom of expression is an old-fashioned practice; regulation should be left to media professionals themselves.

##### **1.2.2.2. Functions/competencies**

This fully self-regulatory body examines complaints of the public against journalists or media for breach of the *code of journalistic ethics*. In exceptional cases investigation can start on the commission's own initiative. The commission decides whether there has been a breach of the journalistic code of ethics. It has no sanctioning power; the incriminated media are obliged to publish the decision.

##### **1.2.2.3. Organisation**

The three professional unions (*the union of journalists, the association of newspaper publishers and the broadcast media owners*) designate an independent chairman and appoint three members each from their own ranks. The ten members nominate other three non-media professionals of their choice. The chairman of the commission is a former judge and a UN human rights expert.

### **1.2.3. The commission on conduct of journalists - members of the union of journalists**

*The union of journalists* has set an internal body, a commission that examines issues of journalistic conduct. The commission consists of three members of the union and an external person (as chair) with legal background. It examines issues in relation to the behaviour of journalists and breaches of the statutes of the union or the code of journalistic ethics. It meets very rarely; most of the issues raised are usually referred to the aforementioned commission of journalistic ethics, which deals with all media.

## **2. Press**

### **2.1. Regulatory framework**

#### **2.1.1. Legal provisions**

*The press law of 1989*<sup>25</sup> aims at regulating a wide spectrum of issues related to press freedoms, the publication and circulation of newspapers and the publishing sector. It also provides for the establishment of a *press council* and of a *press authority*.

The law was drafted following long consultations and cooperation between the authorities and professional unions.

The main policy objectives are the following:

- Safeguard the right of journalists to seek, obtain and disseminate information, both from public and private sources, as well as
- Establish the obligation of the authorities to provide access to information.
- Stipulate on the right of reply for all members of the public. A special clause provides for a right of reply of public servants and/or their service.

The law provides also for

- the licensing of press distribution agencies and kiosques,
- registration of presses and printing equipment imported to Cyprus and
- deposit of three copies of books printed in Cyprus.

#### **2.1.2. Administrative regulation/rules**

Not applicable

#### **2.1.3. Other provisions, especially co-regulatory or self-regulatory measures, codes of conduct, etc.**

Not applicable

## **2.2. Regulatory authorities/bodies**

### **2.2.1. Authority/ies - The Press Council and the Press Authority**

#### **2.2.1.1. Legal basis**

Article 3 of *the press law* 145/1989 provides for the constitution of *the press council* and Art.24 provides for the establishment of *a press authority*. Both were the product of a common effort of the authorities and the print media professionals to (co)regulate the industry.

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<sup>25</sup> N. 145/1989, Official Gazette, 11.8.1989

### **2.2.1.2. Functions/competencies**

*The press council* was entrusted with powers to regulate issues of journalistic ethics. It was assigned the task to

- ensure respect for the freedom and independence of the press,
- defend the rights and interests of the press,
- regulate issues relevant to professional conduct of the press and the journalists,
- investigate complaints or initiate investigations in connection to the conduct of the press and the journalists,

A second body, *the press authority* was entrusted by law with the power of determining the ceiling price for newspapers and the commission received by distributors, as well as the licensing of the operation of distribution agencies.

### **2.2.1.3. Organisation of the Press Council and the Press Authority**

The council of ministers appoints the chairman and the members of the press council for a three year mandate. The chairman should have a legal background with no relation with the press. *The association of publishers* and *the union of journalists* nominate three members each and political parties in parliament nominate one each.

The council of ministers appoints the nine-members of *the press authority*. Appointments are made on the basis of nominations by the union of newspapers publishers (the chairman and two members), the union of journalists (one), the association of printers and printing houses and representatives from government departments (five).

The chairman and the members of the council are appointed by the council of ministers the chairman should have a legal background with no connection to the press.

Operation costs were covered from the state budget and logistic support was provided by government departments.

In practice, the two bodies have never succeeded to operate properly. From the first couple of meetings, the professionals voiced their strong objections to a number of provisions included in the law. Their main objections were connected with the appointment of the chairman and the members of the two bodies by the government as well as the inclusion of party appointees in them. They considered that these constituted a crude interference with media freedoms and independence. The chairman of the council continued to exercise his duties until the expiration of his mandate. In early 1993, the council of ministers decided not to appoint new members in either body. Sustained efforts between 1992 and 1997 to amend the law proved unsuccessful. The law remains in force but its main clauses are de facto invalidated.

## **3. Online Services**

No regulation exists in the sector of online services

#### **4. Film/Interactive Games (no legal instrument or other code exists on interactive games)**

The law on the classification/rating of cinematographic works of 2002.<sup>26</sup>

##### **4.1. Regulatory framework**

###### **4.1.1. Legal provisions**

*The law on the classification of cinematographic films* provides for the constitution of a board that classifies all cinematographic works destined for public screening in cinema halls or other public premises.

The 2002 law replaced the colonial law of 1935 (chapter 43) with the same title, providing for the constitution of a “*board of sensors*”.

The aim of the new law was to establish a new rating body and system for cinematographic works of any format and for display/advertising material. It provides that any police officer has the power to enter a premise at any time, without a court order and seize any film screened without authorization from the board of classification.

###### **4.1.2. Administrative regulation/rules**

The regulations on cinematographic works (rating of), adopted in 2003<sup>27</sup>, aim at setting the rules and procedures of work of *the board of film rating* and the rating system. The rating criteria and other documents related to the work of the board are found in appendices.

The films are rated in four categories:

- (K) – Suitable for all ages.
- (12) – Not suitable for viewing by persons below 12 years old.
- (15) – Not suitable for viewing by persons below 15 years old.
- (18) – Not suitable for persons under 18 years old.

A fifth category (MK – Non rated) is reserved for films that can not be screened because of extreme racist, hard core pornographic, extreme sexually violent and other scenes offending human dignity or encouraging anti-democratic, anti-social behaviour.

The criteria retained relate to the language used, scenes with sexual acts, violence and use of drugs.

###### **4.1.3. Other provisions, especially co-regulatory or self-regulatory measures, codes of conduct, etc.**

Not applicable.

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<sup>26</sup> N. 238/2002, Official Gazette, 31 December 2002

<sup>27</sup> K.Δ.Π. 561/2003, Official gazette, 11 July 2003

## **4.2. Regulatory authorities/bodies**

### **4.2.1. The board of rating of cinematographic works**

#### **4.2.1.1. Legal basis**

Article 3 of the *law on the classification/rating of cinematographic works* provides for the establishment of a 30-member board from various sectors of the society. It provides for its composition and tasks as well as general rules on its functioning.

#### **4.2.1.2. Functions/competencies**

The board examines all films and display /advertising material destined for public screening and rates it according to specific criteria. No film can be screened if it does not bear a rating sign by the board. The board can decide not to attribute rating to a film.

#### **4.2.1.3. Organisation (composition of the authority/members of the board, etc.)**

*The board for the classification of cinematographic films* has 30 members from the public and private sectors appointed by the minister of interior. They represent government departments, other public bodies, professional and social groups. The director of the press and information office (the media service of the government) holds the chair of the board. Other members represent the ministry of education and culture, the *radio and television authority*, the welfare services, professional bodies in the film/production industry and associations of parents, consumers association, sociologists and psychologists.

The board can appoint five-member committees assigned with the task to rate films. The minimum number of members present for decision making is three.

### **4.2.2. Self- or co-regulatory body/ies**

Not applicable

## **5. Summary**

Regulation practice in broadcasting is relatively new. The legal framework mostly covers the commercial analogue television in respect of conforming to the law, incorporating the provisions of the TWFD. Main policy issues are relating to the protection of minors and respect of the rights of the viewers.

The regulator is independent, with extensive powers for supervision and enforcement; the regulatory legal framework is not the same for the public broadcaster and it does not cover cable and satellite broadcasting.

In the press sector, the bodies established by the law of 1989 have never effectively functioned. The media professionals have set a self-regulatory system. They adopted a code of conduct and established a commission of media ethics with no enforcement or sanctioning powers.

In the film industry, a rating board is composed with representatives of many bodies/organisations and headed by a public servant.