



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2639 της 18ης ΟΚΤΩΒΡΙΟΥ 1991
ΝΟΜΟΘΕΣΙΑ

Ο Κυρωτικός της Ευρωπαϊκής Συμβάσεως επί της Διασυνοριακής Τηλεοράσεως Νόμος του 1991 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 178 του 1991

ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΣΥΜΒΑΣΕΩΣ
ΕΠΙ ΤΗΣ ΔΙΑΣΥΝΟΡΙΑΚΗΣ ΤΗΛΕΟΡΑΣΕΩΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός της Ευρωπαϊκής Συμβάσεως επί της Διασυνοριακής Τηλεοράσεως Νόμος του 1991.

Συνοπτικός
τίτλος.

2. «Σύμβαση» σημαίνει την Ευρωπαϊκή Σύμβαση επί της Διασυνοριακής Τηλεοράσεως, η οποία έγινε στο Στρασβούργο στις 5 Μαΐου 1989 και της οποίας το αγγλικό πρωτότυπο εκτίθεται στο Μέρος I του Πίνακα και σε ελληνική μετάφραση στο Μέρος II του Πίνακα.

Ερμηνεία.

Πίνακας,
Μέρος I,
Μέρος II.
Κύρωση
της Σύμβασης.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

(2) Σε περίπτωση αντίθεσης μεταξύ του εκτιθέμενου στο Μέρος I του Πίνακα πρωτότυπου αγγλικού κειμένου και της εκτιθέμενης στο Μέρος II αυτού ελληνικής μετάφρασης θα υπερισχύει το εκτιθέμενο στο Μέρος I του Πίνακα κείμενο.

ΠΙΝΑΚΑΣ

(Άρθρο 2)

ΜΕΡΟΣ Ι

PREAMBLE

The member States of the Council of Europe and the other States party to the European Cultural Convention, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the dignity and equal worth of every human being constitute fundamental elements of those principles;

Considering that the freedom of expression and information, as embodied in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, constitutes one of the essential principles of a democratic society and one of the basic conditions for its progress and for the development of every human being;

Reaffirming their commitment to the principles of the free flow of information and ideas and the independence of broadcasters, which constitute an indispensable basis for their broadcasting policy;

Affirming the importance of broadcasting for the development of culture and the free formation of opinions in conditions safeguarding pluralism and equality of opportunity among all democratic groups and political parties;

Convinced that the continued development of information and communication technology should serve to further the right, regardless of frontiers, to express, to seek, to receive and to impart information and ideas whatever their source;

Being desirous to present an increasing range of choice of programme services for the public, thereby enhancing Europe's heritage and developing its audiovisual creation, and being determined to achieve this cultural objective through efforts to increase the production and circulation of high-quality programmes, thereby responding to the public's expectations in the political, educational and cultural fields;

Recognising the need to consolidate the common broad framework of regulation;

Bearing in mind Resolution No. 2 and the Declaration of the 1st European Ministerial Conference on Mass Media Policy;

Being desirous to develop the principles embodied in the existing Council of Europe Recommendations on principles on television advertising, on equality between women and men in the media, on the use of

satellite capacity for television and sound radio, and on the promotion of audiovisual production in Europe.

Have agreed as follows:

CHAPTER I
GENERAL PROVISIONS

Article 1

Object and purpose

This Convention is concerned with programme services embodied in transmissions. The purpose is to facilitate, among the Parties, the transfrontier transmission and the retransmission of television programme services.

Article 2

Terms employed

For the purposes of this Convention:

a. "Transmission" means the initial emission by terrestrial transmitter, by cable, or by satellite of whatever nature, in encoded or unencoded form, of television programme services for reception by the general public. It does not include communication services operating on individual demand;

b. "Retransmission" signifies the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public;

c. "Broadcaster" means the natural or legal person who composes television programme services for reception by the general public and transmits them or has them transmitted, complete and unchanged, by a third party;

d. "Programme service" means all the items within a single service provided by a given broadcaster within the meaning of the preceding paragraph;

e. "European audiovisual works" means creative works, the production or co-production of which is controlled by European natural or legal persons;

f. "Advertisement" means any public announcement intended to promote the sale, purchase or rental of a product or service, to advance a cause or idea or to bring about some other effect desired by the advertiser, for which transmission time has been given to the advertiser for remuneration or similar consideration;

g. "Sponsorship" means the participation of a natural or legal person, who is not engaged in broadcasting activities or in the production of audiovisual works, in the direct or indirect financing of a programme with a view to promoting the name, trademark or image of that person.

Article 3

Field of application

This Convention shall apply to any programme service transmitted or retransmitted by entities or by technical means within the jurisdiction of a Party, whether by cable, terrestrial transmitter or satellite, and which can be received, directly or indirectly, in one or more other Parties.

Article 4

Freedom of reception and retransmission

The Parties shall ensure freedom of expression and information in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms and they shall guarantee freedom of reception and shall not restrict the retransmission on their territories of programme services which comply with the terms of this Convention.

Article 5

Duties of the transmitting Parties

1. Each transmitting Party shall ensure, by appropriate means and through its competent organs, that all programme services transmitted by entities or by technical means within its jurisdiction, within the meaning of Article 3, comply with the terms of this Convention.
2. For the purposes of this Convention, the transmitting Party shall be:
 - a. in the case of terrestrial transmissions, the Party in which the initial emission is effected;
 - b. in the case of satellite transmissions:
 - i. the Party in which the satellite up-link is situated;
 - ii. the Party which grants the use of the frequency or a satellite capacity when the up-link is situated in a State which is not a Party to this Convention;
 - iii. the Party in which the broadcaster has its seat when responsibility under sub-paragraphs i and ii is not established.
3. When programme services transmitted from States which are not Parties to this Convention are retransmitted by entities or by technical means within the jurisdiction of a Party, within the meaning of Article 3, that Party, acting as transmitting Party, shall ensure, by appropriate means and through its competent organs, compliance with the terms of this Convention.

Article 6

Provision of information

1. The responsibilities of the broadcaster shall be clearly and adequately specified in the authorisation issued by, or contract concluded with, the competent authority of each Party, or by any other legal measure.

2. Information about the broadcaster shall be made available, upon request, by the competent authority of the transmitting Party. Such information shall include, as a minimum, the name or denomination, seat and status of the broadcaster, the name of the legal representative, the composition of the capital, the nature, purpose and mode of financing of the programme service the broadcaster is providing or intends providing.

CHAPTER II

PROGRAMMING MATTERS

Article 7

Responsibilities of the broadcaster

1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others.

In particular, they shall not:

- a. be indecent and in particular contain pornography;
- b. give undue prominence to violence or be likely to incite to racial hatred.

2. All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch them.

3. The broadcaster shall ensure that news fairly presents facts and events and encourages the free formation of opinions.

Article 8

Right of reply

1. Each transmitting Party shall ensure that every natural or legal person, regardless of nationality or place of residence, shall have the opportunity to exercise a right of reply or to seek other comparable legal or administrative remedies relating to programmes transmitted or retransmitted by entities or by technical means within its jurisdiction, within the meaning of Article 3. In particular, it shall ensure that timing and other arrangements for the exercise of the right of reply are such that this right can be effectively exercised. The effective exercise of this right or other comparable legal or administrative remedies shall be ensured both as regards the timing and the modalities.

2. For this purpose, the name of the broadcaster responsible for the programme service shall be identified therein at regular intervals by appropriate means.

Article 9

Access of the public to major events

Each Party shall examine the legal measures to avoid the right of the public to information being undermined due to the exercise by a