



5.13.GR – Greece – National legal summary¹⁹²

The provisions of the revised Audiovisual Media Services Directive (AVMSD) related to video-sharing platforms (VSPs) are transposed into Law 4779/2021 (the 2021 Law).

5.13.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- Law 4779/2021 (Official Gazette A 27).¹⁹³

5.13.2. Definitions and scope

This section aims at identifying the relevant definitions related to VSPs stemming from the transposition of the revised AVMSD as well as elements of interpretation of the main concepts present in those definitions.

Table 33. Definition of the main concepts related to VSPs

Concept	Existence of a definition
VSP service	Yes.
VSP provider	Yes.
User-generated video	Yes.
“Principal purpose”	No.
“Dissociable section”	No.
“Essential functionality”	No.

Source: Greek response to European Audiovisual Observatory standardised survey

¹⁹² The factsheet on Greece incorporates the feedback received from Persa Lambropoulou, Legal Advisor at the National Council for Radio and Television, during the 2021 and 2022 checking rounds with the national media regulatory authorities.

¹⁹³ <https://www.kodiko.gr/nomothesia/document/672722/nomos-4779-2021>.



5.13.2.1. VSP service

Article 2, paragraph 1(b) of the 2021 Law provides for the definition of a VSP by extending the definition stemming from the revised AVMSD in order to determine the scope of applicability to social networks:

Video-sharing platform service: A service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of which or of a dissociable section thereof or an essential functionality of the above service is devoted to providing programmes, user-generated videos, or both to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point A(9) of Article 110 of Law 4727/2020 on electronic communications) and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing. Social media services are also included in this definition to the extent that they provide programmes and/or user-generated videos aiming to inform, entertain or educate, for which the provider does not have editorial responsibility, under the condition that the provision of such programmes or user-generated videos constitutes an essential functionality of these social media services.

5.13.2.2. VSP provider

Article 2, paragraph 1(h) of the 2021 Law defines the term “video-sharing platform provider” by transposing the text of the revised AVMSD verbatim, as follows: “Video-sharing platform provider: the natural or legal person who provides a video-sharing platform service.”

5.13.2.3. User-generated video

Article 2, paragraph 1(d) of the 2021 Law provides for the definition of “user-generated content” by transposing the text of the revised AVMSD verbatim, as follows:

User-generated video: a set of consecutive moving images, with or without sound, constituting an individual item, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user.

5.13.2.4. “Principal purpose” or “dissociable section” of a VSP service

There are no details in the primary legislation or in other texts (secondary legislation, by-laws, recommendations, caselaw, etc.) on how to interpret these concepts.



5.13.2.5. “Essential functionality” of a VSP service

There are no details in the primary legislation or in other texts (secondary legislation, by-laws, recommendations, caselaw, etc.) on how to interpret these concepts.

5.13.3. Obligations and measures imposed on VSP providers

The revised AVMSD provides for the extension of its scope to cover VSPs. It introduces obligations on these players to take appropriate measures to protect minors from harmful content which may impair their physical, mental or moral development; to protect the general public from illegal content and content that incites violence or hatred; and to respect certain obligations around commercial communications (Article 28b (1) and (2) of the revised AVMSD). To fulfil these obligations, member states are required to ensure compliance with the measures listed in Article 28b (3) of the revised AVMSD.

This section aims at identifying the obligations and measures imposed on VSP providers under national legislation in order to ensure their compliance with those obligations.

When available, this section also provides for other additional relevant information about the measures and concepts at stake.

5.13.3.1. General provisions

Provisions relative to terrorism, child pornography, racism and xenophobia are part of the Penal Code,¹⁹⁴ inclusive of prohibitions relative to the proliferation of these materials via any type of media.

The national audiovisual legislation currently in force does not contain a definition for content which may impair the physical, mental or moral development of minors. It establishes a set of rules for the protection of minors from harmful content with reference to some indicative categories of such content, such as the prohibition of any dramatisation or dramatic re-enactment of events, as well as the prohibition of any broadcasting of programmes which might seriously harm the physical, mental or moral development of minors.

¹⁹⁴ In particular, Directive 2011/93/EE of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, has been transposed into Greek law in Articles 348AA-348D of the Greek Penal Code (GPC); Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism has been transposed into Greek law in Article 187A of the GPC; and Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law has been transposed into Law 927/1979 (as amended) and Articles 184 par. 1-3 and 82A of the GPC.



Similarly, Article 9, of the 2021 Law contains a set of rules for the protection of minors from harmful content with reference to some categories indicative of such content, stipulating:

1. Audiovisual media services that may impair the physical, mental or moral development of minors shall only be provided in a way which ensures that minors will not normally hear or see them. Appropriate measures for the protection of minors include, in particular, labelling programmes, selecting the time of the broadcast, using personal identification numbers (PIN codes), using age verification systems or using any other technical measures with respect to the principle of proportionality. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.

(...)

7. The presentation of a juvenile offender is prohibited. The presentation or participation of juvenile witnesses or victims of criminal acts or accidents, as well as minors who are at a disadvantage - in all programmes, is prohibited. Exceptionally, the presentation of minors who fall under the cases of the previous paragraph is allowed, as long as it is necessary for the information of the public and does not cause harm to the minor's personality and only after written consent of the persons exercising parental care or custody. In any case, it is prohibited to disclose in any way incidents that could lead to the disclosure of the identity of any minor who is the victim of an act subject to crimes against sexual freedom and economic exploitation of sexual life, from the denouncement of the act until the issuance of an irrevocable decision.

(...)

9. Audiovisual media service providers must not broadcast any programme that involves scenes of physical, verbal or psychological violence unless this is necessary for public information about a specific event.

The 2021 Law, in its Article 32, paragraph 1 points (a), (b) and (c), establishes detailed rules, the scope of which covers the relevant provisions of the Greek audiovisual legislation currently in force, as well as the provisions set out in the Greek Penal Code for terrorist offences, child pornography and offences concerning racism or xenophobia. It states:

Without prejudice to Articles 11 to 14 of the Presidential Decree 131/2003, (Government Gazette A'116), video- sharing platform providers under Greek jurisdiction should take appropriate measures to protect: [...]

(a) minors from programmes, user-generated videos and audiovisual commercial communications which may negatively impair their physical, mental or moral development in accordance with paragraph 1 of Article 9;

(b) the general public from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on race, colour, ethnic or national origin, genealogical ancestry, religion, disability, sexual orientation, identity or gender characteristics;

(c) the general public from programmes, user-generated videos and audiovisual commercial communications containing content the dissemination of which constitutes an activity which



is a criminal offence under Union and national law, namely child pornography as set out in Articles 348AA-348D of the Penal Code and offences concerning racism and xenophobia as set out in Law 927/1979 (A 139), Article 82A GPC and paras. 2-3 of Article 184 of the Penal Code.

Article 32 paragraph 2 of the 2021 Law, with regard to audiovisual commercial communications transmitted by VSPs stipulates:

Video-sharing platform providers:

[a] must comply with the requirements set out in Article 14 par. 1 with respect to audiovisual commercial communications that are marketed, sold or arranged by them;

[b] must take appropriate measures to comply with the requirements set out in Article 14 par. 1 with respect to audiovisual commercial communications that are not marketed, sold or arranged by them, taking into account the limited control exercised by the video-sharing platforms over those audiovisual commercial communications.

Article 32 paragraph 3 of the 2021 Law, with regard to audiovisual commercial communications transmitted by VSPs stipulates:

The video-sharing platform providers must clearly inform users where programmes and user-generated videos contain audiovisual commercial communications, provided that such communications are declared under point (c) of paragraph 6 or the provider has knowledge of that fact.

5.14.3.2. Adapting terms and conditions of the VSP service to include those obligations – Article 28b (3) (a) AVMSD

Regarding the measure consisting in including and applying in the terms and conditions of the VSP services the requirements referred to in section 5.14.3.1, Article 32 of the 2021 Law, paragraph 6(a) stipulates this obligation by transposing the text of the revised AVMSD verbatim, as follows:

The measures adopted by the video-sharing platform providers shall consist of, in particular: (a) including and applying in the terms and conditions of the video-sharing platform services the requirements referred to in paragraph 1, as well as the measures undertaken in order to ensure the fulfilment of these terms.

5.14.3.3. Adapting terms and conditions to include obligations regarding commercial communications that are not marketed, sold or arranged by the VSP provider – Article 28b (3) (b) AVMSD

Regarding the measure consisting in including and applying in the terms and conditions of the VSP services the requirements set out for audiovisual commercial communications that



are not marketed, sold or arranged by the video-sharing platform providers, Article 32, paragraph 6(b) of the 2021 Law uses the language of the revised AVMSD, but limits its scope only to Article 14 par. 1 of this Law (surreptitious audiovisual commercial communication and subliminal techniques):

(b) including and applying in the terms and conditions of the video-sharing platform services the requirements set out in Article 14 par. 1 for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers, as well as the measures undertaken in order to ensure the fulfilment of these terms.

5.14.3.4. Having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications – Article 28b (3) (c) AVMSD

Regarding the measure consisting in having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know, Article 32, paragraph 6(c) of the 2021 Law transposes these obligations verbatim, as follows:

(c) having a functionality for users who upload videos generated by them or by other users to declare, as far as they know or can be reasonably expected to know, whether such videos contain audiovisual commercial communications.

5.14.3.5. Establishing and operating transparent and user-friendly mechanisms for users to report or flag content – Article 28b (3) (d) AVMSD

Regarding the measure consisting in establishing and operating transparent and user-friendly mechanisms for users of a VSP to report or flag the content to the VSP provider, Article 32, paragraph 6(d) of the 2021 Law transposes the revised AVMSD verbatim in respect of these obligations:

(d) establishing and operating transparent and user-friendly mechanisms allowing users of the platform to report or flag to the provider any uploading of content that might be harmful to minors or the general public according to the provisions of paragraph 1 of this Article.

5.14.3.6. Establishing and operating systems through which VSP providers explain to users what effect has been given to reporting and flagging – Article 28 (b) (3) (e) AVMSD

Regarding the measure consisting in establishing and operating systems through which VSP providers explain to users of VSPs what effect has been given to their reporting and flagging initiatives, Article 32, paragraph 6(e) of the 2021 Law transposes the text of the revised AVMSD verbatim, as follows: “(e) establishing and operating systems through which they



are able to inform the users of the platform what effect has been given to the reporting and flagging referred to in point (d).”

5.14.3.7. Establishing and operating age verification systems for users with respect to content which may impair the physical, mental or moral development of minors – Article 28b (3) (f) AVMSD

Regarding the measure consisting in establishing and operating age verification systems for users of VSPs with respect to content which may impair the physical, mental or moral development of minors, Article 32, paragraph 6(f) of the 2021 Law transposes the text of the revised AVMSD verbatim, as follows:

(f) establishing and operating age verification systems for users of video-sharing platforms in order to prevent minors from access to any content which may negatively impair their physical, mental or moral development.

5.14.3.8. Establishing and operating easy-to-use systems allowing users to rate the content – Article 28b (3) (g) AVMSD

Regarding the measure consisting in establishing and operating easy-to-use systems allowing users of VSPs to rate the content, Article 32, paragraph 6(g) of the 2021 Law uses the text of the revised AVMSD as follows: “(g) establishing and operating easy-to-use systems allowing users of the platform to rate the content referred to in paragraph 1 of this Article.”

5.14.3.9. Providing for parental control systems that are under the control of the end-user with respect to content which may impair the physical, mental or moral development of minors – Article 28b (3) (h) AVMSD

Regarding the measure consisting in providing for parental control systems that are under the control of the end-user with respect to content which may impair the physical, mental or moral development of minors, Article 32, paragraph 6(h) of the 2021 Law transposes the revised AVMSD verbatim, as follows:

(h) providing for parental control systems that are under the control of the end-user in order to prevent minors from access to any content which may negatively impair their physical, mental or moral development.”



5.14.3.10. Establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints – Article 28b (3) (i) AVMSD

Regarding the measure consisting in establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the VSP provider in relation to the implementation of the measures, Article 31, paragraph 6(i) of the 2021 Law transposes the revised AVMSD verbatim, as follows:

(i) establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the provider in relation to the implementation of the measures referred to in points (d) to (h).

5.14.3.11. Providing for effective media literacy measures and tools and raising users' awareness of those measures and tools – Article 28b (3) (j) AVMSD

Regarding the measure consisting in providing for effective media literacy measures and tools and raising users' awareness of those measures and tools, Article 32, paragraph 6(j) of the 2021 Law provides for the establishment of media literacy measures and tools: “(j) providing for effective media literacy measures and tools, as well as raising users' awareness of those measures and tools.”

5.14.3.12. Forbidding the processing of personal data of minors for commercial purposes – Article 28b (3) AVMSD

Regarding the processing of personal data of minors collected or otherwise generated by VSP providers for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising, Article 32, paragraph 7 of the 2021 Law uses the same text, as provided for in the revised AVMSD:

Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to points (f) and (h) of paragraph 6 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

5.14.3.13. Other relevant provisions related to the protection of minors

N/A.



5.14.3.14. Other relevant provisions related to commercial communications which may impair the physical, mental or moral development of minors

Article 14 of the 2021 Law contains detailed rules for the protection of the general public and minors in accordance with the text of the AVMSD, without any definition with regard to commercial communications that may be detrimental to the physical, mental or moral development of minors.

5.14.3.15. Other relevant provisions related to minors' exposure to advertising for alcohol products and HFSS foods (high fat, sugar and salt foods) in commercial communications

Article 14 of the 2021 Law prohibits audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers, and stipulates that audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages. Furthermore, the 2021 Law does not contain any specific provisions related to advertising for alcohol products and HFSS foods in commercial communications transmitted by VSPs. Instead, according to Article 32, paragraph 4, VSPs are encouraged to take self-regulatory measures in order to prevent minors from immoderate consumption of foods and beverages containing nutrients and substances that are not recommended.

5.14.3.16. Other relevant information

N/A.

5.13.4. Practicability of the measures imposed on VSP providers

Article 28b (3) of the revised AVMS Directive does not only provide for the list of measures which are detailed under the previous section. Paying attention to the principle of proportionality, it also states that the measures imposed on VSP providers should be practicable and proportionate and take into account criteria such as the size of the VSP service and the nature of the service, as well as the nature of the content.

This section aims at identifying how this is implemented in the national legislation.

According to Article 32 paragraph 5 of the 2021 Law, VSPs, in order to comply with the provisions relative to the protection of minors and the general public, as well as commercial communications, should adopt appropriate and proportionate measures, taking into account the following parameters:



- the nature of the service
- the harm that may be caused
- the characteristics of the category of persons to be protected
- the rights and legitimate interests at stake, including those of the VSP providers and the users who created or uploaded the content
- the general public interest.

5.13.5. Regulation and enforcement

This section aims at identifying which body is in charge of regulatory and enforcement powers with regards to VSPs, as well as the scope of its activities with regards to such platforms. These relate to registration/notification systems of VSPs with the relevant national regulatory bodies, as well as with the development of self- or co-regulatory codes and schemes (as encouraged by Article 4a of the AVMS Directive), provisions related to out-of-court redress mechanisms for the settlement of disputes between users and video-sharing platform providers (as envisaged by Article 28(b)7 of the AVMS Directive) and provisions related to how users can assert their rights before a court in relation to VSP providers (as required by Article 28(b)8 of the AVMS Directive).

5.14.5.1. Regulatory body

The competent regulatory body is the National Council of Radio and Television (NCRTV).¹⁹⁵

5.14.5.2. Existence of a registration/notification system

According to Article 31 paragraph 5 of the 2021 Law, NCRTV establishes and maintains an up-to-date list of the VSPs established or deemed to be established on Greek territory and indicates on which of the criteria the jurisdiction of the country is based. The NCRTV has the authority to define the documents submitted by the VSPs via a Regulation issued to that effect. That list, including any updates thereto, shall be communicated to the Commission and to the competent minister.

5.14.5.3. Compliance, enforcement and sanctioning powers

Article 32 paragraph 9, of the 2021 Law provides for monitoring and sanctioning powers of NCRTV towards VSPs:

¹⁹⁵ <https://www.esr.gr/information/>.



The assessment of the compliance of VSP, with regards to the obligations set out in paragraphs 1 and 2 of this Article, are delegated to NCRTV. NCRTV has the authority to carry out audits through its employees or to assign such audits to third parties and to impose the sanctions provided for in Article 36.

According to Article 51 paragraph 6, the specific obligation of VSPs for the implementation of the measures provided for in paragraph 6 of Article 32 shall be determined, whenever shall be deemed appropriate, by a decision of the minister to whom the responsibilities of the Secretariat General of Communication and Information have been assigned, after consulting NCRTV and the National Telecommunications and Post Commission.

Article 32 paragraph 10 provides that VSPs under Greek jurisdiction must submit to NCRTV, in a manner and at a time defined by NCRTV, information concerning:

- (a) the number of complaints received per topic category, such as hate speech, protection of minors, child pornography, or per category of content such as programmes, user-generated videos, commercial communications of the VSPs or users, as these are defined in paragraph 1;*
- (b) the number of complaints that have been examined, as well as the time it took them to respond;*
- (c) the number of cases for which users resorted to a mediation mechanism;*
- (d) the number of reporting or flagging cases made by users in relation to harmful or illegal content or its age verification system;*
- (e) the age verification systems or parental control systems established by the VSPs;*
- (f) the tools adopted in order to promote media literacy;*
- (g) any other information that NCRTV could specify in the future as relevant by a decision of its board.*

According to Article 36 paragraph 3, in the event of a violation of the obligations imposed by Article 32, NCRTV may impose sanctions on VSPs that range from warnings to a permanent shutdown order:

- (a) recommendation*
- (b) administrative fine from EUR 1 000 to EUR 500 000*
- (c) pause of transmission from 1 day to 3 months, and*
- (d) permanent shutdown in proportion to the kind and gravity of the violation in cause.*

The gravity of the violation, the degree of fault, the financial situation of the provider, as well as the existence of recurrence are taken into account when choosing the penalty to be imposed.



5.14.5.4. Development of self- or co-regulatory codes or schemes

According to Article 32 paragraph 8 of the 2021 Law, NCRTV encourages the development of co-regulatory codes for all the measures to be taken by VSPs in order to comply with their new obligation to protect the general public and minors. At present, there are no self- or co-regulatory codes of conduct or self-regulatory mechanisms in place for VSPs under Greek jurisdiction.

5.14.5.5. Out-of-court redress mechanisms for users

The Law on Mediation in Civil and Commercial Affairs has established an out-of-court redress mechanism also available for the settlement of disputes between users and VSPs. The recent changes, which stipulate that mediation is mandatory for certain categories of dispute, does not include disputes between users and VSPs in these categories of mandatory mediation.

5.14.5.6. Rights before a court for users

No specific provision of the 2021 Law deals with this issue, but nothing prevents users from asserting their right before a court.

5.13.6. Studies, reports and research

N/A.

5.13.7. Data compilation

This factsheet is based on data compiled by Charis Tsigou, Attorney at Law, Media and IP expert, TMK Law Firm.