



# ICLG

The International Comparative Legal Guide to:

## **Telecoms, Media & Internet Laws & Regulations 2016**

**9th Edition**

A practical cross-border insight into telecoms, media and internet laws and regulations

Published by Global Legal Group, with contributions from:

Andreas Neocleous & Co LLC

Bagus Enrico & Partners

Bello, Gallardo, Bonequi y García, S.C.

Borenus Attorneys Ltd

Bowman Gilfillan

Chajec, Don-Siemion & Zyto

Legal Advisors

Coulson Harney

Davies Ward Phillips & Vineberg LLP

Dr. Norbert Wiesinger, Law Offices

Gün + Partners

Heuking Kühn Lüer Wojtek

Hogan Lovells (CIS)

John W Fooks & Co

King & Wood Mallesons

Kromann Reumert

Linklaters LLP

Melchior, Micheletti & Amendoeira Advogados

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Sociedade Rebelo de Sousa &

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**Group Consulting Editor**  
Alan Falach

**Group Publisher**  
Richard Firth

**Published by**  
Global Legal Group Ltd.  
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Tel: +44 20 7367 0720  
Fax: +44 20 7407 5255  
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URL: www.glgroup.co.uk

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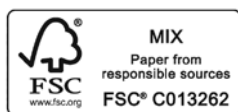
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## EDITORIAL

Welcome to the ninth edition of *The International Comparative Legal Guide to: Telecoms, Media & Internet Laws & Regulations*.

This guide provides the international practitioner and in-house counsel with a comprehensive worldwide legal analysis of telecoms, media and internet laws and regulations.

It is divided into two main sections:

One general chapter. This chapter provides an overview of the EU Regulatory Framework for electronic communications and services in the EU Member States.

Country question and answer chapters. These provide a broad overview of common issues in telecoms, media and internet laws and regulations in 37 jurisdictions.

All chapters are written by leading telecoms, media and internet lawyers and industry specialists and we are extremely grateful for their excellent contributions.

Special thanks are reserved for the contributing editor Rob Bratby of Olswang LLP for his invaluable assistance.

Global Legal Group hopes that you find this guide practical and interesting.

*The International Comparative Legal Guide* series is also available online at [www.iclg.co.uk](http://www.iclg.co.uk).

Alan Falach LL.M.  
Group Consulting Editor  
Global Legal Group  
[Alan.Falach@glgroup.co.uk](mailto:Alan.Falach@glgroup.co.uk)

# Cyprus

Andreas Neocleous & Co LLC

Andrea Kallis Parparinou



## 1 Overview

**1.1 Please describe the: (a) telecoms; (b) audio-visual media distribution; and (c) internet infrastructure sectors in Cyprus, in particular by reference to each sector's: (i) importance (e.g. measured by annual revenue); (ii) 3-5 most important companies; (iii) whether they have been liberalised and are open to competition; and (iv) whether they are open to foreign investment.**

Cyprus is the third largest island in the Mediterranean Sea, strategically located at the meeting place of Europe, Asia and Africa. The total population is estimated at 1.1 million, approximately 840,000 of whom live in the area controlled by the Republic of Cyprus.

The island was invaded in 1974 by the Turkish army and about one third of the territory remains under Turkish occupation. The so-called Turkish Republic of Northern Cyprus is recognised only by Turkey, and all references in this article to Cyprus relate to the legitimate government of the Republic of Cyprus. While political uncertainty continues to surround “the Cyprus problem” and efforts continue at a political level to secure a satisfactory resolution, day-to-day life is unaffected by the issue.

Cyprus is an independent, sovereign republic with a presidential system of government and a written constitution which safeguards the rule of law, political stability, human rights and the ownership of private property. It has been a member of the European Union since 1 May 2004 and on 1 January 2008 it adopted the euro as its currency.

Cyprus has an open, free-market, service-based economy with some light manufacturing. According to the International Monetary Fund, in 2012 GDP per capita was USD 27,086, thirty-seventh in the world and on a par with Malta and the Czech Republic. The United Nations Human Development Index for 2012 ranks Cyprus thirty-first in the world as regards quality of life.

The Cyprus telecommunications system is excellent and costs are among the lowest in Europe. The state-owned Cyprus Telecommunications Authority (“CYTA”) operates fixed and mobile networks with a full range of voice and data services as a universal provider. Following liberalisation of the market after entry into the EU a number of other service providers now offer similar services in competition to CYTA, including the South Africa-based multinational mobile telecommunications company MTN. CYTA is currently in the course of privatisation, with the process scheduled to be completed during 2015 or 2016.

The market for fixed-line telephony is dominated by CYTA, which provides national coverage of digital PSTN and ISDN telephone lines and also offers ADSL in all urban areas. As well as fixed telephony, Cyprus licensed telecoms providers provide internet services, mobile telephony, pay TV, voice, data and video services.

According to the latest market report of the Office of the Commissioner of Electronic Communications and Postal Regulation (“OCECPR”) for the period June 2009 to June 2013 the total number of mobile telephone users in proportion to the population of Cyprus (mobile penetration rate) was 130 per cent, compared with the EU average of 124.2 per cent. During the first half of 2013, pre-paid mobile telephony accounted for slightly over half the market, and subscription or monthly mobile telephony accounted for the remainder. CYTA accounts for 74 per cent of the market, MTN for 24 per cent and PrimeTel for 2 per cent.

In line with EU policy, Cyprus completed the transition to digital television broadcasting on 1 July 2011 and discontinued analogue transmission. Broadcast media comprise a mixture of state and privately run TV and radio services, with the state-funded Cyprus Broadcasting Corporation transmitting island-wide on four radio and two domestic television channels, six private TV broadcasters, satellite and cable TV services and numerous private radio stations.

There are eight main Internet Service Providers (“ISPs”), with CYTA also dominant in the ISP market. ADSL is the most widespread broadband technology and is available in most urban and suburban areas. Cable broadband is available in the three largest towns. Wireless networks are widespread.

**1.2 List the most important legislation which applies to the: (a) telecoms; (b) audio-visual media distribution; and (c) internet sectors in Cyprus.**

The regulatory system for telecommunications, media and information technology activities and services follows the EU model, and aims to provide integrated and consistent regulation of the three sub-sectors.

### *Electronic communications*

The main statutes relating to electronic communications in Cyprus are:

- The Regulation of Electronic Communication and Postal Services Law 112(I)/2004 as amended in 2012, together with secondary legislation and Orders made under it (“the RECPS Law”).
- The EU Regulatory Package 2002, as implemented by the RECPS Law.
- EU Directive 2006/24/EC on Data Retention.



- The Law on Preservation of Telecommunications Data for the Purpose of Investigating Serious Criminal Offences Act N. 183(I)/2007 (POTD Act).
- The Order Stipulating Organisations with Significant Market Power (Telecommunications) of 2003 under which Significant Market Power (“SMP”) obligations have been conferred in the telecommunications sector. In accordance with this Order, the OCECPR sets out to identify which organisations and enterprises have SMP, as provided by the Law 19(I)/2002.
- The Decision on the Methodology of the Determination of the Electronic Communications Market of 2005.
- The Order for the Determination of the Setting of Procedures and Analysis of the Electronic Communications Market of 2005.

#### *Radiocommunications and spectrum issues*

The following laws regulate radiocommunications and spectrum issues:

- The Radiocommunications Laws of 2002 to 2013 as amended.
- The Radiocommunications (Competition and Negotiation Procedures) Regulations of 2002 to 2012 as amended.
- The Radiocommunications (Radioequipment) Regulations of 2003 to 2011 as amended.
- The Radiocommunications (Fees) Regulations of 2004 to 2012 as amended.
- The Radiocommunications (Authorizations) Regulations of 2004 to 2012 as amended.

#### *Broadcast media*

The broadcast media environment is regulated by the following legislation:

- The Radio and Television Broadcasting Stations Law (Law 7(I)/1998) as amended from 1998 to 2013.
- The Radio and Television Broadcasting Regulations 2000.

### **1.3 List the government ministries, regulators, other agencies and major industry self-regulatory bodies which have a role in the regulation of the: (a) telecoms; (b) audio-visual media distribution; and (c) internet sectors in Cyprus.**

#### *Office of the Commissioner of Electronic Communications and Postal Regulation*

The RECPS Law established the Office of the Commissioner of Electronic Communications and Postal Regulation (“the OCECPR”) as the principal regulator of electronic communications. The OCECPR is headed by the Commissioner of Electronic Communications and Post (“the Commissioner”), who is appointed for a period not exceeding six years by the Council of Ministers in consultation with the Parliamentary Committee for European Matters. The RECPS Law also provides for the appointment of a Deputy Commissioner and an Advisory Committee to support the Commissioner.

As the National Regulatory Authority in Cyprus, the OCECPR is responsible for the *ex ante* regulation of electronic communications matters apart from spectrum management, which is regulated by the Department of Electronic Communication of the Ministry of Communication and Works. As the National Regulatory Authority (“NRA”) for telecommunications, the OCECPR is a member of the Body of European Regulators in Electronic Communications (“BEREC”). It is also a member of the Euro-Mediterranean Regulators Group (“EMERG”) and the European Network and Information Security Agency (“ENISA”).

#### *Cyprus Radio and Television Authority*

The regulatory authority for broadcasting and media organisations is the Cyprus Radio and Television Authority (“CRTA”), an independent body established by the Radio and Television Broadcasting Stations Law, Law 7(I) of 1998. The CRTA comprises an Executive Chairman, a Vice Chairman and five members, who are appointed for a term of six years by the Council of Ministers. The CRTA is solely concerned with private radio and television stations broadcasting in Cyprus. Its remit does not cover the state-funded public service broadcasting organisation, the Cyprus Broadcasting Corporation.

#### *Department of Electronic Communications*

The Department of Electronic Communications (“DEC”), part of the Ministry of Communications and Works, is the regulatory authority for spectrum management and the implementation of the framework of electronic signatures. The Radio Communications Law gives the DEC executive powers and responsibilities for the management of the radio spectrum and the DEC also coordinates and manages the government’s activities on all telecommunications technical issues such as satellite communications and broadcasting networks. The DEC advises the Minister of Communications and Works on all electronic communications matters and represents Cyprus in international organisations and EU committees.

### **1.4 Are there any restrictions on foreign ownership or investment in the: (a) telecoms; (b) audio-visual media distribution; and (c) internet sectors in Cyprus?**

There are no rules restricting direct or indirect foreign ownership interests in electronic communications companies, whether in fixed, mobile, satellite or other wireless operations. There is no discrimination between local and foreign ownership so long as the required provisions of the law are upheld.

## **2 Telecoms**

### **General**

#### **2.1 Is Cyprus a member of the World Trade Organisation? Has Cyprus made commitments under the GATS regarding telecommunications and has Cyprus adopted and implemented the telecoms reference paper?**

Cyprus was a member of the World Trade Organisation in its own right prior to joining the EU. It adopted and implemented the telecoms reference paper on accession to the EU.

#### **2.2 How is the provision of telecoms (or electronic communications) networks and services regulated?**

The RECPS Law sets out a comprehensive regulatory framework, administered principally by the OCECPR. The OCECPR is not responsible for regulation of content, which is the function of the CRTA. The RECPS Law provides that there is no need for a licence for content services only and the provision of content type services only, except to the extent that the information can be related to the identifiable subscriber or user receiving the information; and where these services are not offered to the public. In addition, information society services as defined in article 1(b) of the EU Directive 98/34/EC, as amended or replaced, which do not wholly or mainly consist of the conveyance of signals on electronic communications networks, are also excluded from the requirement for licensing.

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### 2.3 Who are the regulatory and competition law authorities in Cyprus? How are their roles differentiated? Are they independent from the government?

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The OCECPR is responsible for competition in the telecommunications sector on an “*ex ante*” basis. Article 2(2)(c) of the RECPS Law expressly provides for the promotion of a competitive market and article 18 gives the OCECPR responsibility for the introduction of effective competition in the provision of electronic communications and postal services and the elimination of the pre-existing monopoly. The Commissioner has power to designate undertakings with significant market power in an electronic communications market and impose remedies for the enhancement of competition, in the event that competition in that market is deficient.

However, all *ex post* competition issues relating to the activities of service providers are dealt with by the Commission for the Protection of Competition, which is responsible for the implementation of the Protection of Competition Laws of 2008 and 2014 and the Control of Concentrations between Undertakings Law of 2014.

Both the OCECPR and the Commission for the Protection of Competition are appointed by the government, but subject to this they are entirely independent.

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### 2.4 Are decisions of the national regulatory authority able to be appealed? If so, to which court or body, and on what basis?

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Article 146 of the Constitution of the Republic of Cyprus gives the Supreme Constitutional Court (now the Supreme Court of Cyprus) exclusive jurisdiction to adjudicate on any complaint that a decision, act or omission of any organ, authority or person, exercising any executive or administrative authority, is contrary to any of the provisions of the Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person. The Supreme Court’s jurisdiction is limited to the review of the legality of the act. It cannot consider the merits of the decision and replace the decision made by the administrative body with its own decision, since this would violate the strict separation of powers prescribed by the Constitution, under which decision making in the field of administration rests entirely within the province of the executive branch of the government.

## Licences and Authorisations

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### 2.5 What types of general and individual authorisations are used in Cyprus?

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Article 4 of the RECPS Law introduces the concept of a ‘general authorisation’ that permits an undertaking to provide a postal or electronic communications network or service under the Law.

In accordance with section 40(1) of the Regulation of Electronic Communications and Postal Services Law, an undertaking operating pursuant to a general authorisation may: provide electronic communications networks or services, as described in its notification; and apply for the necessary rights to be granted by the competent authorities, including the Commissioner, to install facilities on, over, or under public or private property for the purposes of providing public communications networks or electronic communications networks other than those supplied to the public.

In accordance with section 40(2) of the Regulation of Electronic Communications and Postal Services Law, where an authorised undertaking is providing an electronic communications service or

network to the public, the general authorisation also gives them the right to negotiate interconnection with and, where applicable, obtain access to or interconnection from other undertakings licensed in Cyprus or in another Member State to provide a publicly available communications network or electronic communications network.

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### 2.6 Please summarise the main requirements of Cyprus’s general authorisation.

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A general authorisation is sufficient for any activity of electronic communication that concerns the creation, installation, operation, administration, exploitation, and provision of networks or services of electronic communication, except where individual numbers are required or radio frequencies are involved (in which case separate authorisations are required). A general authorisation must be renewed annually by payment of the prescribed fee. An applicant for authorisation must be an established legal entity in Cyprus. The usual corporate form is a limited liability company incorporated under the Companies Law.

The holder of the authorisation must comply with the terms set out in it, and with the particular legal obligations that may apply to the types of postal or electronic communications networks or services it is providing. Any person who intends to provide an electronic communications network or an electronic communications service is required to notify the Commissioner of their intention to do so on the appropriate form, accompanied by the prescribed supporting documents, as provided by article 38 of the RECPS Law. Any changes in activities (including discontinuance of services) or other details must be notified to the OCECPR within 30 days.

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### 2.7 In relation to individual authorisations, please identify their subject matter, duration and ability to be transferred or traded.

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The grant of individual rights regarding numbers, including short codes, from the Cyprus Numbering Plan, is the responsibility of the OCECPR.

Individual rights for the use of radio frequencies require separate authorisations and licences issued by the DEC. The characteristics of each individual right are specific to that right.

## Public and Private Works

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### 2.8 Are there specific legal or administrative provisions dealing with access and/or securing or enforcing rights to public and private land in order to install telecommunications infrastructure?

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Article 40(1) of the RECPS Law provides that an undertaking operating pursuant to a general authorisation may apply for the necessary rights to be granted by the competent authorities, including the Commissioner, to install facilities on, over or under public or private property for the purposes of providing public communications networks or electronic communications networks other than those supplied to the public.

## Access and Interconnection

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### 2.9 How is network-to-network interconnection and access mandated?

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Article 40(2) of the RECPS Law gives undertakings providing an electronic communications service or network to the public under

a general authorisation the right to negotiate interconnection with, and, where applicable, obtain access to or interconnection from, other undertakings licensed in Cyprus or in another Member State to provide a publicly available electronic communication network or service, and be given an opportunity by the Commissioner to be designated to carry out Universal Services.

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#### 2.10 How are interconnection or access disputes resolved?

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Part 7 of the REPCS Law gives the Commissioner power to resolve disputes between undertakings either on his own initiative or following the submission of a complaint, and to issue a decision which is binding on the undertakings. In urgent cases the Commissioner may issue an interim decision or order in order to safeguard the competitive market and protect the interests of users.

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#### 2.11 Which operators are required to publish their standard interconnection contracts and/or prices?

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Under article 49 of the REPCS Law the Commissioner may impose an obligation of non-discrimination on an operator that is deemed to enjoy significant market power, and under article 56 the Commissioner may require that operator to publish a Reference Interconnection Offer. The Reference Interconnection Offer must be sufficiently unbundled to ensure that undertakings are not required to pay for facilities which are not required.

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#### 2.12 Looking at fixed, mobile and other services, are charges for interconnection (e.g. switched services) and/or network access (e.g. wholesale leased lines) subject to price or cost regulation and if so, how?

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The Interconnection Agreements (Electronic Communications) Order of 2005 sets out the methodology for calculating interconnection charges. Charges must be based on actual cost specific to the activity concerned. The Order on the Process of Imposing Amendments on Reference Interconnection Offers of 2007 provides a consistent basis for amending Reference Interconnection Offers.

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#### 2.13 Are any operators subject to: (a) accounting separation; (b) functional separation; and/or (c) legal separation?

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Order Number 1/2003 issued by the OCECPR imposes accounting separation on CYTA in six markets, namely voice telephony, fixed public networks, mobile telephony, mobile telephony networks, interconnection and leased lines.

There are no other instances of such obligations.

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#### 2.14 Are owners of existing copper local loop access infrastructure required to unbundle their facilities and if so, on what terms and subject to what regulatory controls? Are cable TV operators also so required?

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Article 59(1) of the REPCS Law empowers the Commissioner to require operators to grant access to specified network elements and/or facilities, including unbundled access to the local loop. The Commissioner may attach to these obligations conditions covering fairness and reasonableness.

---

#### 2.15 How are existing interconnection and access regulatory conditions to be applied to next-generation (IP-based) networks? Are there any regulations or proposals for regulations relating to next-generation access (fibre to the home, or fibre to the cabinet)? Are any 'regulatory holidays' or other incentives to build fibre access networks proposed? Are there any requirements to share passive infrastructure such as ducts or poles?

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As yet there are no published proposals regarding these matters.

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### Price and Consumer Regulation

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#### 2.16 Are retail price controls imposed on any operator in relation to fixed, mobile, or other services?

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Order Number 1/2003 issued by the OCECPR classifies CYTA as an organisation of significant power in six markets, namely voice telephony, fixed public networks, mobile telephony, mobile telephony networks, interconnection, and leased lines. In these markets CYTA is subject to a series of obligations, including an obligation to provide access and interconnection to network providers, to account separately for the activities, and to offer co-location and leased line services. Its retail prices are controlled and determined by the OCECPR.

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#### 2.17 Is the provision of electronic communications services to consumers subject to any special rules and if so, in what principal respects?

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Part 11 of the REPCS Law sets out a wide range of consumer rights, including stipulations regarding entering into and terminating contracts and information to be provided to customers.

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### Numbering

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#### 2.18 How are telephone numbers and network identifying codes allocated and by whom?

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Article 20 of the REPCS Law gives the Commissioner responsibility for establishing the Cyprus Numbering Plan and determining the procedure for assignment and use of numbers according to it. The REPCS Law specifies that allocation must be based on objective, transparent and non-discriminatory criteria.

The Commissioner will issue rights of use for numbers or series of numbers to providers of electronic communications networks services for their own use and for allocation to their subscribers. If the provision of the service in question requires the grant of an individual right to use radio frequencies, the request for an individual right to use numbers will only be considered after the DEC has granted the necessary individual right of use.

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#### 2.19 Are there any special rules which govern the use of telephone numbers?

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When allocating numbers the Commissioner must take account of international Numbering Regulations and ensure adequate flexibility in the Numbering Plan of the Republic of Cyprus in order to establish a Numbering Plan that will ensure the stability of numbering arrangements and the right to use numbers in a non-discriminatory and transparent manner, and that will facilitate the introduction of new electronic services.

## 2.20 Are there any obligations requiring number portability?

Under article 75(1) of the REPCS Law, an undertaking providing a publicly available telephone service, including a mobile service, must ensure that every subscriber can, upon request, retain his or her number independently of the undertaking providing the service.

## 3 Radio Spectrum

### 3.1 What authority regulates spectrum use?

Licences for the use of frequencies are issued by the DEC, the branch of the Ministry of Communications and Works that is responsible for the management of the radio spectrum and for advising the Minister of Communications and Works on radio spectrum policy issues.

### 3.2 How is the use of radio spectrum authorised in Cyprus? What procedures are used to allocate spectrum between candidates – i.e. spectrum auctions, comparative ‘beauty parades’, etc.?

The DEC develops and maintains the National Frequency Plan, authorises the use of the radio spectrum (including the assignment of frequencies to broadcasting stations) and monitors spectrum usage. In 2013, following a public consultation, the DEC organised the successful auction of the 900 MHz, 1,800 MHz, and 2,100 MHz radio frequency bands for the establishment and operation of a third electronic communications network for the provision of electronic communications services in Cyprus. Applications had also been invited for the 2,600 MHz band but no applications were received and the sale was cancelled.

### 3.3 Can the use of spectrum be made licence-exempt? If so, under what conditions?

Exemption applies to radio and television stations authorised in accordance with the Radio and Television Stations Laws, and to use by public servants for purposes related to national or public safety, defence or state activities.

### 3.4 If licence or other authorisation fees are payable for the use of radio frequency spectrum, how are these applied and calculated?

The calculation of fees is regulated by the Radio Communications (Fees) Regulations of 2004 and subsequent amendments.

### 3.5 What happens to spectrum licences if there is a change of control of the licensee?

Changes of control of spectrum licensees require prior approval from the DEC and may also require notification to the Cyprus Commission for the Protection of Competition.

### 3.6 Are spectrum licences able to be assigned, traded or sub-licensed and if so, on what conditions?

Spectrum licences can be assigned, traded or sub-licensed, subject to the provisions of the Radio Communications (Competition and Negotiation) Regulations of 2002 and subsequent amendments.

## 4 Cyber-security, Interception, Encryption and Data Retention

### 4.1 Describe the legal framework (including listing relevant legislation) which governs the ability of the state (police, security services, etc.) to obtain access to private communications.

Article 17 of the Constitution provides that every person has the right to respect for, and to the secrecy of, his correspondence and other communication if such other communication is made through means not prohibited by law, and that there may be no interference with the exercise of this right except in accordance with the law.

The Law on the Retention of Telecommunications Data for the Investigation into Criminal Offences, Law 183(I) of 2007 as amended, transposes EU Directive 2006/24/EC on data retention. Interceptions of communications may only occur in circumstances provided for by law and with the authorisation of a court.

### 4.2 Summarise the rules which require market participants to maintain call interception (wire-tap) capabilities. Does this cover: (i) traditional telephone calls; (ii) VoIP calls; (iii) emails; and (iv) any other forms of communications?

Article 39 of the REPCS Law allows the OCECPR to impose obligations on an undertaking operating under a general authorisation to facilitate legal interception by competent national authorities in conformity with Part 14 of the REPCS Law and the relevant legislation on the protection of individuals with regard to the processing of personal data and of the free movement of such data.

### 4.3 How does the state intercept communications for a particular individual?

Article 99 of the REPCS Law makes it illegal for any person other than users communicating between themselves from time to time to listen to, tap, store, intercept, or undertake any other form of surveillance of communications without the consent of the users concerned. Article 99(4) provides an exception for interceptions of communication that are provided for by law and with the authorisation of a court, and for legally authorised recording of electronic communications in the course of lawful business practice, for the purpose of providing evidence of a commercial transaction or of any other business communication.

The state may intercept communications of a particular individual on the basis of a search order or warrant granted by a Cyprus court. Upon the granting of such an order the police may enter premises or facilities and seize hardware such as servers on which data is stored in the context of a criminal investigation. These search and seizure powers do not appear to give the state the right to install its own equipment or access local servers for the purpose of intercepting communications.

### 4.4 Describe the rules governing the use of encryption and the circumstances when encryption keys need to be provided to the state.

Currently there is no specific legal basis for the government to require disclosure of encryption keys. The police are currently in consultation with the Ministry of Justice and the Attorney General's



office with a view to introducing legislation to compel the disclosure of encryption keys in the context of a criminal investigation after the issue of a relevant court order.

#### 4.5 What call data are telecoms or internet infrastructure operators obliged to retain and for how long?

Operators are required to retain data regarding the source, destination, date, time, duration and type of communication. The retention period is six months.

## 5 Distribution of Audio-Visual Media

### 5.1 How is the distribution of audio-visual media regulated in Cyprus?

The regulator of broadcasting and media organisations, apart from the state-owned Cyprus Broadcasting Corporation, is the Cyprus Radio and Television Authority (“CRTA”), an independent body established by the Radio and Television Broadcasting Stations Law, Law Number 7(I) of 1998 as amended. This law, which regulates matters such as the establishment, installation, and operation of private radio and television bodies in Cyprus, endows the CRTA with wide powers and responsibilities and protects its independence and freedom from interference. Its regulation of the broadcasting sector aims to safeguard public interest by protecting fundamental rights and democratic principles, such as the right to freedom of expression, the right of free and pluralistic information, and transparency in the ownership of broadcasting bodies. The CRTA maintains close relations and cooperates with foreign organisations with a view to closely observing international developments in the field of radio and television. It is a member of the Mediterranean Network of Regulatory Authorities and the European Platform of Regulatory Authorities (“EPRA”).

### 5.2 Is content regulation (including advertising, as well as editorial) different for content broadcast via traditional distribution platforms as opposed to content delivered over the internet or other platforms? Please describe the main differences.

Content broadcast over traditional distribution platforms is regulated by the CRTA and the CRTA may impose interruption or modification of a particular advert if it deems that it is in contravention of any regulations or outside the scope of the broadcaster’s licence.

There is no such regulation of internet content (but see question 6.4 below).

### 5.3 Describe the different types of licences for the distribution of audio-visual media and their key obligations.

The Radio and Television Broadcasting Stations Law provides for the following categories of licences for the distribution of audio-visual media:

- National television station.
- Local television station.

- Special interest television station.
- General interest television station with encoded transmissions.
- Television station which maintains installations for satellite uplinks in Cyprus, the content of which is not addressed exclusively to audiences in Cyprus, but is accessible there or in other EU Member States.
- Provision of video on-demand.
- Radio station, whether national or local.

### 5.4 Are licences assignable? If not, what rules apply? Are there restrictions on change of control of the licensee?

The Radio and Television Broadcasting Stations Law as amended provides that licences given are person-specific. They may not be assigned and where the licensee is a company, no alteration to the shareholders of the licensee may take place without the prior approval of the CRTA.

## 6 Internet Infrastructure

### 6.1 How have the courts interpreted and applied any defences (e.g. ‘mere conduit’ or ‘common carrier’) available to protect telecommunications operators and/or internet service providers from liability for content carried over their networks?

None of these matters have arisen to date in the Supreme Court of Cyprus.

### 6.2 Are telecommunications operators and/or internet service providers under any obligations (i.e. provide information, inform customers, disconnect customers) to assist content owners whose rights may be infringed by means of file-sharing or other activities?

A telecommunications operator or internet service provider may be under an obligation to stop the infringement as soon as it has been notified of it, so as not to be considered to be aiding and abetting the infringement. Once a report has been made to the operator or provider, necessary steps may need to be taken to rectify the content infringement, including seeking advice from the Cyprus police (IP division).

### 6.3 Are telecommunications operators and/or internet service providers able to differentially charge and/or block different types of traffic over their networks? Are there any ‘net neutrality’ requirements?

There is no official position on net neutrality. Cyprus has not launched a public consultation at the national level and there is no official contribution to public consultations at the European level. There are no measures being contemplated in this regard.

#### 6.4 Are telecommunications operators and/or internet service providers under any obligations to block access to certain sites or content?

Under the Convention on Cybercrime, ratified by Cyprus in Law 22(III)/2004, child pornography and any data or content that could infringe copyright and related rights (intellectual property) are illegal. There is no explicit obligation to actively scan for illegal content. However, if it is proved in court that the operator or service provider was aware (intent must be established) that child pornography or illegal content was transmitted or stored, then this may prove intent, which may lead to liability.

#### 6.5 How are 'voice over IP' services regulated?

The OCECPR considers VoIP services to be a Publicly Available Telephone Service for which a General Authorisation from the OCECPR would be needed, if such service includes termination in the PSTN/ISDN, GSM, i.e. is not confined to mere termination of calls to other VoIP subscribers via internal extensions.



#### Andrea Kallis Parparinou

Andreas Neocleous & Co LLC  
5 Lemesou Avenue, 2nd floor  
P.O. Box 26821  
CY-1648 Nicosia  
Cyprus

*Tel:* +357 22 110000

*Fax:* +357 22 110001

*Email:* [info@neocleous.com](mailto:info@neocleous.com)

*URL:* [www.neocleous.com](http://www.neocleous.com)

Andrea Kallis Parparinou is a senior associate in the corporate and commercial department of Andreas Neocleous & Co LLC.

Andrea graduated in law from the London School of Economics and Political Science in 2005, from which she also obtained an LL.M. in Corporate and Commercial Law in 2006. She was admitted to the Cyprus Bar in 2007, joined Andreas Neocleous & Co LLC in 2007 and became a senior associate in 2012.

Her main areas of expertise are corporate and commercial law and she has extensive experience in corporate restructuring projects, reviewing and drafting commercial, facility, security and employment agreements, carrying out due diligence reports and providing legal advice to international corporate clients on insurance, regulatory, and cross-border trading and e-commerce issues, and licensing and regulation of telecoms and electronic communications.



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59 Tanner Street, London SE1 3PL, United Kingdom  
Tel: +44 20 7367 0720 / Fax: +44 20 7407 5255  
Email: [sales@glgroup.co.uk](mailto:sales@glgroup.co.uk)

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