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LAW OF UKRAINE
On Amendment of the Law of Ukraine
On Television and Radio Broadcasting

The Supreme Rada decides:

To make the following changes to the law of Ukraine "On Television and Radio Broadcasting"
(VVR, 1994, #13, p. 64)

THE LAW OF UKRAINE
On Television and Radio Broadcasting

This Law, pursuant to the Law of Ukraine "On Information" (2657-12), regulates the activities of television and radio companies in Ukraine's territory, defining the legal, economic, social, and organizational terms of their operation, aimed at implementing the freedom of speech, and citizens' right to receive complete, authentic, and speedy information, and to openly and freely discuss social issues.

CHAPTER I. GENERAL PROVISIONS

Article 1. **Terminology**

The following terms shall be used [and interpreted] in the context of this Law [as stated below]:

Subscriber shall be understood as a legal or natural person that uses the services of TV/radio companies on a contractual basis;

License fee shall be understood as a payment conducted by TV spectators and radio listeners for using corresponding TV and/or radio programs or other audiovisual mass media;

Audiovisual information shall be understood as visual information accompanied by sound;

Audiovisual mass media is broadcasting, television, web-sites in the internet;

Own product of TV and radio organization is a program or its part created by this very TV and radio organization or financed by it;

Internal broadcasting shall be understood as national, regional, and local broadcasting;

Public TV and radio broadcasting shall be understood as an extra budget non-profit national, regional or local TV and radio broadcasting system founded by legal and/ or natural persons;

On-air time shall be understood as time, indicated in the license of the TV and radio organization to be used on a certain frequency (channel) of broadcasting and territory;

National channel shall be understood as a [TV/radio] channel conveying transmissions to more than one half Ukraine's administrative regions;

Means of broadcasting shall be understood as ground transmitters, satellites, cable and wire networks that broadcast program signals for general or individual reception on indicated frequencies (channels);

Cable TV and radio broadcasting shall be understood as audiovisual mass media that broadcast programs to subscribers through one- or two-direction (dialogue) flow of information, and which cannot be used by subscribers for communication between themselves;

[Broadcasts] channel shall be understood as a sum of total technical means and assigned frequencies conveying televisions and radio programs to a territory defined by their technical parameters;

License shall be understood as a formal permit issued by the National Council for Television and Radio Broadcasts according to the legislative requirements, and gives the organization – owner of the license - the right of broadcasting, retransmission, radio broadcasting, wire (cable) broadcasting on the terms, indicated in the permit, and on assigned radio frequency (channel);

Licensee (owner of the license) shall be understood as an individual or legal entity, on whose name the permit is issued by the National Council for Television and Radio Broadcasts;

Logotype (trademark, brand name) shall be understood as a permanent oral, written, image-bearing or solid symbol with or without characters, digits or words, personifying a TV or radio company, studio, agency or an individual representing certain programs or transmissions;

Broadcasts (television and radio broadcasts) shall be understood as informational activity that includes preparation, montage, creation and broadcasting on a certain distance of audio and visual information by means of various communication devices to be directly received by the audience (consumers);

Transmitter network shall be understood as a number of ground devices (transmitters) that allows to carry out simultaneous an direct transmission of TV or radio signals on the territory of accurate reception of one transmitter's signals;

Local broadcasting shall be understood as broadcasting, directed on a certain village, settlement, district (districts in one region), city in a region, but not the entire territory of the region;

Broadcasting TV and radio organization shall be understood as a TV and radio organization that creates or develops programs or their parts and broadcasts them hands them over to other TV and radio organization for broadcasting in full and unchanged form;

National Television Company, National Radio Company shall be understood as government-run TV and radio companies using national channels, being accountable to the Supreme Council and the President of Ukraine;

Live transmission shall be understood as direct transmission of television and radio broadcasts, without prior recording and/or editing;

Program shall be understood as a number of TV and radio broadcasts, developed by TV and radio organization, broadcast simultaneously on one channel or with in accordance with a certain broadcasting network or on an assigned radio frequency within determined broadcasting limits. Program shall have a name. Programs may be periodic or non-periodic (regular);

Programs for subscribers shall be understood as a number of TV and radio programs, broadcast simultaneously through cable, wire (cable) network for more than one subscriber, connected to the network, and who made the agreement with it;

Broadcast shall be understood as a part of a TV or radio program that has a name, broadcasting limits and author's trademark;

Transmitter shall be understood as a number of technical devices, with the help of which TV and radio signal is broadcast on air;

Right of broadcasting shall be understood as the right of an individual to develop and disseminate programs or broadcasts within on-air time limits, and on an assigned territory, given by the National Council for Television and Radio Broadcasts according to broadcasting network;

Radio broadcasts shall be understood as production and transmission of audio programs;

Program schedules ["What's On" ads] of TV/radio companies shall be understood as open information provided by TV/radio companies and specify date and time on the air of certain transmissions within a definite period;

Regional broadcasting channel shall be understood as a broadcasting channel, designed for broadcasting TV and radio programs on several administrative territories of Ukraine but not exceeding 12 regions;

Retransmission shall be understood as reception and simultaneous transmission of full and unchanged TV and radio programs or their essential parts of such programs broadcast by national (home) or foreign TV or radio companies for clear off-air reception, or encoded for limited audience (subscribers) to TV and radio companies of Ukraine regardless of technical equipment they use;

Social TV and radio broadcasting shall be understood as transmission of educational and informative programs for the blind, deaf, and for people with affected hearing, as well as ecological educational programs;

Sponsor shall be understood as an individual or legal entity, which is not a TV and radio organization or TV/radio producer and provides direct or indirect financing of production of TV and radio programs, broadcasts or their parts in order to publicize its name, make its image, or advertise its title, trademark or manner of activity of products;

Sponsorship shall be understood as

- participation, by individuals or entities, in directly or indirectly financing programs aimed at advertising their names, logos or trademarks;
- any contribution in financing TV/radio programs or broadcasts or their essential part aimed at publicizing (advertising) names: trademark, image (name), manner of activity or products, developed by individuals or legal entities, which are not TV and radio companies or TV and radio producers;

Sublease of a [TV/radio] channel shall be understood as a legally executed or concealed transfer of a license for a channel (time on the air) to another entity or individual not being the licensee, including systematic relay of transmissions of other TV/radio companies, except in cases of legally executed allocation of TV/radio programs and exchange thereof between the producing companies or relay of news bulletins, sports, and other entertainment transmissions;

Public TV and radio broadcasts shall be understood as a non-profit single national TV and radio broadcasting system, built on a single program concept, set up and acting in line with the Law of Ukraine “On Public Television and Radio Broadcasting System”

Transmissions shall be understood as

- dissemination of television or radio programs using technical means of communication;
- dissemination of TV and radio programs using technical means of communication of cable or wire network for subscribers’ reception;

Telecommunication shall be understood as transmission and reception of any signs, picture and sound signals using electromagnetic means of communication (cable, [fiber] optic, and radio communication);

Television shall be understood as production and transmission of audiovisual programs;

TV/radio company (editorial office, agency, association, company, radio station, etc.) shall be understood as a duly registered legal entity with the right to produce and transmit TV and radio programs;

TV/radio broadcasting shall be understood as dissemination by means of electric and magnetic waves of mass audio (radio broadcasting), visual and audiovisual (television) information and data that aimed at direct reception by unlimited number of consumers or subscribers by means of special technical devices;

Teletext shall be understood as a TV program that consists of a number of texts and immovable images, transmitted to spectators by means of TV signal alongside with the program they choose;

TV/radio worker shall be understood as a staff member or part time worker of a TV/radio company who, by the nature of his/her professional activities, is involved in or with the production and transmission of TV/radio programs;

TV/radio program shall be understood as a sum total of live or recorded TV/radio broadcasts;

TV/radio center (television center, radio center, TV/radio technical center) shall be understood as an enterprise providing for operation and maintenance of equipment meant for the production of TV and radio programs;

Broadcasts technical means shall be understood as a sum total of radioelectronic means and devices conveying programs to the audiences.

Article 2. Basic Principles of Operation of TV/Radio Companies

TV/radio companies of Ukraine shall act under the following principles:

unbiased and truthful coverage;

competence;

citizens’ guaranteed right for free access to information, freedom of expression of opinions;

ensuring ideological and political pluralism;

TV/radio worker’s compliance with professional ethics and generally accepted moral dictates.

TV/radio companies shall maintain the ideas of democratic and jural state, respect variety of opinions and views, generally recognized human rights and comply with society’s interests.

TV/radio companies shall reflect views and opinions of the Ukrainian society.

Article 2.1. Guarantees of free activity of TV/radio companies

Freedom of activity of TV/radio companies is guaranteed by the Constitution of Ukraine and the laws of Ukraine.

TV/radio company is free to choose contents of the program.

Any intrusion in creative activity of TV/radio companies, as well as censorship, as a means of control over ideological contents of the programs and broadcasts is prohibited. The only information subjected to control is that protected by law.

Contents of the programs is responsibility of the TV/radio companies, disseminating them, and in certain cases, foreseen by the Ukrainian legislation, contents of certain programs is the responsibility of other persons as well.

Article 2.2. General requirements to creation and dissemination of programs and broadcasts

Programs of each TV/radio company shall meet the broadcasting concept, indicated in the license of the National Council of Ukraine for Television and Radio Broadcasts. TV/radio company in its programs shall cover facts and events in comprehensive, objective and unbiased manner in compliance with generally recognized principles of journalist ethics. Any comment shall be separated from news and have concrete authorship.

Data on each individual program or broadcast shall contain author's or authors' names, name and address of the producer of the program. Data on programs or broadcasts, created in Ukraine shall be represented in Ukrainian.

Programs of TV/radio companies shall cover various topics. The core of program conception of any TV/radio company in Ukraine shall comprise:

informational broadcasts;

specific broadcasts related to culture and pieces of art;

broadcasts related to education, science, popular science;

entertaining and sports broadcasts;

broadcasts on development of the national TV/radio production, etc.

TV/radio companies are prohibited to do the following:

disclose in their programs any information classified as state secrets or otherwise confidential, being protected by law;

disclose data, dissemination of which is prohibited by Article 46 of the Law of Ukraine "On Information";

call for violent changes in, or overthrow of, the existing constitutional political and social order, propagandize war, cruelty and violence;

instigate race, national or religious animosity;

disseminate pornography or other information undermining social morals or instigating infringements of the law and damaging human honor and dignity;

intrude in citizens' personal life, encroach upon their honor and dignity;

disseminate information, restraining legal rights and interests of individuals and legal entities;

express estimation of person's guilt in committing crime, point at the person that allegedly committed a crime before court's ruling;

make public materials divulging tactics and methods of investigation.

Article 3. Sphere of Application

This Law shall extend to relations among subjects in the sphere of television and radio broadcasts, irrespective of the form of ownership, goals or statutory activities of

TV/radio companies, and of the manner in which TV/radio information is disseminated, provided their programs are geared to be received by users en masse.

This Law shall not extend to the creation and operation of special closed TV/radio circuits (production, technological, educational, office, etc.), radio hams, radio sport, or other types of individual-call communication, as well as networks conveying special data which is not meant for large audiences; and nor shall this law apply to video and audio productions rented by and played at various institutions.

Article 4. Jurisdiction of State Organs with Regard to Television and Radio Broadcasts in Ukraine

The Supreme Council of Ukraine and the President of Ukraine shall determine the national policy in regard to television and radio broadcasts in Ukraine, providing the legal basis of their production and transmission, and the social and legal guarantees for TV/radio workers.

The Cabinet of Ministers of Ukraine shall secure the implementation of the national policy in regard to television and radio broadcasts, coordinating the efforts of ministries and other central organs of state executive authority in this domain.

The specifically authorised central executive agency for television and broadcasting shall be the authorized body supervising Ukraine's national television and radio companies, securing the implementation of the national policy in the sphere of information as determined by the Supreme Council and the President of Ukraine and monitored by the National Council for Television and Radio Broadcasts of Ukraine.

The jurisdiction of the Supreme Council of the Autonomous Republic of the Crimea, local Councils [Radas] of People's Deputies in regard to television and radio broadcasts shall be determined by the laws currently in effect.

Article 5. National Council for Television and Radio Broadcasts

In order to introduce control over observance of the requirements of the Ukrainian legislation in the sphere of television and radio broadcasting and its implementation, ensuring of observing principles of freedom of word and information related to activity of audiovisual mass media, protection of rights and interests of spectators and listeners, facilitating development of home TV/radio broadcasting, rational and effective use of radio frequency resources, participation in development and implementing state policy in the sphere of television and radio broadcasting, organization of development and effecting measures directed upon creating and ensuring protection of national informational area of Ukraine, according to the requirements of the Constitution of Ukraine a special permanently acting state body is established – the National Council of Ukraine for Television and Radio Broadcasts.

Legal grounds of setting up and activity of the National Council of Ukraine for Television and Radio Broadcasts, its legal status, competence, functions, authorities and order of their implementation is determined by the Law of Ukraine “On the National Council of Ukraine for Television and Radio Broadcasts”.

Article 6. Prohibition of Interference with Creative Work of TV/Radio Companies

State organs, bodies of local and regional self-administration, their officials, citizens' associations, and private individuals shall be forbidden to interfere with the creative activities of TV/radio companies; the same shall apply to censorship in terms of monitoring

the ideology of [television and radio] programs. Only information protected by law shall be under control.

Article 7. Antimonopoly Restrictions

A single TV/radio company and its organization departments having the status of a legal entity shall not use more than two channels for telecasts and three channels for broadcasts within the territory of Ukraine, as well as within an administrative region, city or other area specified in the license, except cable television networks and foreign services.

A legal entity or a natural person shall have no right to be a founder [shareholder] or cofounder of a TV/radio company using more than two television or three radio channels — in the case of radio transmission when beamed on the entire territory of Ukraine, an administrative region, city or a different area.

TV/radio companies transmitting on national channels shall not be allocated more than half the channels beamed on the entire territory of Ukraine or that of an administrative region, city or a different area.

Organizations and enterprises specializing in communications and operating TV/radio networks shall not be founders or cofounders of TV/radio companies.

Article 8. Protection of Interests of National Television and Radio Productions

In order to protect the interests of national television and radio production, and to direct investments to develop national television and radio networks, at least 75% of the general output of broadcasting by state and public and legal TV/radio companies should belong to programs/films, produced by this very TV/radio company or other legal entities operating in Ukraine, and at least 50% should belong to non-governmental.

Article 9. Language Used on Air

TV/radio companies shall broadcast in the national [official] language.

Programs beamed on certain regions may be in the language of the numerically prevalent local ethnic minority.

Programs beamed on foreign territories shall be in Ukrainian and the relevant foreign language.

Broadcasting in each program or broadcast shall be made in only one language.

Fragments of programs or broadcasts made in other languages shall be provided with Ukrainian translation (subtitles, simultaneous translation, dubbing).

This requirement is not applied to educational broadcasts in foreign languages and musical programs.

Foreign films shall be dubbed or provided with Ukrainian subtitles.

Foreign films for children shall be dubbed or shall have simultaneous Ukrainian translation.

Percentage of programs and broadcasts in foreign languages shall not exceed: for TV/radio companies that carry out on-air broadcasting – 30%, and for TV/radio companies that carry out cable broadcasting – 75%. This requirement is not applied to TV/radio companies that broadcast on the territories of dense residence of national minorities.

Each broadcasting TV/radio company shall observe generally recognized mental and ethic use of language.

Article 10. Laws on Television and Radio Broadcasts

Ukraine's legislation on television and radio broadcasts consists of the Law of Ukraine "On Information" (2657-12), this Law, and other legislative acts issued thereunder.

Article 11. The Structure of National Television and Radio Broadcasts in Ukraine

The structure of national television and radio broadcasts in Ukraine consists of government-run, non-governmental (private) and Public TV/radio companies founded by legal and/or natural persons in keeping with the laws currently in effect in Ukraine and of the Public TV and radio broadcasts system.

Article 12. Government-Run TV/Radio Companies of Ukraine

Ukraine's government-run television and radio companies together with the Public TV and radio broadcasting system make a basis of the national TV and radio broadcasting of Ukraine. They are sustained by the State Budget and beaming programs throughout Ukraine's territory or on separate regions, as well as abroad.

Government-operated TV/radio companies shall abide in their activities by the Constitution of Ukraine (888-09), Laws of Ukraine and shall carry out the main tasks outlined by this Law.

The specifically authorised central executive agency for television and broadcasting shall, within the limits established by Article 7 hereto, have the priority right to use national channels supported by technical facilities financed by the budget or by state-owned enterprises.

Government-run TV/radio companies with regard to the rights vested in them under the license shall have the priority right to use the national television and radio networks.

Annual entries on the accounts of government-run TV/radio companies as returns from ads/commercials, sponsorship, and other commercial ventures stipulated by Ukraine's current legislation shall be used to develop television and radio networks, improve working conditions of the personnel, and shall not exceed 50% of their respective budgets.

The principal tasks assigned to the government-run TV/radio companies shall be as follows:

- a) Prompt information of television viewers and radio listeners about social, political and other events in Ukraine and abroad, dissemination of official notices and the explanation of decisions of legislative, executive and judicial bodies;
- b) Establishment and dissemination of economic, publicistic, cultural, educational, medical and hygiene, art, training, entertainment and sports programmes, as well as programmes for children and young people;
- c) Promoting Ukraine's international contacts, building its image in the world arena.

CHAPTER II. FOUNDATION OF TV/RADIO COMPANIES AND LICENSING OF CHANNELS

Article 13. The Right to Set up TV/Radio Companies

The right to set up TV/radio companies shall be vested in legally capable citizens of Ukraine, the Supreme Council of Ukraine, the President of Ukraine, and other legal entities of Ukraine. TV/radio companies in Ukraine can be of any organizational and legal form, stipulated by the laws of Ukraine.

The Supreme Rada and the President of Ukraine shall jointly decide on setting up of the National Television Company of Ukraine. The National Television and the National Radio Company of Ukraine shall be financed under a separate item of the State Budget of Ukraine.

Public television and radio companies shall be allocated a separate national radio and television channel. The Supreme Council of Ukraine shall decide on the setting up of Public TV/radio companies. Public TV/radio companies shall have priority in obtaining a license to

use national TV and radio channels. The status of Public TV/radio companies shall be defined by a separate law.

Broadcasting of foreign TV/radio companies from the Ukrainian territory and use of broadcasting Ukrainian channels is carried out in accordance with order established by the laws of Ukraine, unless otherwise stipulated by intergovernmental or international agreements.

All TV/radio companies and representative offices of foreign TV/radio companies that are active or in the process of establishment in Ukraine are subjected to state registration:

- state registration of TV/radio companies in Ukraine as information entities is carried out according to the order, within terms and conditions, established by the Ukrainian legislation on state registration of subjects of entrepreneur activity;
- state registration of TV/radio companies in Ukraine, whose authorized capital has foreign investments is carried out according to the order, established by the Ukrainian legislation for state registration of joint stocks (with foreign capital);
- state registration of representative offices of foreign TV/radio companies in Ukraine is carried out according to the requirements of registration of representative offices of foreign companies – subjects of entrepreneur activity, established by the Ukrainian legislation.

Official registration of radio/TV companies as economic entities shall be carried out in pursuance of the legitimate procedures on official registration of economic entities.

Article 14. **Licensing of Channels**

The National Council of Ukraine for Television and Radio Broadcasts issues licenses for broadcasting and retransmission, cable broadcasting, and wire (cable) broadcasting.

License of the National Council of Ukraine for Television and Radio Broadcasts, issued according to the order established by this Law is the only required legal ground for TV/radio companies to use radio frequencies (channels), cable and wire networks on the territory of Ukraine for the purposes of TV and radio broadcasting except for the cases stipulated by the present Law.

In order to receive a corresponding license, a TV/radio company, its founder or proxy shall submit an application to the National Council. This application shall contain the following data:

- a) re founder (cofounders), (if a legal entity: name, legal address, Acc. #; if a natural person: name in full, date of birth, nationality [citizenship], address);
- b) name of the TV/radio company, address, Acc. #, call sign, emblem, logo etc.
- c) whereabouts of the TV/radio company to be set up (in case of cable network – whereabouts and type of main station);
- d) program concepts of the TV/radio company, including outcome of own programs and broadcasts, outcome of programs and broadcasts of the national TV/radio producers, and programs and broadcasts of the Ukrainian authors, or the list of retransmitted programs;
- e) language(s) to be used on air;
- f) territory to which its programs and broadcasts are to be beamed or transmitted, or territory, covered by cable, wire (cable) network;
- g) expected audiences;
- h) periodicity, radio frequency (channel), outcome and broadcasting network;
- i) type of transmission (e.g., television, radio, teletext, etc.);
- j) devices of transmission (ground transmitter, satellite, including name of satellite, location of satellite on the orbit), cable network, wire (cable) network;

- k) location and capacity of the transmitter, height and features of antenna, agreed upon with authorized state bodies.

To obtain license for cable broadcasting, TV/radio company shall submit the following data and documents in addition to the above:

- a) actual number of subscribers of cable network;
- b) perspectives of development (construction) of cable network;
- c) frequency plan of network, agreed with an authorized state authorities, including specification of channels, used to disseminate mandatory state and publicistic and legal programs, and disseminated or retransmitted programs;
- d) documents, certifying the right to retransmit programs or broadcasts;
- e) permit (decision) of the local state bodies to construct (use) of cable network on the assigned territory;
- f) permit (license) of the authorized state bodies to construct, use and servicing of cable network.

Attached to the application are copies of duly certified statutes documents of the TV/radio company, copies of certificates on state registration of the TV/radio company as a subject of entrepreneur activity, and subject of informational activity (audiovisual media).

Responsible for authenticity of copies, certified in due order, related to statutes documents of the TV/radio company, submitted to the National Council of Ukraine for Television and Radio Broadcasts in order to obtain license, is the applicant in compliance with the Ukrainian legislation.

Demanding any other documents to obtain license is not accepted.

An application for a channel license submitted by a TV/radio company shall be processed and decided upon within one month from the date of its receipt by the National Council, and the decision shall under all conditions be made known to the applicant.

The date of reception is the date when all required documents, indicated in the present law are submitted to the National Council.

The National Council shall made a decision regarding the application on the following:

- 1) issuance of license;
- 2) prolongation of term of application consideration up to three months in case of tender for the broadcasting channel, or conducting corresponding tests or coordination of radio frequencies (of their additional calculations) with corresponding authorized state bodies.
- 3) postponing consideration of application;
- 4) refusal to issue license.

The license is issued no later than within 10-day term after the decision by the National Council is made, and on condition that agreed amount of determined license fee is transferred to the corresponding account of the National Council.

The license shall contain the following data:

- 1) in the application to obtain it:
 - a) data on founder (cofounders), including the following in case of a legal entity: name, legal address, no. of banking account, in case of an individual: citizenship, full name, date of birth, address;
 - b) name of TV/radio company, its details and other data (logo, call signal, emblem, etc);
 - c) whereabouts of a TV/radio company;
 - d) form of broadcasting;
- 2) included to it by the National Council:
 - a) territory, on which broadcasting of programs is planned;

- b) periodicity, outcome and broadcasting network;
- c) information on responsibility for violation of terms of license;
- d) information on unacceptability of copying of programs or other products of mass media, obtained by licensor illegally from third parties;
- e) duration of license;
- 3) agreed between the National Council and the applicant:
 - a) minimal part of audiovisual production of national TV/radio producers and Ukrainian authors, maximal part of audiovisual foreign production;
 - b) expected audience;
 - c) language(s) to be used on air;
 - d) radio frequency (channel) of broadcasting;
 - e) devices of dissemination of programs or broadcasts;
 - f) location and capacity of transmitter, height and features of tower;
 - g) date, when license comes into force;
 - h) date, when broadcasting begins;
 - i) obligations, taken by TV/radio company during tender selection and other terms.

The National Council has the right to determine the contents of all or some agreed terms of license with licensor in the form of decision made by the National Council that is mandatory for the licensor, and is an integral part of the license.

During the selection period for the right to obtain the license between the applicants, the National Council shall bear in mind the following:

- the viewers' (listeners') interests, including those of moral and physical health of an individual, his/her spiritual, cultural and aesthetic development;
- the need to protect general national interests and promulgate cultural values;
- the need to gear TV/radio programs to cover the stands taken by different social, political, religious, national and other groups of society in TV/radio programs;
- conformity of the license application to the terms of the contest;
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- conformity of the TV/radio company's [actual] technical and financial characteristics, and creative potential to those stated in the application, and obligations of the TV/radio company related to social broadcasting;
- previous use of this TV/radio channel;

Should several applicants prove to be on equal standing warranting the issuance of a license, the preference shall be given to the applicant who used the license in the previous term, provided the National Council did not impose on it any administrative measures for violation the requirements of the Ukrainian legislation and the terms of license.

Licensors (owners of license) cannot be:

1. TV/radio companies not registered in keeping with set procedures as subjects of entrepreneur activity and subjects of informational activity.
2. Political parties, trade unions, social and religious organizations.
3. TV/radio companies, whose founders (cofounders) are the entities, indicated in item 2 of this part of article 14 and their enterprises.
4. Foreign investors and their representatives.

State authorities and bodies of local government, as well as officials are not eligible to constrain licensor's (owner of the license) rights that he has accrued in accordance with the obtained license.

Article 15. License Applications Left Unattended

A license application shall be left unattended if:

- a) It is signed by an unauthorized person;
- b) It is submitted counter to requirements set forth in Article 14 hereinbefore;

If a license is left unattended, the applicant shall be notified in writing and explained the reasons within the term prescribed for licensing procedures. The applicant may appeal this decision to a court of law.

If and when the circumstances in which the license was left unattended are remedied, this license shall be handled in keeping with procedures and within the term set forth by Article 14 hereinbefore.

Article 16. **Licenses Denied Issue**

The National Council shall deny issuance of the license if:

- a) the application is submitted by an enterprise, institution or organization which is not a legal entity;
- b) the application is submitted by an entity, which in accordance with the requirements of the present law cannot be a licensor (owner of the license);
- c) the evidence provided in the application is not true for the moment of decision making;
- d) the application is submitted by a company, which is not registered in accordance with the procedures, established by the Ukrainian legislation;
- e) the applying TV/radio company was previously issued a license with the same name and covering the same area of transmission;
- f) the applying TV/radio company's Statute runs counter to provisions laid down in Section 2, Article 2 hereinbefore;
- g) by the results of the contest the decision has been made to issue the license for the same frequency (channel) in favor of another TV/radio company that participated in the contest;
- h) issuance of the license may result in violation of Ukraine's international obligations;
- i) the application is submitted before the end of the year since the date the National Council resolved to revoke the TV/radio company's [previous] license;
- j) issuance of the license on the assigned territory runs counter to the requirements of article 7 of the present Law;
- k) there are no capacities (economic, financial) to start broadcasting according to the license within the term, stipulated by the present Law, and to the indicated characteristics;
- l) the applicant does not possess the technical capacities to broadcast in keeping with the stated characteristics.

If refused license, the applying TV/radio company shall be notified in writing, along with appropriate explanations.

Refused licenses may be appealed to a court of law within one month.

Article 17. **License Term**

A license allowing use of a channel shall be issued for the term of 5 years of air time and 10 years of cable (wire) transmission.

The right to start broadcasting shall be saved by the TV/radio company for three months from the date it comes into force. The license comes into force from the date the decision of its issuance is made by the National Council. The TV/radio company shall notify the National Council of the beginning of broadcasting within ten-day term.

To be able to continue broadcasting, once the license's duration is expired, the TV/radio company shall re-obtain the license according to the order, established by the present Law.

After the established license's duration expires, it shall become legally void. The National Council shall declare the license invalid if:

- 1) the licensed TV/radio company ceased its activity;
- 2) there is a corresponding application from the TV/radio company or its founder (cofounders);
- 3) there is a corresponding court ruling;
- 4) the 30-day term from the date of the death of the licensor's physical body is expired;
- 5) the licensed TV/radio company did not conduct broadcasting more than 30 days from the date of the beginning of broadcasting during the calendar year, excluding the period, when broadcasting is not conducted due to justified technical reasons;
- 6) the National Council revealed the fact of subleasing the channel to a TV/radio company or hidden handover of the license to other person (transfer of the license);
- 7) the licensed TV/radio company failed to pay the established license fee within one month the decision on issuance of the license is made by the National Council, unless other term stipulated by the decision of the National Council.

The decision of the National Council to declare the license invalid shall be well-founded and can be appealed in accordance with the established Ukrainian legislation.

The TV/radio company or its founder (cofounders) shall return the license to the National Council within 15 days from the day the decision is made to declare it invalid.

Revocation of the license is effected by the court on the National Council's inquiry if:

- license is obtained by fraudulent actions
- the TV/radio company committed another violation of the Ukrainian legislation after two penalties had been inflicted earlier during one year;
- the TV/radio company violated part 2 of article 2 of the present Law.

Alongside with the National Council's letter, explanations shall be made by the corresponding officials of the TV/radio company. The explanation shall be submitted within 7 days. Refusal to do so does not impact the decision to hand the relevant materials to the court of law.

Article 18. Payment for License

A TV/radio company shall pay for the issuance of a license in the amount determined by the Cabinet of Ministers of Ukraine.

A duplicate shall cost 10% of the sum paid for the issuance of the license.

The registration fee shall be transferred to the State Budget of Ukraine.

Article 19. Termination of TV/Radio Companies

The TV/radio company shall be terminated if so resolved by the founder (cofounder) or by a court ruling, provided the National Council is notified ten days in advance, to make appropriate changes in the State Register.

CHAPTER III. ORGANIZATION OF TELEVISION AND RADIO BROADCASTS

Article 20. Commencing Broadcasts. Releasing Television Programs.

The TV/radio company shall have the right to commence transmission as soon as the license comes into force and maintains this right within three calendar months. The

TV/radio company shall notify the National Council about the beginning of broadcasting within 10-day term.

The proprietor of broadcasting equipment or the organization operating it shall have no right to make this equipment available to TV/radio companies that have no licenses.

Broadcasts shall not be beamed to territories bigger than those specified by the license.

The license-holder shall have no right to sublease the license.

The TV/radio company's management or proxy shall allow the release of programs and shall be held personally responsible for their contents and quality.

Article 21. Basic Data

A TV/radio company shall make known its name and other basic data (e.g., calls sign, emblem. Etc.):

- At least four times per 24 hours, when transmitting round the clock;
- Otherwise, at the beginning and end of the program.

A TV/radio company shall use permanent logos for its own transmissions.

A duly registered logo shall be protected by the patent laws.

Article 22. The Right to Use a Channel

The National Council shall determine the procedures of operating broadcasting channels.

TV/radio companies irrespective of their property form shall be entitled to using broadcast channels as well as to possessing and disposing of broadcasting equipment.

Telecommunication agencies servicing radio/TV companies shall not refuse their facilities or services to such companies provided the latter operate under NTRC licenses and have no liabilities toward these agencies.

Article 23. Satellite Television and Radio Broadcasts

Ukraine's satellite television and radio networks shall be developed and utilized along the following priority lines:

- a) Beaming television and radio programs by TV/radio companies registered in Ukraine all over Ukraine and to separate regions, as well as to individual users and collective distribution networks;
- b) Exchange of programs between Ukrainian TV/radio companies and foreign companies.

Procedures of transmission using satellites shall be established by the National Council.

Article 24. Cable Television and Radio Broadcasts

Cable (wire) transmission networks shall be set up where and when allowed by local authorities.

The right to disseminate programs and broadcasts by means of cable network have TV/radio companies that obtained the license for cable broadcasting, issued by the National Council.

Operating procedures of TV/radio companies established to conduct cable broadcasting as well as the order of license issuance for those using cable networks shall be governed by the present Law.

A cable TV/radio organization shall provide its users with cable transmission of programs, as well as terms, related to obtaining and disseminating of such programs and broadcasts.

Each TV/radio company that obtained the cable broadcasting license shall commence transmission on assigned channels simultaneously and in full volume for all subscribers connected with cable network programs and broadcasts in the following sequence:

- 1) programs and broadcasts subjected to mandatory broadcasting by cable network:
 - a) programs and broadcasts of the National Television Company of Ukraine, the National Radio Company of Ukraine;
 - b) programs and broadcasts of other state and public TV/radio companies that have the license for broadcasting on the national channels;
 - c) programs and broadcasts of state and public TV/radio companies that have licenses for regional and local broadcasting: with one region, city, district that have a cable network;
 - d) programs and broadcasts of other TV/radio companies of Ukraine that have air dissemination on the territory, which has active cable networks;
- 2) programs and broadcasts that can be broadcast by means of cable network:
 - a) programs and broadcasts of the TV/radio companies that broadcast on the national channels;
 - b) programs and broadcasts of the TV/radio companies that broadcast on regional and local channels: on one region, city, district, which have active cable network;
 - c) own programs and broadcasts;
 - d) programs and broadcasts comprised of full audio broadcasting of plenary sessions of the Supreme Rada of Ukraine, regional and city Councils of people's deputies;
 - e) teletext;
 - f) programs and broadcasts for subscribers;
 - g) programs and broadcasts of other TV/radio companies of Ukraine;
 - h) programs and broadcasts of foreign TV/radio companies broadcast from abroad as programs and broadcasts for the general public and do not run counter to the Ukrainian legislation;
- 3) TV/radio cable company shall allocate free of charge one channel for the needs of the territory (region) that is covered with a cable network. This channel cannot be used for commercial purposes without the TV/radio company's agreement/ Broadcasting on this channel can be performed only on the basis of the corresponding license.
- 4) One channel can be allocated for commercial programs and broadcasts. Time limits for advertising, stipulated by article 38 of the present Law are not applied to this channel, as well as on the current, full and unchanged transmission of the earlier broadcast (retransmitted) programs and broadcasts.

The TV/radio cable company can broadcast to all subscribers, connected with a cable network its own advertising, related to cable network services. The legislation on advertising is not applied to the above mentioned advertising.

The TV/radio cable company shall broadcast programs and broadcasts indicated in part 5 of this article in full and for simultaneously for all subscribers, connected with a cable network, but at the same time any subscriber on its own decision can be denied reception of one or more programs or broadcasts. The TV/radio cable company can abridge a program in the event some essential parts of this program are broadcast in full on other channel or to be repeated in full the same day.

The National Council approves of the general rules of procedures (order) of ensuring the subscribers' right to choose programs and broadcasts, as well as access to the broadcasting channel.

Subscribers can address the National Council in writing on problems of broadcasting, as well as access to the broadcasting channels.

The license for cable broadcasting is not required if antenna combination of cable networks and electronic devices (systems of collective reception) are established by subscribers in separate buildings, blocks of flats only with the purpose to improve quality and unchanged and undistorted dissemination of TV/radio programs that can be received by common devices in the given territory.

The use of systems of collective reception for transmission by means of a cable network programs and broadcasts of TV/radio companies that cannot be received by common devices in the given territory, or establishment and dissemination of additional programs or broadcasts requires setting up a TV/radio company, and obtaining a corresponding license in accordance with the order established by the present Law.

Article 24.1. **Wire (Cable) Broadcasting**

The order of establishment, organization of activity of TV/radio companies that set up with the purpose of wire (cable) broadcasting, licensing of wire (cable) broadcasting is determined by the present Law.

Article 24.2. **Retransmission**

In order to retransmit TV/radio programs and broadcasts, teletext, it is required to have a permit (agreement) between producers (owners) of programs and broadcasts according to the order, stipulated by articles 25 and 36 of the present Law, and obtain the license for retransmission from the National Council.

TV/radio companies cannot retransmit programs and broadcasts, if they did not submit to the National Council documents (agreement, certifying permission from the producer (owner, supplier) to broadcast programs, as well as other details. The permit (agreement) shall indicate that the producer (owner, supplier) shall reimburse the cost of using a cable network

The order of issuance of the license for retransmission is determined by the present Law. In the course of retransmission of programs or broadcasts, their original structure shall be maintained.

The license for retransmission is not required if retransmission is conducted on the territory of Ukraine, and programs and broadcasts retransmitted belong to the Ukrainian TV/radio companies that have corresponding licenses from the National Council, and conduct broadcasting on national, regional and local channels, and are accessible for reception by traditional devices, used by the general public on the corresponding territory.

The National Council can refuse to issue the license for retransmission if:

- the TV/radio company does not have an authority (right) to use corresponding dissemination devices;
- the TV/radio company does not have a corresponding permit (agreement) of the producers (owners, suppliers) of programs and broadcasts;
- programs or transmissions to be retransmitted run in counter to the Ukrainian legislation;
- retransmission runs in counter to the Ukrainian legislation.

Denial to issue the license and terms of its appeal are carried out in accordance with the order, established by article 16 of the present Law.

The National Council shall prohibit retransmission if:

- retransmitted programs and broadcasts run in counter to the Ukrainian legislation;

- in the process of retransmission TV/radio company makes changes to retransmitted programs and broadcasts, of they are retransmitted not in full, and not simultaneously;
- TV/radio company does not observe the terms related to the order of sequence of programs by a cable network;
- retransmitted programs and broadcasts contain advertising that is prohibited by the Ukrainian legislation;
- retransmitted programs and broadcasts contain violence and pornography that runs in counter to the Ukrainian legislation;
- retransmission of programs and broadcasts that may have a negative impact on the underage and young people, conducted during hours contradicting the requirements of article 41 of the present Law.

The volume of the licensed retransmission of TV/radio programs and broadcasts, teletext shall not exceed 30% of the general time on-air for TV/radio companies, regardless of forms of ownership and territory of dissemination of programs, which have broadcasting licenses, and for TV/radio companies, which have cable or wire (cable) broadcasting licenses shall not exceed 50%.

In compliance with the requirements of the Ukrainian legislation the retransmitting companies shall be held responsible for conformity of retransmitted TV/radio programs to their contents and are not part of the indicated register (list).

The National Council maintains the register of the programs and broadcasts, retransmitted on the territory of Ukraine and determines the form of the register (approves the rules of registration, and the list of programs that can be retransmitted). Wireless retransmission is carried out according to the terms of the present Law, related to air broadcasting.

Article 25. Permission to Use Programs of Other TV/Radio Companies

TV/radio companies shall have the right to use programs released by other TV/radio companies only with their knowledge and consent, except in cases envisaged by Article 36 hereinbelow.

Radio and television programs and video products shall not be copied, demonstrated or sold unless allowed by their owners.

If such a program is used without permission from its owner, the latter shall have the right to demand and receive reimbursement.

Such disputes shall be settled by a court of law or arbitration in keeping with procedures established under the laws currently in effect.

Article 26. The Right to Receive Information

TV/radio companies and their personnel shall have the right to receive information from state bodies, enterprises, institutions, and organizations regardless of the form of ownership, in order to conduct their statutory activities, in keeping with procedures set by the laws currently in effect in Ukraine. Officials providing such information shall be responsible for its authenticity.

Article 27. Official Announcements and Other Compulsory Information

Government-operated TV/radio companies shall transmit free of charge official announcements made by the Supreme Council, the President, the Cabinet of Ministers of Ukraine, and the Constitutional Court of Ukraine, beaming them all over Ukraine, and shall likewise beam official announcements of the Supreme Council, local Councils [Radas] of People's Deputies, and local state administrations of the Autonomous Republic of the Crimea to the respective territories.

TV/radio companies, irrespective of the form of ownership, shall have no right to refuse to transmit announcements on emergency situations. The right to use television and radio networks for this purpose shall be vested in organs and officials authorized to become decision-makers under emergency circumstances.

TV/radio companies shall at no cost transmit rulings passed by courts or law or arbitration that have come into force and contain instructions to be made public by this TV/radio company, as well as decisions of the National Council, related to the activity of the given TV/radio company.

Article 28. Use of Television and Radio in Election Campaigns

Government-run TV/radio companies, Public TV/radio companies shall allot free and equal air time on national and local channels for election campaigning by duly legally registered candidates for Ukrainian presidency, Parliament membership, seats at local Councils, and other elective positions at organs of state authority, as well as by political parties.

Non-governmental TV/radio companies may allot air time for presidential and parliamentary candidates, and for nominees of political parties, in keeping with Ukraine's laws on presidential and parliamentary election campaigns, and for announcing decisions passed by the Central Elections Commission.

The Central Elections Commission and relevant District Commissions shall monitor the allocation of time on air for election campaigns.

TV/radio companies shall provide political parties with equal opportunities to propagandize their views, to render unbiased coverage of processes and events in society in between elections.

Radio/TV companies and their management or authorised persons shall not be responsible for any such statements as may be made by government officials, representatives of political parties and voluntary organisations, [people's] deputies at all levels, chairmen of village, settlement and city councils when appearing in the course of election campaigns or when preparing or holding a referendum, except if transmitting programs directly calling for the overthrow of the existing constitutional system using violence or for unconstitutional violations of Ukraine's territorial integrity.

From the moment of making the polling date known and during the election campaigns the broadcast licence may be suspended exclusively under court ruling, except if transmitting programs directly calling for the overthrow of the existing constitutional system using violence or for unconstitutional violations of Ukraine's territorial integrity.

Article 29. Time on Air for Official Appearances and Announcements

Live or recorded coverage of sessions of the Supreme Council of Ukraine, and of the Supreme Council of the Autonomous Republic of the Crimea shall be provided by government-run TV/radio companies within set air time and general financing limits.

Live and recorded coverage of sessions of regional and other local Councils of People's Deputies shall be provided by government-run TV/radio companies as per appropriate contracts made between the Council and the TV/radio company concerned.

As instructed by the President of Ukraine, Chairman of the Supreme Council of Ukraine, Prime Minister of Ukraine or Chairman of the Constitutional Court of Ukraine, government-run TV/radio companies shall allocate time on air for important official announcements concerning important national issues.

Government-run TV/radio companies shall provide in their program schedules for appearances by People's Deputies [MPs] of Ukraine to discuss certain aspects of their parliamentary activities. As for People's Deputies' participation in other [TV/radio] programs, it shall be on the general terms.

People's Deputies of local Councils shall appear in local TV/radio companies' programs as agreed with these organizations.

Article 30. Ads and Commercials

Ads and commercials included in a TV/radio program shall be clearly distinct from the rest of the program.

Time on the air allocated for ads/commercials shall not exceed 15 percent of each hour on the air with regard to TV/radio companies under all forms of ownership. This covenant shall not apply to special advertising TV/radio channels.

Transmission of concerts, entertainment programs, sports competition lasting over 45 minutes may be interrupted for ads/commercials only once every 45 minutes. Movies and serials shall not be thus interrupted. Ads/commercials may be transmitted before or after these movies/serials. Programs lasting over 10 minutes shall not be combined with ads/commercials without the copyright-holder's consent. No ads/commercials shall be worked into programs intended for children under 14 years of age.

Television announcers, hosts/hostesses, and other participants in programs shall not demonstrate or promote goods or products, directly or indirectly (by wearing clothes, makeup, etc.), beyond the time-limits of commercials.

TV/radio workers shall be prohibited to do any advertising presenting it as information, advising on the address, telephone or account number of a manufacturer or service company, showing samples, trademarks, etc.

TV/radio companies shall be held responsible for including low quality (in terms of technical merits and artistic impression) commercials, just as the advertiser shall be answerable for its trustworthiness.

Advertising on Public TV/radio channels shall be forbidden with the exception of commercial presentations, defined in a schedule as such, to be broadcast for no more than 3 per cent of daily air time.

Marginal advertising rates on general national and public channels shall be adopted by the National Council for Television and Radio Broadcasts of Ukraine in coordination with the Ministry of Finance of Ukraine.

Article 31. Ban and Restrictions on Ads/Commercials

Live transmissions during sessions of the Supreme Council of Ukraine, Supreme Council of the Autonomous Republic of the Crimea, official functions and ceremonies, speeches being made by the President of Ukraine, Chairman of the Supreme Council of Ukraine, Prime Minister of Ukraine, Chairman of the Constitutional Court of Ukraine, People's Deputies [MPs] and members of the Government of Ukraine shall not be interrupted for ads/commercials.

No campaign advertising shall be allowed on the date of elections or referendum.

No ads/commercials promoting tobacco products and alcoholic beverages shall be allowed. Promotion of healing seances [faith healers] and similar performances using hypnosis or other means of psychic or bioenergetic influence may be authorized by the Ministry of Public Health of Ukraine. Advertising medications and medical goods, disease-preventing measures, diagnostic techniques and therapies shall be allowed in keeping with the Law of Ukraine On Advertising.

Ads/commercials shall not contain texts or images damaging to the younger generation's spiritual, moral, and mental integrity.

No commercials shall be inserted in programs meant for children under 14.

Article 32. Sponsorship

Legal entities and individuals, who are not TV/radio companies or TV/radio producers can participate in direct or indirect financing of production of TV programs and broadcasts or their essential parts.

Evidence about a sponsor (name, trademark or company mark, emblem) in TV/radio programs and broadcasts or their essential parts, financed by the sponsor shall be clearly and accurately indicated by subtitles or announcer's text at their beginning and in the end unless otherwise stipulated by the TV/radio company and the sponsor. Sponsor's details (address, phone, banking account, etc) are not required.

TV/radio programs or their parts, financed by a sponsor shall not facilitate sales, purchasing or lease of products or services of the sponsor or third parts, contain direct encouraging references on products' or services' names.

Prohibited is sponsorship of news, programs and broadcasts or their essential parts, highlighting political events or problems.

Sponsors do not have right to influence the time and contents of programs and broadcasts or their essential parts, and to interfere with professional activity of TV/radio companies and their employees.

Sponsorship does not disclaim a TV/radio company of the responsibility for the contents of TV/radio programs and broadcasts or their essential parts.

Sponsors cannot be legal entities or individuals, whose major activity is production or selling of products or services, advertising of which is prohibited by article 31 of the present Law.

Article 33. Correspondent/Reporter Stations

TV/radio companies shall have the right to set up correspondent/reporter stations [bureaus] throughout Ukraine's territory and beyond its borders, in keeping with set procedures. Each such station shall be the TV/radio company's structural component (branch), and shall duly represent its interests.

Article 34. Accreditation of TV/Radio Workers

TV/radio companies shall have the right to accredit teams of or separate TV/radio workers to state bodies and organs of citizens' associations, as agreed with these bodies and organs (with their press services). The hosting organs shall provide them with adequate working conditions, considering the specifics of preparing TV/radio programs (placement of equipment, lighting procedures, audio hookups, etc.), and shall inform them in advance on the time and place of sittings, new conferences, presentations, conferences, etc., supplying them with transcripts, minutes, and other data.

Accreditation shall be terminated if so resolved by the hosting organization, as agreed with the sending TV/radio company, or when recalled by the TV/radio company.

Article 35. Storage of TV/Radio Materials

Each TV/radio company shall maintain a log book of programs and broadcasts to be transmitted by air or cable, wire (cable) network. Rules of maintenance and form of the logbook is approved by the National Council. The following shall be reflected in the logbook:

- date of production, time of beginning and ending of a program or broadcast;
- name, summary (topic) of a program or broadcast;
- name of the author(s) of a program, host and other participants;
- language of a program or broadcast;
- information on advertising and sponsors.

The logbook of TV/radio companies shall be stored for one year from the date of the last entry.

The logbook shall be accessible to the National Council, judicial and legal bodies.

All programs and broadcasts of own production transmitted by air or by cable and wire network shall be fully and clearly recorded on the corresponding tape and stored for 21 days of one calendar month from the date of their broadcasting, if there is no complaint about the contents of a program or broadcast within this term.

Should there be any complaint about the contents of the program or broadcast, their copies (recordings) shall be stored up to the time, the complaint is considered, and a corresponding decision is made.

Order, selection criteria, terms and conditions of long-term storage of TV/radio programs that are of historical, art, cultural or other value shall be determined by the Ukrainian legislation.

CHAPTER IV. RIGHTS AND RESPONSIBILITIES OF TV/RADIO COMPANIES AND THEIR WORKERS

Article 36. **TV/Radio Companies' Copyright**

TV/radio companies shall copyright their programs and films, and shall be copyrighters by assignment as per contracts made by them.

A TV/radio company shall have the right to allow or to prohibit other TV/radio companies, institutions, agencies, and citizens in Ukraine and abroad to:

- Transmit (relay) their programs and films;
- Reproduce, duplicate or sell tapes with their programs and films being their property, as well as tapes with musical, drama, and other transmissions from their studios or from concert [theater] halls.

Productions made by TV/radio companies (e.g., programs and films) may be used without their knowledge and consent if:

- Citizens want to satisfy their personal needs;
- Other TV/radio companies use clips from each program (film) lasting not longer than 5 minutes;
- Government-run institutions of learning use such programs (films) for educational purposes.

Article 37. **Responsibilities of TV/Radio Companies**

A TV/radio company shall be under the obligation to:

- a) Disseminate unbiased information;
- b) Create no obstacles in relaying or receiving programs beamed by other TV/radio companies, or interfere with the functioning of communication lines;
- c) Comply with government-established standards and technical parameters of broadcasts [telecasts];
- d) Forewarn the viewers that they will have to pay for watching their programs;
- e) Comply with the rules of advertising and sponsorship established by the current legislation;
- f) Respect the national dignity, ethnic peculiarities and cultures of all peoples;
- g) Keep secret the names of persons providing information on condition that their names remain undisclosed;
- h) Refrain from disseminating information violating the innocent-until-proven-guilty principle or forestalling court decision;
- i) Keep confidential information on citizens' private life, and disclose it only with their consent, except when such information is of public importance; if a court of law finds that such disclosure was not of such importance, the guilty party

shall reimburse moral and material damage in keeping with procedures established by the laws currently in effect in Ukraine;

- j) Secure free access to TV/radio program schedules and their free use by individuals and organizations that need this for production purposes.
- k) Observe statutory quotes for demonstration of national films and programs or nationally-produced programs in keeping with the laws of Ukraine.
- l) A TV/radio company shall have no right to:
 - Basically alter the nature, schedule, and concept of programs without previously warning the viewers/listeners;
 - Unilaterally raise rental or other charges prior to contract expiry, except when changes are made in government-approved television and radio rental tariffs.

No works shall be allowed in the area of transmission if these works can damage transmission and reception of TV/broadcasts. Guilty legal or natural persons shall at their cost reimburse all expenses involved in the restoration of previous quality of TV/radio reception.

Creation of artificial obstacles interfering with clear reception of TV/radio programs, that is with dissemination of TV/radio and other technical signals in radio frequency bands, on which broadcasting is made, is punishable according to the Ukrainian legislation.

Article 38. Rights of Creative Workers of TV/Radio Companies

A creative worker of a TV/radio company, acting in the line of duty, shall have the right to:

- a) Collect and have free access to information required in making a program;
- b) Make cine-, video-, audio-, and other records, and take photographs, except in cases stipulated by the laws currently in effect in Ukraine;
- c) Visit organs of authority, institutions, and organizations, acting on the TV/radio company's assignment, and receive appointments with their officials;
- d) Be allowed access, after producing his/her ID card, to disaster areas, scenes of accidents, mass unrest, and emergency situations;
- e) Be allowed access to (photograph or record on video tape) documents and other sources of information, except information kept classified under the laws currently in effect in Ukraine;
- f) Use a pseudonym and keep his/her actual name secret;
- g) Prior to transmission acquaint him/herself with the ready material and make relevant remarks/suggestions;
- h) Relieve him/herself of responsibility for material which in his/her opinion has been drastically changed (distorted) in the course of editing;
- i) Refuse to carry out assignments of the TV/radio company running counter to the laws currently in effect.

Article 39. Responsibilities of Creative Workers of TV/Radio Companies

A creative worker of a TV/radio company shall be under the obligation to:

- a) Adhere to the TV/radio company's program concept and abide by its Statute;
- b) Verify the authenticity of information received by him/her;
- c) Prevent dissemination of information indicated in Article 2 hereinbefore;
- d) Prevent disclosure of information in TV/radio programs violating citizens' rights and lawful interests, and upsetting their honor and dignity;
- e) Complying with other requirements arising from this Law and from the TV/radio company's Statute and labor contract.

Responsibilities envisaged by Section 1 hereinabove shall extend also to part-time workers of TV/radio companies.

If a TV/radio creative worker is nominated for an elective post, this worker shall have equal rights with other candidates in using television and radio time on air.

A creative TV/radio worker shall have no right to use his/her office in the interests of the candidate for whom he works as a fiduciary.

CHAPTER V. RIGHTS OF VIEWERS AND LISTENERS

Article 40. **Protection of Viewers' and Listeners' Rights**

Viewers and listeners shall have the right to:

- a) Receive and use for personal purposes all programs beamed by government-operated, non-governmental, and foreign TV/radio companies;
- b) Address [critical] remarks and proposals to TV/radio companies and their founders, concerning the contents and technical quality of their programs and receive answers, either broadcast [telecast] or in writing;
- c) Timely receive TV/radio program schedules;
- d) Refute untruthful information transmitted by a TV/radio company or information damaging to citizens' honor and dignity.

Article 41. **Protection of Rights of Viewers and Listeners Under Legal Age**

In order to protect rights of such category of spectators as the under age and young, it is prohibited to disseminate programs and broadcasts that:

- cause evident damage to moral principles of the under age and young people;
- depict people, suffering death or serious physical or mental damages that can be recognized as humiliating honor and dignity of a person.

TV/radio companies shall not disseminate programs and broadcasts that may damage intellectual and spiritual development of the under age and young, except the on-air time from 6.00 to 23.00, as well as on the channels with limited access.

Such programs or broadcasts shall give special warning and be accordingly marked in the schedule of TV/radio companies and specially announced before their transmission.

In the time period from 6.00 to 23.00 it is prohibited to broadcast programs that contain physical and mental violence (in visual or text form), scenes of crimes that cause fear, horror, as well as scenes of cruelty.

Texts of such programs shall not contain rude or insulting language, and overfocus attention on sexual problems.

Programs and broadcasts of a TV/radio company without prior consent of the parents (guardians), or corresponding legal bodies shall not make public any information that:

- may contribute to identification of the personality of a juvenile delinquent;
- is related to the fact of a suicide of the under age;
- depicts in attractive view gangsterism, criminality, fraudulence, indolence, meanness, hatred, dissoluteness and other phenomena that can be identified as criminal, and facilitate to degradation of moral principles in the process of maturing of the under age and young as personalities.

Article 42. **Inadmissibility of Distorting Information**

A person interviewed or a person providing information to a TV/radio company shall have the right to demand in writing that this person be admitted to the preview of the program, and that otherwise this information [interview] be deleted from the program.

Disputes arising from violations of the provisos stated in Section 1 hereinabove shall be settled by a court of law.

Article 43. The Right to Refutation

Individuals or a legal entities have the right to demand from the TV/radio company to refute the evidence that was disseminated in its program, and which does not correspond to reality and humiliates their honor and dignity.

Official representatives of the citizen have the same right, if the citizen is not able to demand refutation himself.

The claim for refutation shall be submitted to the TV/radio company in writing within 14 days from the date of dissemination of such evidence, along with written notification to the National Council.

The TV/radio company shall consider the claim within seven-day term from the date of submission. If demanded by the claimant the TV/radio company shall provide free listening/watching of the disputed fragment of the program, or provide him with a copy of recording for a certain charge.

In the event the TV/radio company has no sufficient proof as to the veracity of the disseminated evidence, it shall refute this evidence immediately.

Refutation shall be disseminated by the same TV/radio company, and in the same program, which contained the evidence that does not correspond to reality.

If an individual or a legal entity provided the text of refutation, its subjected to dissemination on condition of its compliance with the present Law. Abridgements or other changes in the refutation text submitted by the claimant are not acceptable without his prior agreement.

The TV/radio company, which has to disseminate the refutation text may give a citizen or a legal entity's representative an opportunity to read the text himself and broadcast its recording at a later stage.

The TV/radio company shall notify the claimant about the expected time of broadcasting of refutation.

In the event the TV/radio company refuses to disseminate refutation, it shall notify the claimant in writing within seven days from the date of reception, providing explicit reasoning.

In the event of the court's ruling about refutation, the text of refutation if disseminated by the TV/radio company in compliance with the order, established by the present Law.

Article 43.1. The Order of Refutation

The refutation shall specify, which evidence does not correspond to reality; when and in which program they were disseminated by the TV/radio company.

The refutation shall be disseminated at the same time, day, and in the same program, when and where the refuted statement or material were broadcast.

The volume of refutation shall not take less time on air than it was required for its citing of a standard printed page by the announcer.

Article 43.2. Denial to Refute

The TV/radio company shall deny refutation if such a demand or the refutation text provided:

- 1) runs in counter to the provisions of article 2 of the present Law;
- 2) contradicts the court's ruling or sentence;
- 3) is anonymous.

The TV/radio company can deny refutation, if the refutation:

- 1) is related to the already refuted statement;
- 2) was submitted with the requirement to disseminate it later than one year from the date of dissemination of refuted evidence;
- 3) is too long in volume.

Denial to refute, as well as violation of the order of refutation, established by the present Law, can be appealed to the court of law in accordance with the procedures, established by the Ukrainian legislation.

Article 43.3. **The Right to Respond**

A citizen or a legal entity, false evidence about whom, or evidence that violates rights or legal interests of a citizen was disseminated in the program, has the right to respond (comment or interpret in his own way the disputed circumstances) in a program of the given TV/radio company no matter whether the claim for refutation was submitted or not.

The order of submitting a claim for respond, the term of its consideration, the order of dissemination, reasoning for denial and appeal are stipulated by articles 43, 43.1, 43.2, and 43.3 of the present Law.

CHAPTER VI. FINANCING AND MATERIAL-TECHNICAL BASIS OF TV/RADIO COMPANIES

Article 44. **Financing TV/Radio Companies**

Among the sources of financing TV/radio companies shall be budget assignments, rental fees, as well as money received from:

- Production and transmission of ads/commercials, publication of newspapers, magazines, and information bulletins, printing books, and release of video cassettes and commissioned TV/radio programs;
- Operation of commercial banks and cable, information (teletext), and other types of TV/radio transmissions;
- Production, sale and rental of video and audio cassettes with TV/radio programs and films;
- Demonstration of TV films and staging paid admission concerts and drama performances organized by the given TV/radio company;
- Foreign economic and other activities of TV/radio companies envisaged by their Statutes;
- Contributions made by founders, sponsors, state bodies, charity and other public funds, and private individuals;

Foreign investments as a source of financing TV/radio companies shall be allowed in keeping with procedures established by the laws of Ukraine, along with restrictions set forth by Article 13 hereinbefore.

Public TV/radio broadcasting system shall be financed as provided by the Law of Ukraine “On Public TV and Radio Broadcasting System”.

Article 45.

Material and Technical Basis of TV/Radio Companies

The material and technical basis of TV/radio companies providing for the production and transmission of TV/radio programs may include enterprises and organizations (TV

centers, TV/radio centers, television and radio technical centers, “radio houses”, etc.), and technical means of transmitting TV/radio programs (transmitters, satellite, cable, and radio relay networks, etc.).

Technical means of TV/radio transmission created (purchased, constructed) using state capital investments shall not be made available to non-governmental TV/radio companies without the knowledge and consent of the National Council.

Technical means of TV/radio transmission can be in property of non-governmental TV/radio companies and other legal entities, and used for conducting own broadcasting and providing services to other TV/radio companies in compliance with the order, established by the Ukrainian legislation.

Plans, programs, and schemes of the development of public, closed circuit, and other TV/radio networks shall be brought in conformity with the government programs of the development of national TV/radio networks in the given territory.

When projecting, building and reconstructing buildings and premises meant for public events (shows, athletic contests, etc.) due regard shall be paid to conformity with appropriate technical requirements, namely facilities to secure TV/radio transmission (lightning equipment, accommodation of TV cameras, other equipment, personal, means of communication, etc.).

Expenses of TV/radio companies on capital development of broadcasting facilities shall be included in the prime cost of their productions.

CHAPTER VII. RESPONSIBILITY FOR BREACHES OF LAWS ON TELEVISION AND RADIO BROADCASTS

Article 46. Responsibility for Violations of Laws on Television and Radio Broadcasts

The following shall be qualified as transgressions of Ukraine’s laws on television and radio broadcasts:

- Violations covered by Article 47, Law of Ukraine On Information;
- Transgressions envisaged by Section 2, Article 2; Article 8, and Section 4, Article 20 hereinbefore;
- Violations of antimonopoly restrictions stipulated by this Law;
- Unlicensed transmission;
- Fraudulent practices in receiving channel licenses;
- TV/radio broadcasts in violation of conditions indicated in the license;
- Breaches of procedures and terms of license issue;
- Violation of the interests and legitimate rights of TV/radio companies operating under licenses;
- Making available unlicensed technical means to TV/radio companies;
- Complete or partial reassignment of a transmission channel to a third party as a legal or natural person;
- Violation of the clause on compulsory basic data;
- Setting up cable (wire) networks without permission from local organs of state executive authority;
- If a TV/radio company does not make national channels available to its audience;
- Copyright transgressions against owners of TV/radio programs;
- Breaches of advertising requirements set forth by the current legislation;
- Violations of sponsorship terms and conditions;
- Breaches of rights of creative TV/radio workers;

- Transgressions of viewers' and listener's legitimate rights;
- Obstructing legitimate endeavors of the National Council;
- Breaches of provisions set forth in Articles 15 and 22 of the Law of Ukraine "On Cinema" (#9/98-VR)

Guilty parties shall bear civil, administrative, and criminal responsibility under the laws currently in effect in Ukraine.

Article 47. Compensation for Moral Damage

Moral (nonproperty) damage incurred on a citizen by information spread by a TV/radio company which is untrue or damaging to this citizen's honor and dignity, or which causes other nonproperty damage, shall be made good, if so ruled by a court of law, by this TV/radio company, and by other guilty officials and private citizens. The amount of monetary compensation for moral (nonproperty) damage shall be determined by court.

Article 48. Release from Answerability for Spreading Distorted Information

TV/radio companies and their workers shall not be held responsible for dissemination of information found to be untrue if:

- a) This information is contained in an official document;
- b) This data was received from a news agency, governmental press service or citizens' association;
- c) If it is a direct quotation from an appearance of a People's Deputy [M.P.] or official speech made by a government official;
- d) If this information comes from a TV/radio live coverage.

CHAPTER VIII. INTERNATIONAL COOPERATION IN THE SPHERE OF TELEVISION AND RADIO BROADCASTS

Article 59. International Cooperation Among TV/Radio Companies

[Ukrainian] TV/radio companies shall maintain cooperation with foreign partners in pursuance of international treaties ratified by Ukraine or under direct agreements.

If an international treaty to which Ukraine is a party sets forth provisos others than those contained in this Law, the norms of the international treaty shall have precedence.

Article 50. Activities of Representatives of Foreign TV/Radio Companies in Ukraine's Territory

Foreign TV/radio reporters [journalists] shall be accredited by the Ministry of Foreign Affairs of Ukraine.

The legal status and professional endeavors of [such] representatives of foreign TV/radio companies accredited to Ukraine shall be regulated by the Cabinet of Ministers of Ukraine.

Representatives of foreign TV/radio companies not accredited to Ukraine in keeping with set procedures shall have the status of staff members of foreign legal entities.

CHAPTER IX. FINAL PROVISIONS

1. In the period of general or partial mobilization and/or state of martial law in Ukraine or in its separate regions a special regime of TV/radio broadcasting shall be introduced, when only TV/radio companies of the specifically authorised central executive agency for television and broadcasting shall be allowed to broadcast using only channels of enterprises subordinated to the State Communications Committee of Ukraine and to the specifically authorised central executive agency for television and broadcasting.

Executive authorities, officials responsible for civil defence, protection of population and emergency situations shall be entitled to unobstructed access to state TV/radio companies and technical means in order to broadcast information related to the protection of the population.

2. The validity of Articles 6, 22, 23, 26 and 38, Law of Ukraine “On Television and Radio Broadcasting” shall be temporarily suspended for a period of general or partial mobilization and/or state of martial law.

Broadcasting by TV/radio companies in the period of general or partial mobilization and/or military state shall be stipulated by the Cabinet of Ministers of Ukraine.

EXPLANATORY NOTE

The Law of Ukraine “On Television and Radio Broadcasting” was accepted by the Supreme Rada of Ukraine in December 1993. Since then the Ukrainian legislation, including that, related to the informational sphere, has undergone essential changes.

For the recent years a number of proposals about changes and amendments to this basic law from subjects of legislative initiative, from participants of informational process has significantly increased. It is these circumstances that caused the necessity to make a number of changes to the existing Law.

The proposed draft specifies, changes and adds the definition of terms (article 1), expands and standardizes basic principles and guarantees of freedom of TV/radio companies’ activity (articles 2, 2.1, 2.2), brings article 5 into accord with the Constitution of Ukraine, which determines the status and legal grounds of establishing and activity of the National Council of Ukraine for Television and Radio Broadcasts.

The present draft, taking into account the requirements of modern legislation and international legal regulations, changes and specifies norms of articles on protection of the national TV/radio production (article 8), languages used on air (article 9), the right to establish TV/radio companies (article 13), the order of their licensing (articles 14, 16, 17).

Considerable changes are offered to the third chapter of the Law, which specify norms of article 20 – on commencing of broadcasting of TV/radio companies; thoroughly standardized are the principles of cable TV/radio broadcasting (articles 24, 24.1, 24.2); regulated is participation of sponsors in TV/radio companies’ activity (article 32); regulated is the order of maintenance and storage of program recordings (article 35).

The draft regulates the rights of the under age and the young (article 41), the right and the order of refutation, denial of refutation, the right to respond (articles 43, 43.1, 43.2, 43.3).

Changes proposed to be made to the basic Law on television and radio broadcasting make it possible to resolve a number of urgent problems of development of TV/radio informational market of Ukraine, define the rights and duties of the interested parts and consumers on this market.