



THE LAW OF UKRAINE

On Television and Radio Broadcasting

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No 198/95 - VR of 02.06.95, OJVR, 1996, No 5, p. 18
No 70/97 - VR of 14.02.97, OJVR, 1997, No 15, p.115
No 595/97 - VR of 22.10.97, OJVR, 1998, No 2, p. 6
No 196/98 - VR of 05.03.98, OJVR, 1998, No 34, p.233
No 193-XIV (193-14) of 20.10.98, OJVR, 1998, No 49, p.302
No 998-XIV (998-14) of 16.07.99, OJVR, 1999, No 41, p.373
No 1642-III (1642-14) of 06.04.2000, OJVR, 2000, No 27, p.213
No 1709-III (1709-14) of 11.05.2000, OJVR, 2000, No 32, p.257
No 2680-III (2680-14) of 13.09.2001, OJVR, 2002, No 2, p.5
No 2921-III (2921-14) of 10.01.2002, OJVR, 2002, No 16, p.114
No 744-IV (744-15) of 15.05.2003, OJVR, 2003, No 29, p.234
No 762-IV (762-15) of 15.05.2003, OJVR, 2003, No 30, p.247
No 871-IV (871-15) of 22.05.2003, OJVR, 2003, No 37, p.303
No 1294-IV (1294-15) of 20.11.2003, OJVR, 2004, No 13, p.181
No 1407-IV (1407-15) of 03.02.2004, OJVR, 2004, No 16, p.238
No 2810-IV (2810-15) of 06.09.2005, OJVR, 2005, No 49, p.518
No 3099-IV (3099-15) of 17.11.2005, OJVR, 2005, No 52, p.566
No 3253-IV (3253-15) of 21.12.2005, OJVR, 2006, No 5-6, p.75)

(In wording of the Law
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This Law in accordance with the Constitution of Ukraine (254к/96-VR) and the law of Ukraine "On Information" (2657-12) regulates relations, arising in the sphere of TV and broadcasting on the territory of Ukraine, determines legal, economical, social, organizational conditions of their functioning, aimed at the realization of freedom of speech, rights of citizens to be given complete, reliable and efficient information, rights to debate public questions openly and freely.

Title I

GENERAL PROVISIONS

Article 1. Definition of terms.

1. For the purpose of this Law the following definitions shall apply:

- audiovisual information means any type of signals perceived by visual and auditory receptors of a person and identified as the data about events, facts, phenomena, processes, personal information, and also comments (ideas) about these being transmitted by using pictures and sounds;
- audiovisual creative product means a part of a TV and radio program which is an object of the copyright, has a certain length, title and own concept, consists of episodes or integral authors' works combined together by a common creative project and with the help of audiovisual appliances, and is the result of joint authors', performers' and producers' activities;
- audiovisual (electronic) mass communication media means an agency which gives for mass consumers' reception the audiovisual information transmitted in the form of electric signals and accepted by means of household electronic devices;
- multi-channel television network (radio or cable) means a telecommunication network of common usage intended for transfers of broadcasting programs, and also for rendering other telecommunication and multimedia services. It is capable to provide simultaneous broadcasting of more than one broadcasting program and it can be integrated with other telecommunication networks of common usage;
- house distributive network means a telecommunication network, intended for a distribution of broadcasting programs to separate rooms (apartments) of the house and which is one of internal communications of the house and is not a part of multi-channel television networks;
- own product of the broadcasting organization means programs and broadcasts; their parts which are entirely or partially created and/whether are financed by the broadcasting organization;
- proprietor of the broadcasting organization means the physical or legal person, who has got the property right to the broadcasting organization or to a part of its authorized capital by establishing or by any other legal way;
- public broadcasting organizations mean those ones, which, according to the law, are non-profitable organizations, created with the purpose of satisfaction of information needs of territorial communities;
- state broadcasting organizations mean the broadcasting organizations which are the state enterprises and are founded by the bodies of the government;
- broadcasting hours means a time interval, during which, in accordance with the Licence for broadcast, a broadcasting organization, carries out the broadcasting of programs and broadcasts;
- TV channel means a certain strip of frequencies intended for the requirements of TV and mentioned in the Plan of the use of radio-frequency resource of Ukraine;
- broadcasting channel means a set of technical means of broadcasting (cable, optical, radio communication), intended for distribution of broadcasting programs to the territory, which is specified by the parameters of means which provide broadcasting of one program in real time;
- broadcasting channel of a multi-channel television network means a part of the resource of multi-channel television network which provides broadcasting of one program (one television flow) in real time;
- municipal broadcasting organizations means broadcasting organizations, which are created by bodies of local self-management with the help (assistance) of a territorial community in the order, that is established by the law. There is not less than a half of shares or parts of their authorized capital which are in the municipal property;
- competitive guarantee means a monetary payment, established by the National Council of Ukraine concerning TV and broadcasting, which confirms the intentions and obligations of the participant of competition on receiving licences;
- licence for broadcasting means the document of the state sample, which is given out by the National Council of Ukraine concerning TV and broadcastings and confirms the right of the licensee in accordance with licence standards as to carry out the broadcasting, to use broadcast channels, broadcast networks, the channels of multi-channel TV networks;
- licence of program service provider means a document of the state sample which is given out by the National Council of Ukraine concerning TV and broadcasting and confirms the right of a licensee to render program services using the resource of multi-channel television networks;

- licence requirements means qualifying, organizational, technical, technological, financial and economic, special requirements to broadcasting organizations aiming to receive a broadcasting licence;

- a licensee (the owner of the licence) means a legal or physical person, to whom the National Council of Ukraine concerning TV and broadcasting has given out a corresponding licence;

- licensing of broadcasting means issue, prolongation, re-licensing, cancellation of licences for broadcast, carrying on licence affairs and conducting licence registers, control over licensees' observance of licence standards and conditions of the licence, issuing of orders as to elimination of infringements of licence conditions and conditions of the licence, and also the orders as to elimination of legislation infringements in the sphere of broadcasting licensing;

- logotype (the company's logo, the trademark) means any combination of symbols (words, letters, figures, graphic elements, colours combination) which are suitable for distinguishing of programs or broadcasts of one broadcasting organization from another;

- broadcasting means creation of a complete set and/or package and distribution of programs, TV packages, broadcasting programs with use of television facilities (technical means of telecommunications) for public reception by means of household TV and/or radio receivers in the open way for subscriber's payment on contractual bases;

- broadcaster means the subject of managing, who creates (completes and/or packages) television or radio programs and transmits and distributes them in the open or coded way with the help of technical means by broadcasting and relay for reception by consumers;

- broadcast network means a set of broadcast channels determined by the licence for broadcasting, broadcast channels, television networks, radio frequencies, satellites, which are used by the broadcaster for distribution of TV or radio programs and broadcasts;

- national audiovisual product means programs, films, the audiovisual products produced by physical or legal persons of Ukraine;

- operator of a multi-channel television network means a subject of managing (a legal or physical person) which runs the service and operation of a multi-channel television network in accordance with the requirements of the Law of Ukraine "On Telecommunications" (1280-15), having no right of rendering a program (information) service;

- program package means a list of broadcasting programs, which a provider of the program service offers to subscribers on a contract basis as a complete information service;

- broadcast means logically completed part of a program (broadcasting program) which has a corresponding title, time, the author's mark and can be used irrespective of other parts of the program and is considered a complete information product;

- provider of program service means the subject of managing, which on the basis of the licence which has been given out by the National Council of Ukraine concerning TV and broadcasting, on a contract basis gives to the subscribers an opportunity of viewing program packages, using for transmission of these programs resources of multi-channel television networks;

- wire network means a complex of combined in a uniform technological process of constructions and technical facilities, intended for broadcasting of one or several radio programs in an artificial closed environment (wire);

- program (broadcasting program) means a set of broadcasts (TV broadcasts) incorporated by a uniform creative concept, which has a permanent name and is broadcasted by broadcasting organization on a certain broadcasting net;

- program service means formation of software packages and providing subscribers an opportunity of their watching on contractual bases;

- program concept of broadcasting means a compulsory addition to the licences for broadcasting by which broadcast content features are defined in accordance with the requirements of this Law;

- live broadcasting means immediate broadcasting of a television or radio programs without preliminary recording and editing;

- relay means the reception and simultaneous transfer, irrespective of used technical facilities, full and permanent broadcasting programs or important parts of such programs, which are broadcasted by the broadcaster;

- schedule of broadcasting of broadcasting organizations means an open information of broadcasting organizations to which the copyright does not extend, about sequences of televising items and timing of TV transmissions during a certain fixed time interval;
- broadcast network means a document which contains a list, sequence, title, time of televising of broadcasting programs, TV or radio broadcasts and reflects basic tendency of the program concept of broadcasting for a certain period of time;
- system of collective reception means a complex of equipment, which provides within the limits of one house an opportunity of reception of broadcasting programs by means of household reception facilities without restriction of an opportunity to choose programs, without any right of the following distribution of these programs and receiving of subscriber's payment;
- social broadcasting means broadcasts or programs of training, educational, and reference character, programs for the blind, the deaf, people with hearing disabilities, and also programs and broadcasts about problems of ecological education;
- subject of an information activity means legal persons, which carry out economic activities in TV and broadcasting spheres (broadcasting organizations, providers of program service, etc.);
- public TV and broadcasting of Ukraine means the organizational and legal form of non-commercial TV and broadcasting which bases of activity are determined by the Law of Ukraine "On System of Public TV and Broadcasting of Ukraine" (485/97- VR);
- sponsorship means participation of a physical or legal person in direct or pass-through financing of programs with the purpose of assistance to popularization of name, company name, trade mark or image of this person;
- production studio (an independent producer) means a subject dealing with producing (issuing) films, commercial programs, separate TV and/or broadcasts or programs;
- sublease of a broadcasting channel means legally issued or hidden concession of the licensed channel (time) of broadcast to other legal or physical person, including not provided by conditions of the licence (the program concept of the broadcast) regular relay of programs and broadcasts of other broadcasting organizations;
- TV means a production of audiovisual programs and broadcasts or packaging of available audiovisual programs and broadcast and their distribution irrespective of means of distribution;
- broadcasting organization means registered in established by the legislation order a legal person, which on the basis of issued by the National Council of Ukraine concerning TV and broadcasting licences for broadcasting creates or completes and/or packages broadcasting programs and/or transmits and distributes them with the help of technical means of broadcasting;
- broadcasting journalist means regular or freelance creative worker of a broadcasting organization, who professionally collects, receives, creates and prepares some information for distribution;
- broadcasting worker means a regular or non-staff worker of the broadcasting organization, which by the type of his/her professional activity and according to official duties takes part in creation and distribution (circulation) of broadcasting programs and broadcasts;
- technical means of broadcasting means a set of radio-electronic facilities (equipment) and technical devices, by means of which programs and broadcasts are transmitted to consumers;
- broadcasting means initial transfer, which is carried out by ground transmitters, by cable TV or satellites of any type in coded or open kind of television or radio programs which are received by population;
- licence conditions mean specified by the licence for broadcasting and the licence annex organizational, technological and content characteristics of the broadcast, and also organizational-technical, financial, investment liabilities of the organization-licensee;
- universal program service means compulsory provision to subscriber's of an opportunity of viewing of program package within the programs of broadcasting organizations which in accordance with the licences maintain the ground-based broadcasting over the territory of location of the corresponding multi-channel television network, except for cases of statement by subscribers of individual acceptance devices or systems.

Article 2. The scope of the Law

1. Action of this Law extends on the relations between the subjects of activity in the field of TV and broadcasting irrespective of their patterns of ownership, the purpose of establishment, kind of authorized activity, and also of the way of circulation of broadcasting programs and broadcasts, intended for mass reception by consumers.

2. Concerning organizations which are outside the country and act in accordance with the legislation of other states, this Law is applied exclusively regarding to the regulation of the order of the circulation of their programs and broadcasts on the territory of Ukraine, if another is not supposed the international agreements, the consent on which compulsion it is given by the Verkhovna Rada of Ukraine.

3. Action of this Law does not extend on attitudes which adjust bases of creation and activity of technological television networks and cable networks of the closed type and the special purpose, not calculated on mass reception of their transfers.

Article 3. The legislation on TV and broadcasting

1. The legislation of Ukraine on TV and broadcasting consists of the Constitution of Ukraine (254к/96- VR), the Law of Ukraine “On Information” (2657-12), this Law, laws of Ukraine “On System of Public TV and Broadcasting of Ukraine” (485/97- VR), “On the National Council of Ukraine Concerning TV and Broadcasting” (538/97- VR), “On Telecommunications” (1280-15), “On Radio-Frequency Resource of Ukraine” (1770-14), international Contracts, the consent to which compulsion is given by the Verkhovna Rada of Ukraine.

Article 4. Main principles of the state policy in the sphere of TV and broadcasting

1. The state pursues a policy of protectionism as to distributions of programs and transfers of domestic production.

2. The state creates conditions for maintenance with means of broadcasting of cultural and informational requirements of the citizens of Ukraine, and also needs the ethnic Ukrainian people living beyond the borders of Ukraine.

3. The state supports association of subjects information activity in the field of TV and broadcasting (broadcasting organizations and providers of program service) in self-copying organizations.

4. The state does not make obstacles to direct reception television and radio programs and transfers from other countries which are broadcasted by a language of national minorities or by a similar to this regional language.

5. The state establishes operating restrictions concerning monopolization broadcasting organizations industrially-financial, political and others groups or separate persons, and also guarantees protection of broadcasting organizations from financial and political pressure from financial-political groups and bodies of the government and institutions of local self-government.

6. The state guarantees the realization of rights as to information, free and open discussion of socially important problems with statement TV and broadcasting.

7. The state, using all possible lawful means, does not let any opportunity regular purposeful groundless aggravation paying attention to war, violence over cruelty, kindling racial, national and religious hostility or their positive coverage interpretation in informational and other broadcasting programs), and also provides ideological and political pluralism in sphere of audiovisual mass media.

8. The state legislatively defines authorities which carry out registration and adjusting functions in the field of broadcasting and does not let way to create new or invest the existing state structures to be identical or duplicating powers concerning audiovisual mass media.

9. Double licensing of one and the same kind of activity is forbidden in the field of TV and broadcasting.

Article 5. Guarantees of will activity of broadcasting organizations

1. Censorship of information work of broadcasting organizations is forbidden.

2. Broadcasting organization is independent in the definition of contents programs and broadcasts.

3. Not motivated by the legislation of Ukraine interference of the government organs or institutions of local self-government, public religious associations, their officials or workers, and also proprietors in the sphere of professional work of the broadcasting organizations is forbidden.

Article 6. Inadmissibility of broadcasting organizations' freedom activity abuse

1. The broadcasting organizations in information blocks are to give information on the officially in any way declared position of all political forces presented by authorities.

2. Use of broadcasting organizations is forbidden for:

distribution of data which composes the state secret or other information protected by the law;

appeals to violent changes of the constitutional form in Ukraine;

appeals to unleash wars, aggressive actions or their propaganda;

unreasonable display of violence;

propaganda of exclusiveness, disdain or inferiority of persons on the basis of their religious beliefs, ideology, their nationality or race, physical state or property, social origin;

broadcasting of programs or their parts which can inflict damage on physical, mental or moral development of children and teenagers if they have their opportunity to watch;

distribution and advertising of pornographic materials and articles;

popularization of drugs, psychotropic substances with any purpose of their use;

distribution of information which breaks legitimate rights and interests of physical and legal persons, encroaches on a person's honour and dignity;

realization of other acts for which criminal responsibility is to be done.

3. Use in programs and broadcast is forbidden in programs of TV and radio hidden inserts which influence the subconscious and/or make harmful influence on health.

4. Data on every individual program or broadcast must contain names of an author or authors, a name and an address of a program body maker.

5. The responsibility for content of programs and broadcasting is carried by the head of the broadcasting organization or an author (authors) of the program and/or broadcasting.

6. In cases stipulated by the legislation of Ukraine, other persons can bear the responsibility for the content of separate transfers.

Article 7. The government and regulations in the sphere of broadcasting

1. The Verkhovna Rada of Ukraine defines the state policy as to TV and broadcasting, legislative bases of its realization, guarantees of a social and legal protection of workers in this sphere.

2. The Cabinet of Ministry of Ukraine provides realization of the state politics concerning TV and broadcasting, coordinates the activity of ministries and other central organs of state executive authorities in this sphere.

3. The only body of state regulation of activity in the TV and broadcasting sphere irrespective of a way of distribution of broadcasting programs and broadcastings is the National Council of Ukraine as to TV and broadcasting (further – the National Council) - special constitutional, constantly operating no departmental state organ.

4. Legal bases of formation and activity, status, competence, powers, functions of the National Council and their order realization are defined by the Law of Ukraine "On the National Council of Ukraine on Television and Broadcasting" (538/97-VR).

5. State regulation national broadcasting information spaces is carried out according to the Plan for development of national broadcasting information space which develops and approves the National Council in accordance with the laws of Ukraine principles, tasks and priorities.

6. Powers of other bodies of the government and bodies of local self-government in the sphere of TV and broadcasting are defined by the legislation of Ukraine on TV and broadcasting.

Article 8. Protection of economic competition in the sphere of broadcasting

1. Norms of this Law, and also the legal certificates which have been given out on its performance, cannot be treated as restriction of requirements of the Law of Ukraine "On Protection of Economic Competition" (2210-14). In particular, any physical or legal person has no right to supervise in any way through influence on formation of administrative and/or more than 35 % supervising bodies of the broadcasting organizations of total amounts corresponding territorial the broadcasting information market - national, regional or local.

2. The control over observance by subjects of informational activity of the legislation on protection of economic competition and no admission by them of unfair competition is carried out accordingly to the power bodies of the Antimonopoly Committee of Ukraine.

3. One subject of managing can have only one licence on a ground radio transmission in each territorial segment broadcasting information market - national (on all the territory of Ukraine), regional (on separate region, area), local (on separate settlement or group of settlements, which can be considered as compact territorial formation).

4. Statement of dumping tariffs for advertising is forbidden and granting of services.

5. Other restrictions concerning economic competition in the sphere of broadcasting broadcast are established by the antimonopoly law of Ukraine.

Article 9. Protection of interests of the state and national broadcasting production

1. In total amount of transmission of each broadcasting organization it is not less 50 % can make national audiovisual product or pieces of music of the Ukrainian authors or executors.

2. At carrying out of competitions on licensing for transmission of the National Council is guided by the necessity of maintenance information needs of citizens, protection of interests of the state, national speakers, development of national base of TV and broadcast. Proceeding from these priorities the National Council defines on competitive conditions corresponding requirements to the program concept of language.

Article 10. The use of languages in an information work the broadcasting organizations

1. Broadcasting organizations broadcast in a state language.

2. Broadcasting on the certain regions can be carried out also by a language of national minorities compactly living on a given territory.

3. If a language of the original (or duplications) film and/or other programs (transfer) is not the Ukrainian language, such films and/or programs (transfers) are broadcasted under condition of their sound duplication state language.

4. For a national transmission a part of a broadcasting time, when the transmission is conducted in the Ukrainian language, can make not less 75 % of a total amount of a daily announcement.

5. The transmission for foreign audience is conducted by the Ukrainian language and corresponding foreign languages.

6. Language (languages) of programs and transfers of the broadcasting organization it is defined by conditions of the licence for language.

7. For maintenance of activity of multi-channel television networks these norms are applied regarding the relaying of programs and transfers subjects of managing who have received the licence of the National Council.

Title II

THE STRUCTURE OF NATIONAL TV AND BROADCASTING. ESTABLISHMENT, FINANCING AND MATERIAL BASE OF BROADCASTING ORGANIZATIONS

Article 11. The structure of national TV and broadcasting of Ukraine

1. The structure of national TV and broadcasting of Ukraine includes: state and municipal broadcasting organizations, system of Public TV and broadcasting of Ukraine, private, irrespective of a way of programs' distribution, public and other broadcasting organizations founded according to requirements of legislation in Ukraine.

Article 12. Constituent and authorized documents at establishment of broadcasting organizations

1. Legal persons and citizens of Ukraine unlimited in civil capacity have the right to establish broadcasting organizations.

2. In Ukraine establishment of broadcasting organizations is forbidden:

to organs of government and bodies of local government, if decision as to their creation or position does not provide powers to found broadcasting organizations;

to legal persons whose authorized documents do not provide opportunities to create broadcasting organizations;

to both foreign legal and physical persons and those who are without citizenship;

to political parties, trade-unions, religious organizations and legal persons, which they founded;

to citizens serving their sentence at the places of imprisonment or those, recognized by Court of Justice as incapacitated.

3. Participation of foreign physical and/or legal persons in authorized capital of broadcasting organizations is adjusted by the Economic Code of Ukraine (436-15).

4. Authorized and/or documents of a subject of managing, having the licence for an transmission or applies on reception of such licence, should provide creation in structure of organs of its management of a special supervising organ (editorial council, etc.) a half of structure of which is nominated by founders or proprietors of broadcasting organizations, and half is elected as creative collective body of broadcasting organization.

5. Inobservance of the mentioned above requirements is the basis for non-admission of a certain broadcasting organization to competition on delivery licences for an announcement, refusal to it in delivery and continuation of a licence for announcement.

Article 13. The state broadcasting organizations

1. The Laws of Ukraine define the order of creation of the state broadcasting organizations, the procedure of assignment of their heads, the formation of supervising directing organs.

2. The state broadcasting organizations can be created by organs the government according to their functions and powers. The state broadcasting organizations are the state enterprises.

3. The state broadcasting organizations in their activity follow the Constitution of Ukraine (254к/96-VR), the laws of Ukraine and realize the primary goals defined by this Law.

4. The primary goals of the state broadcasting organizations are:

a) operative informing of viewers and listeners about political and other events in Ukraine and abroad, about extreme events and situations, which can be of any threat to life or health of the population, the notification of communiqués, explanations of decisions of the government organs and institutions of local government;

b) creation and distribution of economical, publicistic, cultural-educational, medical-hygienic, art, educational, entertaining, sports programs, and also programs for children and youths;

c) assistance to strengthening of the international communications of Ukraine, to increase its authority in the world.

5. Financing of the state broadcasting organizations due to means of the State budget of Ukraine it is carried out only through the state order by way of and the forms, defined by the legislation of Ukraine.

6. Organizational-legal status of regional state broadcasting companies can be changed only to the status of public broadcasting companies.

Article 14. The National Television Company of Ukraine and the National Radio Company of Ukraine

1. The National Television Company of Ukraine (NTCU) and the National Radio Company of Ukraine (NRCU) are the state enterprises.

2. In the National Television Company of Ukraine and the National Radio Company of Ukraine public councils operate, having 17 persons in each.

The personal structure of public councils of NTCU and NRCU is affirmed by the Verkhovna Rada of Ukraine: 9 persons - on the representation of deputy fractions in the Verkhovna Rada of Ukraine, 4 persons – on representation of the President of Ukraine and 4 persons - on representation of nationwide associations of citizens which operate in sphere of manufacture and distributions of broadcasting programs.

The status of public NTCU and NRCU councils is defined by the statutes of these broadcasting organizations.

3. Heads of the National Television Company of Ukraine and National Radio Company of Ukraine are appointed to post and are released from post by the President of Ukraine on the representation of the Verkhovna Rada of Ukraine. The nominee on a post of head NTCU (NRCU) defines also brings in the Supreme Rada of Ukraine Public council NTCU (NRCU).

The offer on clearing a post of head of NTCU (NRCU) with corresponding substantiation is done by the Public Council of NTKU (NRCU), which prepares and brings in the Verkhovna Rada of Ukraine.

4. The National Television Company of Ukraine and the National Radio Company of Ukraine have the charters approved by the Law of Ukraine.

5. The National Television Company of Ukraine and the National Radio Company of Ukraine are registered in corresponding territorial authorities, have their presses and are considered to be as subjects of economic and informational work.

6. Organizational-legal status of the National Television Company of Ukraine and the National Radio Company of Ukraine can be changed and taken the status of the Public TV and broadcasting.

Article 15. The broadcasting organization of the Public broadcasting

1. Order of creation, status, activity, order of formation supervising and supervising organs of Public TV and Broadcasting of Ukraine are defined by the Law of Ukraine “On System of Public TV and Broadcasting of Ukraine” (485/97-VR).

Article 16. The municipal broadcasting organizations

1. The municipal broadcasting organizations are created by territorial communities.

2. Decisions on creation and financing of municipal broadcasting organizations is taken by a corresponding institution of local government.

Article 17. The private broadcasting organizations

1. The private broadcasting organizations are created by physical and/or legal persons by way of, according to this Law, the Civil Code of Ukraine (435-15) and the Economic Code of Ukraine (436-15).

Article 18. The public broadcasting organizations

1. The public broadcasting organizations are created by physical and/or legal persons with the purpose of satisfaction of information requirements of territorial communities by way of, defined by this Law, the Civil Code of Ukraine (435-15), the Economic Code of Ukraine (436-15) and the Law of Ukraine “On Association of Citizens” (2460-12).

2. The public broadcasting organizations have no right to be engaged in enterprise activity and carry out only non-commercial economic activities.

3. The public broadcasting organizations have the status of non-profitable organizations.

Article 19. Financing of broadcasting organizations

1. Sources of financing of the broadcasting organizations are budgetary assignments for performance of the state order, subscriber payment, means, received from production and advertising, creation of broadcasting programs to order, another stipulated by the legislation an authorized documents of commercial activity, credits, investments, payments of founders, sponsors, charitable organizations.

2. Any direct budgetary deduction of broadcasting organizations by bodies of the government is forbidden. Payment is supposed due to budgetary funds of the information services given by the broadcasting organizations to authorities and managements according to the legislation of Ukraine.

3. Any direct financing of the broadcasting organizations by political parties, trade unions, and religious organizations is forbidden.

4. Foreign investments as a source of financing broadcasting organizations are supposed by the established way of the legislation of Ukraine and of Article 12 (3) of this Law.

5. Financing of Public TV and broadcasting of Ukraine is carried out according to the Law of Ukraine “On System of Public TV and Broadcasting of Ukraine” (485/97-VR).

Article 20. Material-technical base of the broadcasting organization

1. Material base of the broadcasting organization, providing production of broadcasting programs and programs and their finishing to consumers, can include in structure any technical means of transmission and distributions certificated in Ukraine according to the established order.

2. Means of transmission created (got, constructed) due to the state capital investments, can be given in use of private broadcasting organizations on the basis of corresponding licences for an transmission by way of, stipulated the legislation of Ukraine.

3. Means of transmission can be in the property of broadcasting organizations and to be used for realization of own announcements.

Title III

THE DEVELOPMENT OF THE NATIONAL BROADCASTING INFORMATION AREA, THE BROADCAST LICENSING AND THE STATE REGISTRATION OF INFORMATION ENTITY.

Article 21. The Plan of the National broadcasting information area development.

1. The Plan of the National broadcasting information area development (further on – the Plan of development) is a standard law document, which is worked out by the National Council and approved by its resolution in conformity to the requisition of this law. The Plan of development is the grounds, on which the National Council carries resolutions concerning the creation and development of broadcast channels, broadcast network and TV line systems, which provide the use of radio-frequency resources of Ukraine, specifies the contest terms and announces the vacancy for broadcast licence, specifies licence terms which are licensed according to registration principle.

2. The plan of development consists of two parts:

a) the plan of the use of radiofrequency resources, which is assigned for TV and radio broadcast;

b) main standards, concerning the content and broadcast formats balance in each of territorial segments of broadcasting information area.

3. The Plan of development and any changes as to this plan are approved by the resolution of the National Council in the order, fixed by the Law of Ukraine “On the National Council of TV and Radio Broadcasting” (538/97-VR).

4. The Plan of development is reconsidered not less than once a year according to the results of the National Council Report.

5. The Plan of development drafting order is fixed by the National Council.

6. The Plan of development and changes to it are officially announced by the National Council during a month since the day of passing the resolution.

Article 22. The creation and development of broadcast channels, broadcast network and TV network.

1. Broadcast channels, broadcast network and TV network, which provide the use of radio frequency resources of Ukraine are made up or changed as to their area according to the resolution of the National Council on the grounds of the Plan of the use of radio frequency resources of Ukraine and the Plan of development.

2. On the grounds of the resolution on the establishment of a broadcast channel, broadcast network or multi-channel TV network, which provides the use of radio frequency resources of Ukraine, the National Council appeals to the bodies of radiofrequency planning with the report on the development of conclusions as to electromagnetic compatibility of radioelectronic devices of broadcast in the order, fixed by the Law of Ukraine “On Radio-Frequency Resource of Ukraine ” (1770-14), and after it has drawn these conclusions, it announces the corresponding vacancy for broadcast licence.

3. The technical elaboration of the broadcast channel or broadcast network is made by a TV and radio broadcast company, which obtained a broadcast licence, or managers, appointed by this company according to the Law standards as to telecommunications and radio frequency resources of Ukraine.

4. The order of the technical elaboration of multi-channel TV network is provided by the multi-channel TV network operator according to the standards of the Law on telecommunications and radiofrequency resources.

5. The National Council assists for maximum area coverage with the channels, broadcast networks and TV networks of each kind of area. The extension of the channels, broadcast networks and TV networks within the bounds is fixed by the Licence for transmission given by the National Council and is done on the ground of licensee at the hors concours bases according to the Plan of development.

6. Change of the are category of the channel, broadcast networks, TV network requires the additional licensing of transmission on this channel or on certain TV network channels according to the requirements of this Law.

7. Adoption from the analogue to the digital channel is made according to the Plan of development.

8. The National Council favours the establishment of the digital channel technological transmission and the proper equipment of operating channels and transmission networks. Changes of conditions for transmission when the adoption from the analogue to the digital transmission in the part of changes of technological settings, the way of transmission (adoption from the multi-channel transmission) and adoption of the program conception of transmission are performed according to the defined by this Law procedure of renewal of the licence for transmission.

9. In case the licensee during two months from the time of readiness of the channel or network as to introduction of the digital transmission failed to apply to the National Council the proper for the renewal of the licence, the National Council announces the competition for the reception of the licence for the multi-channel transmission. At the same time the valid licensee has the right to conduct transmission at one of the channels of the new digital multi-channel network.

10. The order of use of the radio-frequent resource for broadcasting needs, guaranteeing of the electromagnetic compatibility, placement and exploitation of the radioelectronic means of transmission are defined by the Law of Ukraine "On Radio-Frequent Resource of Ukraine" (1770-14).

11. The funds for the elaboration of conclusions on the electromagnetic compatibility of the radioelectronic means of transmission, necessary for the stipulated by the Plan of Development, networks of transmission and multi-channel networks, are stipulated in the State budget of Ukraine mentioned in the separate line of the National Council publications.

12. The number of channels, networks of transmission and TV networks, which stipulate use of the radio-frequent resource of Ukraine according to every territorial category, taking into consideration transmission with use of digital technologies, is defined by the National Council.

13. Development of conclusions on the possibility and conditions of use of the radio-frequent resource of Ukraine by the broadcasting organizations is carried out by the defined by the Law organs of the radio-frequent planning only following the order of the National Council.

Article 23. Licensing of transmission.

1. Licensing of transmission is made exclusively by the National Council according to the order and requirements, prescribed by this Law and the Law of Ukraine "On the National Council of Ukraine on TV and Radio Broadcast" (538/97-VR).

2. Licensing of transmission of foreign broadcasting organizations is forbidden.

3. According to the organizational-technological peculiarities of distribution of programs the National Council gives licences for the following kinds of transmission:

satellite;

on-air;

cable;

wire;

multi-channel.

4. Depending on the territory of distribution of programs the territorial category of transmission and the territorial category of channel of transmission or multi-channel network are defined:

national transmission – is the transmission not less than for the two thirds of the population of every region of Ukraine;

regional transmission – is the transmission distributed for the region (oblast, some adjoining oblasts), but less than a half of regions of Ukraine;

local transmission – is the transmission for one ore some adjoining settlements, which distributes on no more than a half of the territory ob an oblast;

abroad transmission – is the transmission distributed on the territory beyond the borders of Ukraine.

5. Digital transmission with use of the radio-frequent resource of Ukraine is licensed as the multi-channel transmission.

6. Licensing for transmission is held on the competition bases (following the results of open competitions) or hors concours (on the principle of statements) in cases, stipulated by this Law.

7. On the competition bases licensing is held for:

on-air transmission;

multi-channel transmission with the radio-frequent resource use.

8. In case of hors concours the licensing is held for:

satellite transmission;

cable transmission;

wire transmission;

on-air transmission at the channel of transmission of the multi-channel on-air TV network in the case;

on-air transmission at the transmission channel of the multi-channel on-air TV network in the case, stipulated by Article 22 (9) of this Law.

9. The Licence for transmission, given by the National Council, is the only and sufficient document, which gives a licensee the right according to the terms to transmit, to make use of the channels of transmission on condition that the owners have the radioelectronic means, stipulated by the Law on permits for their exploitation.

Article 24. Application for the issue (extension) of the licence for transmission

1. The juridical person (subject of economic player), who has for an object to get (extend) the licence for transmission, hands in a statement to the National Council on the issue (extension) of the licence according to the set form.

2. In the statement the following data should be given:

a) data on the founder (founders) and the owner (owners) of the broadcasting organization (for the juridical persons – name, juridical address, bank details, and for the physical person – surname, name, patronymic, date of birth, citizenship, address) and data on distribution of parts of the statutory fund; for the joint-stock company – a complete list of shareholders, who possess shareholdings more than 5%;

b) data on the personnel of leading and inspecting organs of the broadcasting organizations: the head of organization, staff of the council of directors, staff of the inspecting council (for every person – surname, name, patronymic, date of birth, citizenship, address);

c) name of the organization, its juridical address, bank details, contact telephones and other reference data (logo, call signs, emblem, etc.);

d) type of transmission under the requirements of Article 23 of this Law;

e) the stipulated territory of distribution of programs under the requirements of Article 23 of this Law;

f) the order of consideration – on condition of competition as to be given a licence or on the priority competition basis under the requirements of Articles 22 and 25 of this Law and the decision of the National Council;

g) characteristics of the channel of transmission, network of transmission, multi-channel TV network;

for earth and network transmission – frequency (frequencies), location and power of a transmitter (transmitters), a coverage area of the signal reception;

for the satellite transmission - data on the parameters of the satellite channel of transmission and the territory of distribution;

for transmission of the multi-channel networks and multi-channel transmission – operator of telecommunications, who does maintenance and exploitation of the telenetwork, location of the main station and exploitation of the telenetwork, maximal number of channels (resource) of the multi-channel network, location (reception) territory of the multi-channel network;

- h) periodicity, time, volumes and network of transmission;
- i) language (languages), which is (are) used at programmes;
- j) number of households at the stipulated territory of transmission of programmes;

3. The teleorganizations applies to the statement on licensing (extension) the licence the following:

copies of approved in the defined order the installation and statute documents of the teleorganizations as a subject of management;

a copy of the certificate on registration of the teleorganizations as the subject of the informational activity (in case of its presence);

an approximate staff list of the broadcasting organization;

the programme conception of transmission under the requirements of Article 28 of this Law;

- 4. If there is ramified system, the major number of transmitters, other reference data the teleorganizations put them on the separate blanks as the appendix for the statement;
- 5. For guaranteeing the following of the defined by the Law of the antimonopoly restrictions and the restrictions on the part of foreign owners in the statutory fund of the teleorganizations the National Council has powers to:

additionally ask for and take from the broadcasting organization information on division of parts of the statutory funds of juridical persons, who are its founders or owners, first of all by the shareholders;

ask for the conclusion of the organs of the Antimonopoly Committee of Ukraine on monopolization or cardinal limitation of competition at the informational sphere.

6. Demands of other types of documents for licensing (extension) are forbidden.

7. If licensing is held according to the registration principle in order of the priority

decision, the statement as to licensing for transmission is examined and the consideration on it is taken during a month from the day of the statement's appearance at the National Council with the obligatory notice on this decision.

8. At holding of the competition as to licensing consideration of statements on licensing is held under Articles 25 and 26 of this Law;

9. Consideration of statements on extension of the licence is held under Article 33 of this Law;

10. The National Council can leave the statement on licensing (extension) without any consideration under the requirements of Article 29 of this Law.

11. According to the results of the statement, the National Council decides to licence (extend) or refuse on licensing (extension) under the requirements of this Law.

Article 25. Competition on reception of the licence for transmission

1. By results of the open competitions delivery for transmission licences is carried out, connected with use radio-frequency resource, and also transmission at free channels of multi-channel networks.

2. Competition on reception of the licence is initiated, transmitted and conducted by the National Council. The National Council can initiate carrying out of competition behind own initiative or according to corresponding reference of a broadcasting organization.

3. The National Council declares competition on reception of the licence at presence of free channels of transmission, networks of transmission, free time on channels (networks) of transmission, and also in cases, if:

a) conclusions about opportunities and conditions of use are received radio frequencies allocated for requirements of broadcasting broadcasting, on which yet there were transmissions, and corresponding conclusions concerning electromagnetic compatibilities of radio-electronic means of transmission;

b) previous licensee 180 days prior to the termination of validity licences has not submitted the statement to the National Council on its continuation or the National Council has given up to this licensee during the licence by way of, stipulated by this Law;

c) licence of the previous licensee is cancelled according to the requirements of this Law;

d) licence of the winner of previous competition has not got actions in connection with non-payment by it during a certain period licence gathering according to requirements of this Law.

4. Competition on reception of a licence is announced by the decision the National Council. The message on carrying out competition which list is published in mass media, is defined by the National Council, not later than 60 days prior to the terminations of term of submission of statements on licensing.

5. In the message are specified:

a) deadline of submission of statements on licensing, including repeated submission, after elimination of the reasons that have left the statement without considerations in accordance with the requirements of Article 24 of this Law;

b) deadlines of summarizing competition, which not should exceed 60 days after the end of reception of statements on licensing;

c) brief data on the channel of transmission, network of transmission and the channel (channels) of a multi-channel television network, with which use transmission is carried out;

d) competitive conditions and deadlines of their performance;

e) features of transmission on a channel, in a network of transmission or on a channel (channels) of a multi-channel television network;

f) the maximal size of licence gathering;

g) competitive guarantee;

h) limiting volume of transmission;

i) an address to which statements on licensing should be submitted.

6. To participation in competition legal persons, who submitted to the National Council their statement for issuance of a licence for transmission and other documents according to requirements of Article 24 of this Law.

7. To participation in competition are forbidden:

legal persons, whose statements were left without consideration according to Article 29 of this Law;

legal persons who do not meet the requirements of Article 12 of the law concerning establishment of broadcasting organizations, a part of property of foreign physical and legal persons in joint-stock or authorized fund of a broadcasting organization and constituent and authorized documents of broadcasting organizations.

8. The National Council makes a motivated decision on non-admission of a person to competition and has to inform him/her about it during the 30 days' period after the reception of the corresponding statement. This decision can be appealed against in legal form.

9. If during the appointed term no statement appeared on issuing a licence, the National Council can prolong the deadline term of accepting statements, postpone the implementation of the competition for a certain term, change competitive conditions, stop implementation of the competition.

10. Presence of a statement of the only one claimant gives no grounds to continue the deadline of reception of statements, to postpone carrying out of a competition for a certain term, to change competitive conditions, to stop carrying out of the competition.

11. Competitive conditions are defined by the National Council before the announcements of a competition and are approved by an additional decision of the National Council.

12. Competitive conditions include:

- a) licence conditions for a corresponding kind of transmission;
- b) requirements to a program concept of transmission;
- c) requirements as to organizational-technical, financial and investment obligations of the future licensee.

13. Decision on the winner of competition and on licensing is accepted by the National Council in a month after end of reception of statements on of the licence receipt.

14. By consideration of statements the National Council prefers to a broadcasting organization, which:

- a) is capable to provide performance of competitive conditions in the best way;
- b) prefers to socially important programs (informational, socio-political, programs for children, etc.), satisfies the informational requirements of national minorities and provides freedom of speech;
- c) has an advantage in financial and economic and professional and technical opportunities of broadcasting broadcasting.

15. Following the principles of activity of broadcasting organizations, defined by this Law, the National Council can expand the list of criteria under condition of their public transmission before each competition.

16. During five working days, after legal registrations of results of a competition, the National Council informs in written form applicants about the accepted decision (the copy of the decision either is sent or handed).

17. Licence for transmission is executed and handed out to that broadcasting organization, which won the competition, during 10 days after the payment of monetary (licence) gathering by it, which is confirmed by a proper document of the body of State Exchequer of Ukraine, if the payment was carried out during a month after the date of decision-taking on licensing.

18. Conditions of a licence for announcement, received by results of the competition, are defined by the National Council in coordination with the future licensee accordingly competitive conditions and declared the licensee of characteristics of an transmission and obligations. After the end of competition the broadcasting organization-winner can incur additional obligations which are also made out as a condition of the licence.

19. The National Council can involve official state institutions, the non-governmental organizations and associations of citizens for granting expert conclusions concerning opportunities of applicants. These conclusions have a recommendatory character for the National Council.

Article 26. Competitive guarantee

1. For confirmation of intentions and obligations concerning own offers to competition on reception of a licence, an applicant does some monetary contribution as a competitive guarantee.

2. Competitive guarantee is an obligatory condition for participation in a competition. The size of a monetary contribution as a competitive guarantee is provided by the decision of the National Council on condition that it does not exceed 10 % of the declared maximal size of licence gathering.

3. The monetary payment as a competitive guarantee is enlisted to the winner of competition on reception of the licence in a total sum licence gathering. A monetary payment of other participants which did not become winners of competition is enlisted in the state budget.

Article 27. The licence for announcement

1. The licence for transmission stands out not later than in the ten-day term after acceptance by the National Council of the decision about licensing under condition of payment of licence gathering and it is the only lawful basis on the right for transmission.

2. The form of licence for announcements is established by the National Council in accordance with the requirements of this Law.

3. In the licence for transmission are specified:

a) the name of broadcasting organization, its requisites and other initial data (logo, call sign, emblem, etc.);

b) location, the legal and actual addresses of organization;

c) a kind of transmission and territory of distribution of programs according to addition to the licence;

d) general characteristics of the channel of transmission, network of transmission, multi-channel television network (for multi-channel television networks the operator of telecommunications is mentioned);

e) periodicity, time, scope and a grid of transmission;

f) language (languages) by which (which) broadcast will be conducted;

g) date of finding by the licence of action;

h) validity of the licence.

4. Obligatory appendices to the licence for transmission are:

the program concept of transmission;

organizational-technical, financial, investment obligations, taken by the organization-licensee during competitive selection or the time of consideration of its statement by the National Council at reception of the licence on the hors concours bases;

detailed characteristics of the channel of transmission, network of transmission, multi-channel television network: frequency (frequencies), a site and capacity of the transmitter (transmitters), territory of distribution programs, a site of the main station of a multi-channel television network, a maximum quantity of channels (resource) of a multi-channel television network, territory of an arrangement (reception) of a multi-channel network;

data on proprietors (co-owners) the organizations-licensees and distribution of parts of its authorised capital for joint-stock company - the full list of shareholders which own share holdings more than five percent;

data on controls of the organization-licensee:

the head of the organization, members of controls of the organization- boards, board of directors, supervising council, etc. (for each person - a surname, a name, a patronymic, a date of birth, citizenship, the address).

5. Certain by the licence for transmission and additions to the licence organizational, technological and substantial characteristics of transmission, and also organizational-technical, financial, investment obligations of the licensee make conditions of the licence for transmission.

6. Conditions of the licence are defined by the National Council according to the coordination with applicants for reception of a licence by way of, stipulated by this Law, and also affirm the decision of the National Council.

7. The licensee is obliged to satisfy conditions of the licence.

The National Council supervises the performance by licensees of conditions of the licence, and in case of their infringement - applies penal sanctions accordingly requirements of this Law.

Article 28. The program concept of transmission of the broadcasting organization

1. Requirements to the program concept of transmission of broadcasting organizations are defined by the National Council in accordance with this Law.

2. The program concept of transmission of the broadcasting organization defines:

a part of programs of own production;

a minimal part of the national audiovisual product;

a maximal part of audiovisual production of foreign production;

maximal volumes of relaying and a rough list (accordingly to genres) programs and broadcastings, which are supposed to be relayed;

genre distribution of programs and broadcastings.

3. The basis of a program concept of transmission of the broadcasting organization should make such transfers:

information-analytical and publicistic;

cultural-art;

scientifically-educational;

entertaining.

4. Licensees (except for a satellite transmission) in time intervals between 07.00 a.m. and 23.00 p.m. should adhere to the following proportions between the Ukrainian and foreign programs:

programs of the European manufacture should make not less 80 percent, including not less than 50 % - programs the Ukrainian manufacture;

in radio programs pieces of music of the Ukrainian authors and executors should make not less than 50 % of the general weekly volume of transmission.

5. Licensee has no right to distribute programs capable to influence normal physical, intellectual or moral development of children and youth, and program which contain episodes which cause horror, stages of murder, violence (physical or psychological), scenes, turned to sexual instincts.

6. Text support cannot contain brutal words, expressions and etc. Conditions of this item do not extend on code systems of a multi-channel transmission

7. The program concept of a multi-channel transmission defines:

a list of programs which are given in the fixed package, including own programs of the licensee and the programs of other broadcasting organizations;

conditions of distribution of each program - in the open or coded kind;

program concepts of transmission on each of own programs of the licensee according to the requirements of the second and third parts this article.

8. The licensee is obliged to adhere certain program concepts of announcement.

9. Changes in the program concept of transmission are made according to the order, stipulated by this Law.

Article 29. Dereliction of statement on licensing for transmission without consideration

1. Statement for licensing for transmission remains without considerations, if:

a) statement is presented (signed) by a person who has no powers on it;

b) statement is presented with infringements of requirements of Article 24 of this Law;

c) a licence was earlier given to a broadcasting organization with the same name and on the same territory of transmission.

2. About dereliction of statements without consideration the applicant is informed in written form with the given list of reasons during seven working days after the registration of statement.

3. After elimination of reasons which were the basis for dereliction of statement without consideration, the statement is examined during the terms established by this Law.

4. If the reasons, which were the basis for dereliction of the complication without considerations, have been eliminated to end of term of submission of statements for participations in competition on reception of licences, the broadcasting organization is permitted to participate in the competition.

Article 30. Refusal in licensing for transmission

1. When carrying out competition on licensing for transmission as the basis for refusal in licensing is a victory of another applicant by results of competitive selection.

2. By consideration of the statement on licensing for the hors concours bases the National Council can stop licensing, if:

a) the organization-applicant does not meet licence requirements on to a declared kind of transmission, including stipulated by Article 12 of this the law to requirements concerning establishment of the broadcasting organizations, restriction of a part of the property of foreign physical and legal persons in joint-stock or authorised fund of the broadcasting organization, and also to constituent authorized documents of the broadcasting organization;

b) the data specified in the statement at the moment of its consideration do not correspond to the validity;

c) the statement is presented to the termination of one year from the date of acceptance decisions on cancellation of the licence of the broadcasting organization-applicant;

d) the applicant does not have opportunities (economic, financial, technical) to carry out transmission with declared characteristics.

3. The decision on refusal in licensing for transmission is accepted by the National Council by results of consideration of the statement and during five working days after legal registration of this decision is sent to the applicant in writing with the given bases of refusal.

4. The decision on refusal in licensing can be appealed against in legal form during a month.

Article 31. Payment for delivery, continuation, renewal and delivery of duplicate of licence for transmission

1. For delivery and continuation of validity of licences for transmission the broadcasting organizations pay licence gathering.

2. The technique of calculations of the sizes of licence gathering is developed and affirmed by the National Council in coordination with the Ministry of Finance of Ukraine.

3. Licence gathering is listed in the State budget of Ukraine. The order of payment of licence gathering is defined by the National Council according to requirements of this Law. Licence gathering is paid by the applicant in continuation of month from the date of acceptance by the National Council the decision on licensing, if the National Council has not provided another order of payment of licence gathering.

4. For renewal of a licence for transmission on delivery a duplicate of the licence for transmission the payment at a rate of not taxed five minimal incomes of citizens is carried out

5. For renewal of the licence for transmission in connection with transition from the analogue to the digital transmission payment is carried out at a rate of the licence gathering stipulated for delivery corresponding licences for a multi-channel transmission.

Article 32. Licensing for a transmission

1. The decision on licensing for transmission is adopted by the National Council simultaneously with the decision as to the winner of competition on the licence reception.
2. By hors concours consideration of the statement for licensing on the transmission the National Council makes a decision on licensing or refusal in licensing according to the requirements of Article 30 of this the law.
3. The licence for transmission stands out to the applicant on the basis of decisions of the National Council on licensing not later than in the ten-day term after entering licence gathering by it, which proves to be true the corresponding document of body State Exchequers of Ukraine. In case the National Council has accepted the decision on other order of payment of licence gathering, the licence stands out to the applicant not later than in the 30-days term after decision-making on licensing for transmission.

Article 33. Prolongation of validity of licence for transmission

1. Each licensee has the right to prolongation of validity licences for transmission.
2. For validity prolongation of the licence for transmission it is necessary not earlier than 210 days and not later than 180 days up to the terminations of validity of the licence to submit to the National Council the statement on prolongation of the licence for transmission according to the requirements of Article 24 of this Law. The statement for prolongation of validity of the licence, presented earlier than 210 days prior to the termination of validity of the licence, the National Council returns to the licensee without consideration during five working days from the date of its receipt.
3. The statement for prolongation of validity of the licence for transmission the decision concerning it is considered also is accepted not later than 60 days to the termination of validity of the licence.
4. By results of consideration of statement the National Council accepts the decision on prolongation of validity of the licence for transmission or about refusal in prolongation of validity of the licence. During five working days after acceptance of the corresponding decision the National Council in writing informs the applicant on results of consideration of its statement. The copy of the decision is sent or stands out. In the decision on refusal in prolongation of validity of the licence the National Council defines the bases of acceptance of such decision according to the requirements of the seventh paragraph of this article.
5. At the time of consideration of the statement and decision-making on prolongation action of the licence for transmission the National Council cannot change conditions of the licence, except for cases when:
 - upon termination of validity of the licence there is a transition from analogue to a digital transmission by way of, stipulated by Article 22 of this Law;
 - necessity of change of characteristics of transmission caused by entering of respective alterations into the National table of distribution of strips radio frequencies of Ukraine and/or the Plan of use radio-frequency resource of Ukraine;
 - conditions of the licence do not meet the requirements of the Law;
 - changes of conditions of the licence offered by the licensee and supported by the National Council.
6. The licence for transmission with the prolonged validity is handed over to the licensee by the National Council not earlier than in last working day of validity of the previous licence under condition of payment of licence gathering according to the requirements stipulated by Article 30 of this Law.
7. The National Council can make a decision on refusal in prolongation of validity of the licence for transmission only under condition, if:
 - a) the licensee submitted the statement on prolongation of validity of the licence later than 180 days prior to the termination of validity of the licence;
 - b) during action of the licence the licensee broke conditions of the licence and requirements of the current legislation. These infringements should be confirmed by decisions and sanctions of the National Council, not cancelled in the order certain by the legislation, or corresponding judgements;
 - c) the licensee does not meet the requirements of Article 9 or Article 12 (2) of this Law.

8. Refusal during validity of the licence for transmission is possible to appeal against in Court of Justice in the three-month term.

9. The organization by which it is refused in prolongation of validity licence for transmission, does not lose the right to submit the statement on licensing and to take part in competitions on reception of the licence in accordance with general practice according to the requirements of this Law.

Article 34. Delivery of duplicate of licence for transmission

1. In case of loss or damage of the licence the broadcasting organization must address to the National Council with the statement for delivery the duplicate of the licence behind the form established by the National Council. The damaged licence is joined to the statement. Accepting the statement for delivery the duplicate of the licence for transmission, the National Council registers it and gives out to the licensee the information on its registration.

2. The National Council considers the statement for delivery of the duplicate licences for transmission also makes a decision on delivery of the duplicate licences during 10 days from the date of registration of the statement. During five days after decision-making on delivery of the duplicate of the licence on transmission, the National Council in writing informs on it the applicant and gives out the duplicate of the licence for transmission.

3. Before reception of the duplicate of the licence for transmission activity the broadcasting organizations is carried out on the basis of given out by the National Council of the information on registration of the statement for delivery of the duplicate of the licence on transmission.

4. Sheets of the licence, being duplicated, are transferred with the duplicate without changes, including date of decision-making and number decisions on delivery and/or prolongations of validity of the licence, term actions of the licence, date of licensing. On the form of the licence the stamp "Duplicate" and date of delivery of the duplicate are put.

5. For delivery of the duplicate of the licence payment accordingly is made stipulated by Article 31 of this Law.

Article 35. Renewal of licence for transmission

1. In case of change of the data stipulated by the third part of this Article, the licensee submits to the National Council the statement on renewal of the licence for transmission following the established form by the National Council.

2. The copies certified when due hereunder are applied on the statement documents which confirm necessity of modification in licences.

3. The bases for renewal of the licence for transmission can be:

a) organizational changes of the status and conditions of activity of the licensee;

b) intentions of the licensee to change organizational or technical characteristics of transmission and to bring respective alterations in conditions licences;

c) necessity of modification for conditions of the licence in connection with transition from analogue to a digital transmission.

4. At occurrence of the bases for renewal of the licence on transmission in connection with organizational changes of the status and conditions activity of the licensee it must during 10 working days submit to the National Council the statement for renewal of the licence and corresponding documents or their notarially certified copies, which confirm the specified changes.

5. The National Council considers the statement and makes a decision about renewal of the licence for transmission during 10 working days with dates of receipt of the statement.

6. The National Council refuses in renewal of the licence on transmission and cancels the licence for announcement, if the changes in structure of founders and/or proprietors (co-owners) contradict the requirements of Articles 8, 12 of this Law.

7. The statement for renewal of the licence in connection with intentions the licensee to change organizational or characteristics of transmissions is considered in a month from the date of its receipt. By the results of consideration are

taken into consideration when the National Council makes a decision about modification in the licence and corresponding renewal of the licence or about refusal in modification in the licence.

8. The statement for renewal of the licence in connection with transition from analogue to a digital transmission is considered in a month term from the date of its receipt.

9. By the results of consideration the National Council makes a decision about modification in the licence and corresponding renewal licences. At the same time changes to the program concept of transmission are brought according to the Plan for development.

10. If offers of the applicant concerning modification in program concepts of transmission do not meet the requirements of the Plan for development, the National Council can refuse in renewal of the licence on transmission in connection with transition from the analogue to the digital transmission and declare competition on reception of the licence on multi-channel transmission. Thus for operating licensee there is a right of transmission to one of channels new digital multi-channel television network, and also the right to be the operator telecommunications on the whole digital multi-channel television network.

11. The renewed licence for transmission stands out to the licensee not later than in 10 days after acceptance by the National Council the corresponding decision under condition of entering of payment for renewal of the licence in accordance with the requirements of Article 31 of this Law.

12. Validity of the renewed licence for transmission cannot exceed the validity specified in the licence, which was renewed.

13. In case of renewal of the licence for transmission the National Council makes a decision on recognition of the licence void, which was renewed, with entering respective alterations into the State register of the broadcasting organizations of Ukraine.

14. In case of refusal in modification the licensee is obliged to carry out transmission according to the conditions of the operating licence.

15. At delivery of the renewed licence the previous licence on the transmission is withdrawn.

Article 36. Validity of licence for transmission

1. The licence for transmission stands out for the term of, certain the National Council according to the statement for licensing, but not less than:

for radio transmission and multiprogramme broadcasting in multi-channel television networks - for 7 years;

for satellite, wire, cable transmission- on 10 years.

2. After the termination of validity the licence for transmission loses its effectiveness, except for cases, when in time given by the licensee the statement for prolongation of action of the licence for transmission has not been considered by the National Council in the terms defined by this Law. In these cases the licence remains operating before acceptance by the National Council decisions on prolongation of action of the licence or on refusal in prolongation actions of the licence in accordance with the requirements of this Law.

Article 37. Cancellation of the licence for transmission

1. Cancellation of the licence for transmission is carried out by the National Council in the cases stipulated by this Law.

2. The National Council cancels the licence for transmission on the basis of:

a) petitions of the licensee for cancellation of the licence;

b) decisions on cancelling of the state registration of the licensee;

c) non-payments by the licensee of licence gathering in terms, established according to the requirements of this Law;

d) absence of the stipulated by licence transmission within a year from the date of licensing;

e) decision of Court of Justice on loss of action of the licence for transmission.

3. The National Council makes a decision about cancellation of the licence for transmission within 15 working days from the date of reception of documents concerning presence of the specified bases for cancellation. The decision of the National Council on cancellation of the licence can be appealed against in legal form.

4. The National Council in writing informs on cancellation of the licence of the licensee and corresponding operators of telecommunications in the three-day term from the date of decision-making on cancellation of the licence on transmission if this decision is not appealed against in legal form. In case of the appeal of the decision of the National Council in Court of Justice, the National Council in writing informs on cancellation of the licence of the licensee and corresponding operators of telecommunications in the three-day term from the date of finding the decision of Court of Justice on cancellation of the licence validity.

5. The National Council can apply to Court of Justice on cancellation licences for transmission on the basis of:

a) the fact of transfer of the licence to another legal or physical person-non licence-holder with the purpose of carrying out the activity by this information;

b) the fact of untimely granting of the statement for renewal licences in connection with organizational changes of the status and conditions activity of the licensee;

c) the fact of default of orders about elimination of infringements of legislation and licence requirements;

d) the fact of refusal of the licensee in carrying out by workers of the National Council of check of its activity in accordance with the requirements of the legislation of Ukraine;

e) the fact of discrepancies of the licensee stipulated by Article 12 of the requirements of this Law reconcerning the creation of broadcasting organizations, restrictions of a part of the property of foreign physical and legal persons in a joint-stock or authorised capital of the broadcasting organization, and also to the constituent and authorized documents of the broadcasting organization.

6. Performance of the decision of Court of Justice on cancellation of the licence for transmission is carried out in general order under the requirements of legislation.

Article 38. The state registration and running the State register of broadcasting organizations of Ukraine

1. Subjects of managing who have received the licence on transmission are subjected to the state registration as the subjects of information activity.

2. The broadcasting organizations which have no licences for transmission, can be registered as subjects of informational activity at one's own will.

3. Studios-manufacturers which have no licences for transmission, can be registered as subjects of informational activity at one's own will.

4. The state registration of subjects of managing as subjects of informational work is carried out by the National Council.

5. The state registration of subjects of managing who have received licences for transmission, is carried out by introduction of corresponding data to the State register of broadcasting organizations of Ukraine in the three-days term since the date of licensing for transmission.

6. The state registration of studio-manufacturer which has no licence for transmission, is carried out on the grounds of the statement of the head of studio-manufacturer by introduction corresponding data to State register of broadcasting organizations of Ukraine and granting of a certificate about state registration.

7. The statement form is defined by the National Council. In the statement The following registration data are specified:

a) the name of the broadcasting organization;

b) a call sign, a logo, a trade mark (if there is one);

- c) the program purposes or thematic orientation;
- d) the legal and post addresses of the broadcasting organization;
- e) contact phones, the electronic address.

8. The certified copies of the certificate on the state registration are applied to the statement for the state registration a legal person, the charter, the information of the local body of the State Committee of Statistics of Ukraine on inclusion of the broadcasting organization to the Unified state register of enterprises and organizations of Ukraine.

9. The National Council refuse in consideration of the statement about entering the State register of the broadcasting organizations of Ukraine, if the statement does not meet the requirements of this Law. In default in consideration of the statement the National Council in the three-day term after reception of the statement informs the applicant on it with the obligatory instruction of the reasons of refusal.

10. During three working days after reception of the statement the National Council brings the broadcasting organization to the State register of the broadcasting organizations of Ukraine and not later than through week after entering this register gives out the broadcasting organizations the certificate on the state registration of the established sample. For registration of the certificate on the state registration payment is made in size of five minimal incomes of citizens being free of taxes, enlisted on the current account of the National Council.

11. The state register of the broadcasting organizations of Ukraine conducts the National Council. Data are brought in the specified register about the broadcasting organizations which have received licences for transmission were registered as subjects of information work by way of, under this Law.

12. Concerning the broadcasting organizations which have received the licence (licences) for transmission, in the State register of the broadcasting organizations Ukraine such data are brought:

- a) the name of the broadcasting organization;
- b) a call sign, a logo, a trade mark (if there is one);
- c) the program purposes or thematic orientation;
- d) the legal and post addresses of the broadcasting organization;
- e) contact phones, the electronic address.
- f) on proprietors and founders of the broadcasting organization according to the requirements of Article 24 of this Law;
- g) on staff of supervising and heading bodies of the broadcasting organizations according to the requirements of Article 24 of this Law;
- h) date and number of the decision on licensing for transmission;
- i) a series number and number of the licence;
- j) validity term of the licence;
- k) kind (kinds) of transmission, volumes and time of transmission;
- l) territorial characteristics of transmission (national, regional or local with definition of corresponding regions, districts and settlements);
- m) on relicensing, amending in the licence, delivery of its copy or the duplicate;
- n) on prolongation of the licence;
- o) on imposing on the broadcasting organization of penal sanctions according to the requirements of this Law;
- p) date and number of the decision on recognition of the licence valid and on its cancellation.

13. Data, specified in the twelfth of this Article, are brought to the State register of the broadcasting organizations of Ukraine during three working days after delivery (extension, amending, receiving of the duplicate, cancellation) licences for transmission.

14. Access to the State register of the broadcasting organizations of Ukraine is free. The order of use according to the specified register and the size of payment for granting in the written information concerning data of this register are established by the National Council. The National Council introduces data of the State register of the broadcasting organizations of Ukraine on a web-site and publishes them in the official bulletin of the National Council twice a year.

Title IV

TV AND BROADCASTING IN MULTI-CHANNEL TELEVISION NETWORKS. SYSTEMS OF COLLECTIVE RECEPTION. RELAYING.

Article. 39 Transmission in multi-channel television networks

1. Multi-channel television networks are created, registered, served and protected under the requirements of the Law of Ukraine "On Telecommunications" (1280-15).
2. For distribution of broadcasting programs and transfers in a multi-channel television network subjects of managing should receive the corresponding licence of the National Council.
3. The right to distribution of broadcasting programs in multi-channel television networks have exclusively:
 - a) the broadcasting organizations which have received licences for transmission with right to use a resource of a multi-channel television network under the requirements of Article 23 of this Law;
 - b) subjects of managing to whom the National Council has given out the licence of a provider of program service.
4. Broadcasting organizations transmit with use of a resource of a multi-channel television network according to the conditions of the licence for transmission and agreements with the operator of a multi-channel television network.
5. Providers of program service use a multi-channel television network on the basis of the licence of the provider of program service and the agreement with the operator of a multi-channel television network.
6. The operator of a multi-channel television network renders program service under condition of reception of the licence of the provider of program service.
7. Concession of a program service to the subscriber is carried out on the basis of the agreement between the subscriber and the licensee, concluded accordingly to the current legislation. The agreement necessarily determines:
 - type of the given software package (a package of universal program service, a standard package or a first-aid kit (to order));
 - the list of broadcasting programs and transfers, which provider undertakes to give to the subscriber;
 - subscriber payment for a package and/or payment for concession separate broadcasting programs and transfers.
8. To the termination of validity of the agreement the provider has no right without officially issued coordination of the subscriber to make changes in the characteristics of program service specified in Article 7 of this Law.
9. The provider is obliged to supply all subscribers with the opportunity of reception of programs of universal program service and to include such programs to all software packages.

For distribution of programs of universal program service the provider is not obliged to stack the contract with the broadcasting organizations.
10. The provider of program service can start his/her activity from the moment of reception of the licence and approved by the National Council structure of a package (packages) of the universal program service.
11. Provider of the program service, taking into consideration the market demand, establishes the size of subscriber's payment for different software packages and other information services. State regulation is exclusively done on the size of subscriber's payment for use of the universal program service.

12. In case of infringement of the legislation requirements by the provider the National Council applies to it the defined by this Law sanctions.

Article 40. Licensing of providers of program service

1. In order to organize TV broadcast, cable TV and radio-broadcast business a subject of managing (a provider or an operator of TV linking system or an operator of cable networks) should obtain the licence (sanction) in the National Council.

2. Licensing of TV broadcast, cable television and radio-broadcasting business is realized in compliance with the registration principle. The licence is given out hors concurrence pursuant to the statement for the term of 10 years.

3. A provider of program service moves the statement for licensing in accordance with article 24 of this Law. The following papers should be supplemented to the statement:

a) the general concept of packing (list) of programs, obtained for broadcasting;

b) the documents acknowledging the purchase and the right of distribution (relay) of programs of another broadcaster.

4. The general concept (principles, grounds) of selection of programs for broadcasting (proposals to subscribers) is an obligatory supplement to the licences for TV broadcast, cable TV and radio-broadcast business. This supplement is a subject to an annual re-registration. For re-registration a licensee should submit to the National Council the information on implementation of the concept of programs selection during the previous year.

5. The statement for licensing of a provider of program service is considered and decision, concerning it is accepted during a month term since the day of its receipt to the National Council.

6. By results of consideration of the statement the National Council comes to the decisions:

a) on licensing the provider of program service;

b) on authorizing of the package (packages) of programs of universal program service in a settlement (settlements) and/or on the territory (territories) where rendering of the program service is supposed .

7. The licence of the provider of program service can be cancelled in the judicial order on the National Council's presentation of the documents testifying to the regular wrongdoing of the requirements of this Law, legislation of Ukraine on protection of public morals, legislation of Ukraine about copyright and contiguous rights by this provider.

8. The rights, granted by the licence of the provider of program service, cannot be transferred to another person (legal or physical).

Article 41. Systems of collective reception

1. Systems of collective perception of broadcasting programs are set up with the purpose of giving the consumers an opportunity of high-quality reception of broadcasting programs by household perception appliances which extend in an operative range of the system of collective reception.

2. Systems of collective reception are not qualified as multi-channel television networks. Activity of their operators is not licensed by the National Council. Distribution of programs to consumers by the system of collective reception does not require the registration of the subject of the informing activity.

3. In the structure of a multi-channel network a system of collective reception is possible only in case of agreed by contract and fixed consent of proprietors of the house for it and for a package of additional services of a multi-channel television network, which is approved by the residents (potential subscribers).

Article 42. Retransmission of broadcasting programs and broadcasts

1. Relaying of broadcasting programs and broadcasts, the content of which meets the requirements of the European convention about transboundary TV (994-444), all over Ukraine is not limited. The order of relaying is adjusted by this Law.
2. The subject of managing which is under the jurisdiction of Ukraine, and has for an object to carry out relaying, and has received the sanction for it from a law-holder (producer), and is not subjected by the jurisdiction of the country which is included into the European Union, or the country, which has ratified the European convention about transboundary TV (994-444), is obliged to adapt the content of intended for relaying programs to the requirements of the legislation of Ukraine.
3. The right for relaying broadcasting programs is laid down by the licence for broadcast or the licence of the provider of program service.
4. The maximum volumes of relaying and the rough list (according to the genres peculiarities) of the programs provided for relaying and broadcasts are laid down by the program concept of the broadcast in compliance with the requirements of this Law.
5. Providers of program service carry out the relaying of broadcasting programs and transfers in multi-channel television networks according to the list of broadcasting programs and transfers, which are provided for rendering as a part of program service.

Title V

THE ORGANIZATION OF TELEVISION AND RADIO BROADCASTING

Article 43. The beginning of broadcasting

1. The organization-licensee has the right to begin broadcasting within a year since the date when the licence enters into force. It is obliged to inform the National Council about the beginning of the broadcasting in the ten-day term.
2. The proprietor of technical means of broadcasting or the organization, which maintains them, has no right to give these technical means of broadcasting for their usage by the broadcasting organizations which have no proper licence or if the period of validity of the corresponding licence has come to an end.
3. The distribution of broadcasting programs or transmissions over the territory above that one, which is set up in the licence of the National Council is forbidden.
- 4 It is forbidden to distribute programs, identical by their contents, over one and the same territory by means of ground-based broadcasting.
5. The licensee has no right to sublet the channel of broadcasting to other organizations.
6. The head of the broadcasting organization or a person standing proxy for the one authorizes the release of broadcasting programs and assumes personal responsibility for their content and quality.

Article 44. Correspondents' centres

1. The broadcasting organizations have the right to open correspondents' centres within the boundaries of Ukraine and beyond them in order, established by the legislation of Ukraine.
2. A correspondents' centre means a structural subordinate unit (subsidiary) of broadcasting organizations, which is set up with the purpose of providing these broadcasting organizations with information.
3. Correspondents' centres have no right for independent broadcasting and transmission of informational and commercial slots on the broadcast channel of the broadcasting organization.

Article 45. Accreditation of creative workers of broadcasting organizations

1. The broadcasting organization has the right to accredit their creative workers in the bodies of the state government and the institutions of local government, also in the establishments, organizations and enterprises where the procedure of accreditation functions.
2. Rules of accreditation should be fair, valid, identical and equal for all broadcasting organizations. Rules of accreditation should be notified by corresponding body of the state government or the institution of local government, the establishment, the organization or the enterprise where the procedure of accreditation functions.
3. The body of the state government, the institution of local government, the establishment, the organization, the enterprise cannot refuse to give unrestricted access or to accredit the creative workers of broadcasting organizations, if anything other is not provided for in the law.

Article 46. Initial facts

1. The broadcasting organization is obliged to inform about its initial facts (a title, a call sign, a trade mark or an emblem).
2. While broadcasting (relaying) of a radio program a broadcasting organization makes the call sign not less often than once an hour.
3. During the transmission of telecasts the broadcasting organization uses a trade mark or other initial facts.

Article 47. The sanction for the right of the use of programs or transfers of other broadcasting organizations.

1. The use of programs or transfers of other broadcasting organizations is realized in compliance with the Law of Ukraine "On Copyright and Adjacent Right" (3792-12).
2. While distributing programs of foreign broadcasting companies in multi-channel television networks, it is forbidden to make any changes in the program, except for the cases mentioned by the agreements with the law-holders of audiovisual production or provided for in the legislation of Ukraine.

Article 48. The registration of audiovisual products and the order of storage of their copies (records)

1. Each broadcasting organization-licensee is obliged to keep the register of transfers which the broadcasting organization has either broadcasted or relayed or provided their transmission or relaying in full and constant form by the third person (the operator of telecommunications).
2. In the register of transfers the following data are fixed:
 - Date of release, time of beginning and termination of the program;
 - The name and theme of the program;
 - Surnames of authors and hosts (hostesses) of the program;
 - Language of the program.
3. The register of transfers is kept by the broadcasting organization for a year since the date of last record in it.
4. All programs which the broadcasting organization has broadcasted, relayed or rendered their transmission or relaying in full and constant form by the third person (the operator of telecommunications), should be written down and kept during 14 days since the date of their distribution, unless complaint concerning their content has been made within this term.

5. In case of lodging of the complaint concerning the content of the program, its records are kept by the time, when the complaint is considered and the decision concerning it is adopted in the certain order.

6. Conditions of long-term storage of broadcasting programs, which have historical, artistic, cultural or any other value, are defined by the legislation of Ukraine.

Article 49. Distribution of communiqués (official notes) and other obligatory information

1. The state and municipal broadcasting organizations are obliged to transfer free of charge the communiqués of the Verkhovna Rada of Ukraine, and the President of Ukraine, the Cabinet of Ministers of Ukraine and the Constitutional Court of Justice of Ukraine, the communiqués of the Verkhovna Rada of the Autonomous Republic of the Crimea, of the institutions of local government and of the local authorities – over the territory subordinated to them.

2. The broadcasting organizations, irrespective of patterns of ownership, are obliged to notify free of charge the information about extreme situations. The right of use of TV and broadcasting with this purpose belongs to the authorities and officials, who are proxy for them to make decisions in conditions of extreme situations.

3. Relay of sessions of the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of the Crimea is carried out in accordance with the state order and on the basis of the contract.

4. On the requirement of the President of Ukraine, the Head of the Verkhovna Rada of Ukraine, the Prime minister of Ukraine and the Chairman of the Constitutional Court of Justice of Ukraine the state broadcasting organizations give them time for official emergency reports concerning the important questions of the state life.

5. The state broadcasting organizations are obliged to provide in their programs time and forms for rendering a possibility for the People's Deputies of Ukraine to report on the problems concerning their deputy activity.

Participation of People's Deputies of Ukraine in programs on other questions is carried out on the general bases.

6. Reports of the deputies of local councils concerning their Deputy activity within the broadcasting programs which are broadcasted over the territories of corresponding council, are carried out in accordance with the arrangement with the local broadcasting organizations.

Article 50. Activity of the broadcasting organizations during electoral

process

1. Features of activity of the broadcasting organizations during the electoral process are adjusted by the legislation on elections.

Article 51. Transmission in special circumstances

1. For the period of an extreme and/whether military condition in Ukraine or in its separate districts according to the law can be established a special operating mode of audiovisual mass media.

2. Features of regulation of transmission during extreme and/or a military condition are defined by the Law.

Article 52. Discontinuance of transmission

1. Grounds for the discontinuance of transmission are the termination of term actions of the licence if term of its action has not been extended, or cancellation of licence according to the requirements of this Law.

2. Within a day from the date of the termination of validity or cancellation of the licence, the licensee is obliged to stop termination.

3. Continuation of transmission after reception of an official notice on cancellation of the licence entails the responsibility of the head of the broadcasting organization and the head of the corresponding operator of telecommunications who renders services with operation of means of transmission under the Law.

Article 53. Advertising

1. Attitudes which arise during advertising activity and sponsorship on TV and radio, are adjusted by the Law of Ukraine "On Advertising" (270/96-VR).

Article 54. Participation of sponsors in creation of broadcasting programs

1. Legal and physical persons who are not the broadcasting organizations or broadcasting manufacturers, can take part in direct or mediocre financing of manufacture of broadcasting programs and transfers or their substantial parts.

2. Data on the sponsor (the name or a name, trading or firm mark, emblem) in broadcasting programs which are financed by the sponsor, should be precise and are precisely designated by credits or the announcer's text on their beginning and in the end.

3. Requisites of the sponsor (the address, phone, the settlement account, etc.), and also consumer qualities of the goods or services are not marked.

4. It is forbidden give to publicity the information about sponsors in the way of the information in other way during transmission of audiovisual product.

5. Broadcasting programs and transfers or their components, which are financed by the sponsor, should not contain direct or hidden reference to the name of the goods or services.

6. Sponsoring news, broadcasting programs and transfers which cover political events or problems is forbidden.

7. Sponsors have no right to influence for a while and the maintenance broadcasting programs and transfers or their parts and also to interfere in professional work of the broadcasting organizations and their workers.

8. Sponsorship does not release the broadcasting organization from the responsibility for the maintenance of broadcasting programs and transfers or their parts.

9. Sponsors can't be as legal and physical persons, whose activity is manufacture or realization of goods and services, advertising of which on TV and/or broadcasting is forbidden according to the legislation of Ukraine.

Article 55. Announcements of transfers

1. Announcements of transfers are the information for televiewers and of radio listeners Article 59 of this Law also should meet the requirements.

2. Announcements of transfers are broadcast according to the requirements of the Law of Ukraine "On Advertising" (270/96-VR).

Title VI

THE RIGHTS AND DUTIES OF THE ELERADIOORGANIZATIONS AND THEIR WORKERS

Article 56. The rights of the broadcasting organizations

1. The broadcasting organizations, their workers have the right to receipt from the state bodies, enterprises, establishments, organizations irrespective of patterns of ownership the necessary information for realization the authorized activity by way of, stipulated by the legislation Ukraine.

Article 57. The editorial charter of the broadcasting organization

1. The editorial charter of the broadcasting organization contains requirements as to creation and distribution of information.

2. The editorial charter is approved by the proprietor of the broadcasting organization or the body authorized by it.

3. The proprietor of the broadcasting organization has no right to interfere in creative activity of the broadcasting organization in other way than through modification in the editorial charter of the broadcasting organization.

4. The editorial charter of the broadcasting organization defines:

basic requirements to maintenance of accuracy, objectivity, unprejudiced and balance of information which is distributed by the broadcasting organization;

requirements to distribution of the confidential information;

requirements to distribution of the information on violence;

requirements to distribution of the information on crime;

requirements to distribution of the information on different groups of the population (national and sexual minority, religious groups, patients and invalids);

requirements to protection of children against negative influence of the information, which is distributed by the broadcasting organization;

requirements to check of reliability of the information received from the third persons;

requirements to observance of the author's and adjacent rights at distribution of the information;

features of distribution of the information on political parties and politicians during election procedure and outside of its bounds;

requirements to advertising and sponsorship;

requirements for banning the hidden advertising and receipt of creative workers of the broadcasting organization goods and services free of charge or at cut prices;

order of formation, activity and power of the editorial council of the broadcasting organization.

5. The editorial charter of the broadcasting organization stipulates the creation of the editorial council half of membership of which is appointed by the proprietor of the broadcasting organization or the body authorized by it, and another half is selected by the creative collective of the broadcasting organization. The editorial council of the broadcasting organization is to have the following responsibilities:

control over observance by broadcastingjournalists the charter of the editorial;

control over observance of the rights of broadcastingjournalists, requirements for banning of censorship and interference in creative activity of the broadcasting organization;

submission of the control bodies of the broadcasting organization to the question on discharge from management of the broadcasting organization or of its separate subitems of persons who broke the editorial charter and/or requirements of the legislation for the rights of broadcastingjournalists, banning of censorship and interference in creative activity of the broadcasting organizations, on setting service investigation and termination of the employment contract in accordance with the Law in case of acknowledgement a presence of the specified infringements.

6. The editorial charter of the broadcasting organization should be announced. A copy of the editorial charter within seven days since the time of its acceptances or modification is sent to the National Council.

Article 58. The rights of creative collective and broad casting journalists

1. The creative collective of the broadcasting organization consists from broadcasting journalists.
2. The creative collective of the organization has the right to champion the interests of broadcasting journalists and to carry out the control as to observance of their rights, requirements for banning of censorship and interference in creative activity of the broadcasting organizations.
3. Meetings of creative collective of the broadcasting organization select half of membership of the editorial council of the broadcasting organization.
A broadcasting journalist has the right:
 - a) to take part in meetings of creative collective of the broadcasting organizations, to submit proposals for their consideration of the questions;
 - b) to propose candidates for election at the editorial council of the broadcasting organizations, to be elected in its structure;
 - c) to apply to the editorial council of the broadcasting organization for infringements of the rights of broadcasting journalists, demands for banning of censorship and interference in creative activity of the broadcasting organization, infringements of the editorial charter of the broadcasting organization.

Article 59. Duties of the broadcasting organization

1. The broadcasting organization is obliged:
 - a) to adhere to the legislation of Ukraine and requirements of the licence;
 - b) to carry out the decision of the National Council and judicial organs;
 - c) to distribute objective information;
 - d) not to put obstacles in transfer and reception of programs of other broadcasting organizations, functioning of means of telecommunications;
 - e) to adhere to the requirements of the state standards and technical parameters of broadcasting broadcasting;
 - f) to warn viewers that its programs are paid;
 - g) to carry out rules of advertising activity and sponsorship, laid down in the legislation;
 - h) to be respectful to the national dignity, the national originality and cultures of all people;
 - i) to keep, on the basis of documentary confirmation, data on the person who has transferred the information secret or other materials on condition of non-disclosure of his/her name;
 - j) not to distribute materials which break the presumption of innocence of a defendant or which are given before a verdict of Court of Justice;
 - k) not to disclose the information on private life of a citizen without his/her consent, if this information is not socially necessary. In case if Court of Justice recognizes, that the distribution of the information on the private life of the citizen does not make public necessity, moral harm and material damages are compensated by way of, laid down in the legislation of Ukraine;
 - l) to place a disclaimer of the distributed information, recognized as unreliable, slanderous, etc.

Article 60. Duties of creative workers of the broadcasting organizations

1. The creative worker of the broadcasting organization is obliged:
 - a) to adhere to the program conception of the broadcasting organization, to be guided by its charter;

b) to check reliability of the information received;

c) not to allow distribution of the information stipulated by Article 6 (2) of this Law;

d) not to allow cases of distribution in broadcasting programs data which break the rights and legitimate interests of citizens, humiliate their honor and dignity;

e) to carry out other requirements which are laid down in this Law and the charter of the broadcasting organization and concluded by it with the broadcasting organization the labor contract.

2. The duties stipulated by the part 1 of this article, extend also on out-of-staff creative workers of the broadcasting organizations.

3. In case of promotion of a creative worker of the broadcasting organization the candidate on vacant posts he/she has the equal with other candidates rights in use of TV and broadcasting.

4. The creative worker of the broadcasting organization has no right to use the service position in the interests of the candidate on vacant posts of which an authorized representative he is.

Title VII

THE RIGHTS OF TELEVIEWERS AND RADIO LISTENERS

Article 61. Protection of the rights of televiewers, radio listeners

1. Televiewers and radio listeners have the right:

to accept programs of the broadcasting organizations accessible for reception on the territory of Ukraine;

to receive the information on the schedule of transfers;

to address to the broadcasting organization, its founders, the National Council, the State committee of TV and broadcasting of Ukraine with remarks and offers concerning the contents and technical qualities of corresponding programs or transfers and to receive in writing or directly in transfers the answer to the reference;

by way of, stipulated by the law to disclaim the information about them, distributed by the broadcasting organization.

Article 62. Protection of public morals and guaranteeing of the rights of minors and youth

1. When creating, preparing and distributing broadcasting programs and transfers of the broadcasting organization and providers of program service are obliged to adhere to requirements of the legislation of Ukraine on protection of public morals.

2. The broadcasting organizations are forbidden to distribute, and also to announce programs and transfers which can damage physical, intellectual and spiritual development of minors and youth, except for during the airtime from 23.00 p.m. till 6.00 a.m. and on channels with the limited access.

Such programs or transfers should have special notice and accordingly to be marked in the schedule of programs the broadcasting organizations and specially to be marked directly before the transmission.

3. In programs and transfers of the broadcasting organization have no rights, without the written approval of parents or persons who substitute them, and also corresponding law enforcement agencies, to disclose any information, which:

can be conductive to the identification of identity of an under age minor juvenile delinquent;

concerns the fact of suicide of the minor.

Article 63. Non-admission of distortion of the information

1. The person interviewed, or the person who has given the information for the broadcasting organization, has the right on the basis of the written statement to look through and/or listen to the corresponding transfer before its transmission.
2. Disputes in connection with unauthenticity or incompleteness of the information distributed in referred to in the first paragraph of this article transfers, are considered in legal form.

Article 64. The right to disclaimer

1. The citizen or the legal person have the right to demand from the broadcasting organization a disclaimer of the distributed in its program or transfer data which correspond to the facts and/or humiliate honor and dignity of a person.
 2. The right to demand a disclaimer have the official representatives of a citizen, if the citizen has no opportunity to demand the disclaimer.
3. The statement with the requirement of a disclaimer can be submitted to the broadcasting organization in writing within 14 days from the date of distribution of such data with the written message on it of the National Council.
4. The broadcasting organization is obliged to consider the statement the seven-day from the date of its receipt, if there is nothing stipulated by the legislation of Ukraine.
5. On the requirement of the applicant the broadcasting organization is obliged to give him/her an opportunity of the free-of-charge listening to (looking through) the corresponding fragment of the program or transfer or to give a copy of the record with corresponding payment.
6. If the broadcasting organization does not have sufficient proof that the distributed by it information do not correspond to the facts, it is obliged to disclaim them urgently.
7. The disclaimer should be distributed by the same the broadcasting organization and in the same program or transfer, as the information do not correspond to the facts, or at other time by mutual arrangement with the person whose rights were broken.
8. In the disclaimer there should be specified the data not corresponding to the facts, the time and the program or transfer in which they were distributed by the broadcasting organization.
9. If the citizen or the legal person gave a text containing the disclaimer, it is a subject to distribution on condition of its conformity with the requirements of this Law. Abridgements or other changes in the text of the disclaimer presented by the applicant, without his/her consent are not allowed.
10. The broadcasting organization, obliged to distribute the text of the disclaimer, on the requirement of the citizen or the representative of the legal person, can give him/her the opportunity to read his/her own text or to transfer it in record.
11. The broadcasting organization is obliged to inform the applicant about the stipulated time of distribution and the contents of the disclaimer
12. In case the broadcasting organization refuses to disclaim it is obliged to inform on it the applicant urgently.
13. In case of pronouncement Court of Justice the decision on disclaimer the text with the disclaimer is to be distributed by the broadcasting organization in the order laid down in this Law.
14. The broadcasting organization can refuse the disclaimer of the distributed information to the person, if the statement for the disclaimer was submitted with infringement of the requirements of this Law.

Article 65. The right to the answer

1. The citizen or the legal person, concerning whom in the program or transfer of the broadcasting organization was spread information, which do not correspond to the facts or break his/her rights and legitimate interests, has the right to the answer (the comment or his/her own interpretation of circumstances of the case) in programs and transfers of the

broadcasting organization irrespective of whether the statement with the requirement of disclaimer was submitted or not.

2. The order of submission of the statement to the answer (the comment or own interpretation of circumstances of the case) is defined by Article 64 of this Law.

Article 66. Compensation of moral harm

1. Moral (non-pecuniary) harm is compensated in accordance with the requirements of the Civil Code of Ukraine (435-15).

Article 67. Exempt from the responsibility for distribution information which does not correspond to the facts

1. The broadcasting organization and its workers are not responsible for distribution of the information which does not correspond to the facts, in case :

a) if this information contained in official communication or was received from organs of the government, institutions of local government in writing;

b) if this information is a literal citing of statements and performances (oral and printed) of officials of organs of the government and institutions of local government, People's Deputies of Ukraine, Candidates on post of the President of Ukraine, candidates to National Deputies of Ukraine and to deputies of councils of all levels, candidates to the posts of rural, settlement, city chairmen;

c) if this information was distributed without previous records and contained in performances of persons who are not workers of the broadcasting organizations;

d) if it is literal reproduction of the materials, distributed by other mass media or news agency, with the reference to it;

e) if exempt from the responsibility is stipulated by another law.

Title VIII

THE INTERNATIONAL COOPERATION IN THE FIELD OF TV AND BROADCASTING

Article 68. The international cooperation of the broadcasting organizations 1. Cooperation of the broadcasting organizations with foreign partners is carried out on the basis of direct contracts.

2. If the international contract in which Ukraine takes part, other norms are set, than those in this Law, the norms of the international contract are applied.

Article 69. Activity of representatives of foreign broadcasting organizations on the territory of Ukraine

1. Accreditation of foreign TV and radio correspondents is carried out by the Ministry for Foreign Affairs of Ukraine.

2. The accredited foreign correspondents have the rights and duties of the worker the broadcasting organizations, stipulated by this law.

3. Representatives of foreign broadcasting organizations, not accredited in Ukraine in the laid down order, carry out their activity as employees of foreign legal persons.

Title IX

THE RESPONSIBILITY FOR INFRINGEMENT OF THE LEGISLATION ON TV AND BROADCASTING

Article 70. The control and supervision over observance of the legislation by the broadcasting organizations and program service providers

1. The National Council carries out the control over observance and provides performance of the requirements:

legislation of Ukraine in the sphere of TV and broadcasting;

to the law of Ukraine “On Advertising” (270/96-VR) concerning sponsorship and the order of advertising distribution on TV and broadcasting;

legislation on protection of public morals;

legislation on cinematography concerning the quota of demonstration of national films;

legislation on elections.

2. The Antimonopoly Committee of Ukraine carries out the control over observance of the legislation on protection of the economic competition.

3. The state inspection of communication, by way of the laid down in legislation, carries out the state supervision over use of the radiofrequency resource for needs of broadcasting broadcasting, activity of operators of telecommunications, control over technical parameters of the audiovisual information distribution.

4. The authorized bodies of the Cabinet of Ukraine carry out the control over observance of the legislation on protection of the copyright and the adjacent rights.

5. The control and supervision over observance of other requirements of legislation bodies of the government carry out in limits of their competence.

6. In case of revealing infringements by the broadcasting organization or the provider of program service of requirements of the legislation the representative body uses towards the infringer sanctions or sends a statement to the National Council in accordance with the requirements of the law.

Article 71. The responsibility for infringement of the legislation on TV and broadcasting

1. The responsibility for infringement of the legislation on TV and broadcasting bear the broadcasting organizations, program service providers, their heads and workers, other subjects of economic activities, officials of organs of the government and institutions of local government. Those who are guilty in infringements of the legislation bear civil and legal, and administrative and criminal responsibility in accordance with the legislation of Ukraine.

2. The measure of the responsibility and corresponding sanctions for infringement of the legislation on TV and broadcasting are established by Court of Justice. In the cases laid down in this Law, the sanctions for infringement of the legislation on TV and broadcasting, are established by the National Council.

3. Decisions of the National Council, concerning the statement of penal sanctions, can be appealed against in legal form.

3. The responsibility for infringement of the legislation on TV and broadcasting is established on the basis of documentary testimony, check statements of the broadcasting organizations, references of the bodies of the government stipulated by this Law.

Article 72. Sanctions for infringement of the legislation on TV and broadcasting

1. Sanctions for infringement of the legislation on TV and Broadcasting are applied under the decision of Court of Justice or, in the cases laid down in this Law, under the decision of the National Council.

2. The National Council applies sanctions to teleorganisations in case of their infringement of requirements of this Law or licence conditions.

3. The National council applies sanctions to providers of program service in case of their infringement of requirements of this Law.

4. In case of infringement of the legislation on TV and broadcasting by other legal or physical persons the National Council applies to Court of Justice or to other bodies of the government for elimination of these infringements in the order laid down in the legislation.

5. The National Council takes the decision on application of sanctions on the basis of the given documentary certificates, of the certificates of verification or submissions of the bodies of the government laid down in this Law.

6. The National Council can apply the following sanctions as to broadcasting organizations and providers of program service:

announcement of a notice;

infliction of a penalty;

submission to Court of Justice of the act on cancellation of the licence for broadcasting.

7. Decision on the announcement of a notice is taken in case of the first infringement of the legislation or conditions of the licence by a broadcasting organization or the first infringement of the legislation by a provider of program service.

8. Decision on infliction of a penalty is taken:

if after announcement of a notice the corresponding infringements had not been eliminated;

if a broadcasting organization has already received not less than three notes within one-hour period since licensing (relicensing);

if a provider of program service has already received not less than three notices within an hour since his payment of the previous penalty.

9. The penalty cannot be imposed, if more than one calendar year has passed since the time of the last infringement of the legislation.

10. The sizes of penalties are laid down in the National Council under the agreement (coordination) with the Cabinet of Ministers of Ukraine in accordance with the requirements of legislation.

11. Decision on the imposition of a penalty can be appealed against in Legal form.

12. If infringements have not been eliminated after the notice and the imposition of the penalty, the National Council brings an action the act on the cancellation of the licence for transmission of the broadcasting organization or act on the cancellation of the state registration of a provider of program service.

Article 73. The National Council's scrutiny of the questions on infringement by a broadcasting organization or a provider of program service of the legislation of Ukraine and conditions of the licence.

1. A questions on infringement of the legislation or conditions of the licences by a licensee are considered at the session of the National Council in the order, laid down in this Law and the Law of Ukraine "On the National Council of Ukraine on TV and Broadcasting"(538/97-VR).

2. The National Council begins consideration of the question on infringement of the licensee of the legislation or conditions of the licence on the basis of verification certificates.

3. Before the beginning of consideration the representative of the licensee has the right to examine all the materials of the affair, to give an explanation, to show proofs, to declare the petition. While the question has been considered, the representative of the licensee has the right to use legal aid.

Article 74. The National Council's acceptance of the decision grounded on the results of scrutiny of the question on infringement of the legislation of Ukraine and conditions of the licence by a broadcasting organization or a provider of program services.

1. By results of scrutiny of the question on infringement by the licensee of the legislation or conditions of the licence, the National Council takes the decision on:

recognition of infringement and application stipulated by the sanctions of this Law;

carrying out of additional varification;

absence of the facts of infringement.

2. The copy of the decision is handed over or sent to the licensee within.

Article 75. The execution of the decision on the application of the sanction.

1. The decision of the National Council on the application of the sanction is handed over or sent to the head of the licensee.

2. In the decision on application of the sanction of the National Council can set the term of the elimination of infringement.

3. In case of application of the sanction in the form of the penalty the licensee is obliged to pay the penalty in 30-days term from the date of reception of decision on imposing a penalty. Per every day delay of payment the fine is charged at a rate of one percent of the sum of the penalty. In case of the licensee's refusal to pay the penalty, the penalty is imposed in accordance with the decision of Court of Justice .

4. The sums of penalties are enlisted in the State budget of Ukraine.

5. The licensee is obliged to give to National council documentary acknowledgement of the fact of payment of the penalty (a copy of payment assignments) during five days from the moment of payment.

Title X

FINAL PROVISIONS

1. This Law enters into force from the date of its publication.

2. As to reduction into conformity with this Law operating certificates are applied in the part, which does not contradict this Law.

3. All the licences which had been given out by the National Council before this Law entered into force, operate by the ending of the term of its action, which is defined in them. At extension of the term of validity of the licence on transmission, the National Council brings it into accord with the requirements of this Law. The change of the territorial category of transmission is realized on the basis of the application of the licensee in the order, determined by this Law. In addition, the broadcasting organizations, which by the day of entering into force of this Law transmitted their programs over the regions (taking into account the Autonomous Republic of the Crimea) with the population not less than two thirds of the population of Ukraine are conferred to the status of the National transmitters.

The broadcasting organizations should approve their editorial Charters in accordance with the requirements of this Law and give their copies to the National Council within a year from the date of entering into force of this Law.

4. To amend the following laws of Ukraine:

1) in the Law of Ukraine “On the National Council of Ukraine on TV and broadcasting” (538/97-VR) (The Official Journal of the Verkhovna Rada of Ukraine, 2005, No 16, Article 265):

a) the preamble should be presented as follows:

“This Law defines legal bases of activity of the National Council of Ukraine concerning TV and broadcasting (further- the National Council) as constitutional, constantly operating, Joint, supervising and adjusting state body in the field of broadcasting broadcasting”;

b) Article 3(2) should be presented as follows:

“2. The National Council cannot delegate its powers to the third persons. The member of the National Council cannot carry out individually the functions, the National Council is charged with”;

c) regarding Article 4 (3) the words “four years” to replace with the words “five years”;

d) in Article 5:

the first part should be supplemented with the sentence of the following content: « the termination of the power of a member of the National Council is carried out in accordance with the decision of the Verkhovna Rada of Ukraine”;

the last sentence of the second part should be presented as follows:

“Subjects of the right of presentation of nominees on the post of the member of the National Council are deputy fractions in the Verkhovna Rada of Ukraine and/or the all-Ukrainian associations of citizens in the field of activity of mass communication media”;

e) in Article 7:

the first paragraph of the first part should be presented as follows:

“ 1. A member of the National Council can be an appointed citizen of Ukraine from among the qualified experts in the field of journalism, jurisprudence, broadcasting broadcasting, management, representatives of science, culture, arts who have higher education, the experience of work in the field of tele-radio broadcasting, in particular scientific or pedagogical work, not less than five years, speak the state language, have been living in Ukraine during last ten years and at the moment of their appointment have not reached the pension age defined by the law”;

regarding the seventh part the words “on granting by Public service of employment of other equivalent post” should be replaced with the words “on occupying another equivalent post in accordance with the requirements of the legislation of Ukraine”;

f) Article 8 (1) (1) should be presented as follows:

”1) presentations of the application about clearing of a post at own will or acceptance of resignation in accordance with the requirements of the Law of Ukraine “On Public Service” (3723-12);

g) Article 9 to supplement with the seventh part, the contents of which is as follows:

“7. The Chairman of the National Council is the manager of budgetary assignments for deduction and maintenance of activity of the National Council and, on the basis of decisions of the National Council, unappropriated means, other means which have acted on the account of the National Council from the sources which are not forbidden by the legislation of Ukraine”;

h) in Article 11:

the second part should be supplemented with the sentence, the contents of which is as follows: “the Representative of the National Council is the worker of the apparatus of the National Council and carries out service functions in accordance with the regular list of the apparatus of the National Council”;

the second paragraph of the seventh part should be presented as follows:

“Supervision of observance by licensees of conditions of the licence”;

i) Article 12 (6) after words « are equated to »should be supplemented with a word "corresponding";

j) the second paragraph of Article 13 should be presented as follows:

“Supervision of observance by the broadcasting organizations and providers of program service of requirements of the legislation in the field of broadcasting broadcasting”;

k) Article 14 after the second paragraph should be supplemented with the new paragraph, the contents of which is as follows:

“Licensings of program service providers”.

In this connection the paragraphs from the third - to the sixth should be considered in accordance with the paragraphs from the fourth - to the seventh;

l) Article 15 after the second paragraph should be complemented with the new paragraph, the contents of which is as follows:

“Development and approvement of the Plan for development of the national broadcasting information scope”.

In this connection the paragraphs from the third - to the eleventh should be considered in accordance with the paragraphs from the fourth - to the twelfth;

m) in Article 16:

regarding the third part:

after the first paragraph it should be supplemented with three new paragraphs of the following contents:

defined by the Plan for development of the national broadcasting information scope tasks for the period under review and the results of their implementation;

The information about the changes made in the Plan for the development of the national broadcasting information scope within the period under the review;

determined by the Plan for development of the national broadcasting information scope tasks on the following period under review ».

In this connection the paragraphs from the second - to the seventh should be considered in accordance with the paragraphs from the fifth - to the tenth;

the ninth paragraph should be presented as follows:

“ the information on observance of requirements of the legislation concerning the participation of the foreign capital in authorized capitals of the broadcasting organizations and the requirements as to constituent and authorized documents of broadcasting organizations”;

the fifth part should be presented as follows:

“5. By results of consideration of the report of the National Council the Verkhovna Rada of Ukraine can state mistrust to the National Council. If the mistrust has been stated also by the President of Ukraine, it consequences in the resignation of the whole structure of the National Council”;

n) Article 19 should be presented as follows:

“**Article 19.** The state registration of the broadcasting organizations and program service providers

The National Council carries out the state registration of the broadcasting organizations and of the program service providers and makes corresponding registers in by way of laid down in the Law of Ukraine “On TV and Broadcasting” (3759-12);

o) Article 21 to state in the following edition:

“**Article 21.** Sanctions for infringement of the legislation on TV and broadcasting

The National Council applies sanctions to infringers of the legislation on TV and broadcasting in accordance with the requirements of the law of Ukraine “On TV and Broadcasting” (3759-12);

p) Article 22 to supply with the fifth paragraph of such contents:

“5. The National Council has the right to act as the founder (cofounder) of printed mass media”;

r) Regarding Article 24 (2): after the third paragraph to supply with the new paragraph of such contents:

“The Plan for development of the national broadcasting information space and changes in it are affirmed”.

In this connection paragraphs from the fourth up to the fourteenth to consider in accordance with from the fifth up to the fifteenth paragraphs;

after the ninth paragraph to supply with the new paragraph of such contents:

“The decision on delivery and extension of licences of program service providers, on the statement and modification corresponding software packages of the universal program service is taken”.

In this connection the paragraphs from the tenth up to the fifteenth to consider in accordance with the paragraphs from the eleventh up to the sixteenth;

after the thirteenth paragraph to supply with the new paragraph of such contents:

“The decision on statement of sanctions and on applying to Court of Justice with the statement for cancellation of the licence for transmission or on cancellation of the state registration of the program service provider”.

In this connection the paragraphs from the fourteenth up to the sixteenth to consider in accordance with the paragraphs from the fifteenth up to the seventeenth;

s) the paragraph of Article 25 (1) to state in the following edition:

“development and realization of the Plan for development of the national broadcasting information space, introduction of new technologies and carrying out of researches concerning use of a radio-frequency resource for the purposes of broadcasting”;

2) Article 28 (2) of the Law of Ukraine “On Telecommunications”(1280-15) (The Official Journal of the Verkhovna Rada of Ukraine, 2004, No 12, Article 155) to state in such edition:

“2. Granting of the telecommunication services for the needs of TV and broadcasting is adjusted by the Law of Ukraine “On TV and Broadcasting” (3759-12);

3) in the law of Ukraine “On Radio-Frequency Resource of Ukraine” (1770-14) (The Official Journal of the Verkhovna Rada of Ukraine, 2004, No 48, Article 526):

a) the ninth paragraph of Article 1 after the words “which activity” to supply with the word is “directly”;

b) Article 16 (3) (7) after words “preparation of conclusions” to supply with words “on the direct order”;

c) Article 19 (4) to state in such edition:

“4. Radio-frequency monitoring in zones of radio frequencies of the general and special use is carried out on paid bases for due to the means of the State budget of Ukraine”;

d) In article 24:

in the second subparagraph to exclude the words “regarding broadcasting”;

in the third subparagraph 3 the word "broadcasting" to replace with the words “channels of transmission, networks of transmission»;

e) Article 30 (2) (2) to supply with the word "by broadcasting organizations";

f) Article 31 (5) after the words “by radio-frequency resource of Ukraine” to supply with the words “ by broadcasting organizations and program service providers”;

g) Article 42 (7) (3) after the words “a copy of the licence for transmission” to supply with words “or a copy of the licence of the operator of a multi-channel television network”, and the word " of TV systems" to replace with the word "of television networks";

4) in the Law of Ukraine “On Licensing the Certain Kinds of Economic Activities” (1775-14) (The Official Journal of the Verkhovna Rada of Ukraine, 2000, No 36, Article 299; 2001, No 11, Article 45; 2002, No 1, Article 1, No 20, Article 134; 2004, No 12, Article 155; 2005, No 42, Article 465):

a) in Article 2 (2) of the words “licensing of channels of transmission” to replace with the words “licensing of activity in the field of TV and broadcasting”;

b) Article 4 to supply with the third part of such contents:

“Development and realization of the state policy of licensing broadcasting is carried by the National Council of Ukraine concerning TV and broadcasting”;

5) Article 19 of the Law of Ukraine “On Cinematography” (9/98-VR) (The Official Journal of the Verkhovna Rada of Ukraine, 1998, No 22, Article 114; 2003, No 30, Article 248) after the first part to supply with the new part of such contents:

“With the purpose of assistance to the development of cinematography of Ukraine, at the same time involving sponsors’ and charitable means, to determine that in structure of total expenses of tax bearers, irrespective of their organizational-legal forms and patterns of ownership, the sums of means or cost of property are included, which directed by such tax bearers as the help on manufacture and/or demonstrations of a national film, but no more than ten 5% from the gross revenue of such tax bearer for the last accounting (tax) year”.

In this connection with this, the parts from the second up to the eighth to consider in accordance with the parts from the third up to the ninth;

6) in the Law of Ukraine “On Taxation of Profit of Enterprises” (334/94-VR) (The Official Journal of the Verkhovna Rada of Ukraine, 1997, No 27, Article 181; 1998, No 10, Article 35; 1999, No 48, Article 418; 2000, No 32, Article 254, No 39, Article 333; 2001, No 32, Article 169; 2002, No 2, Article 12, No 29, Article 192; 2003, No 12, Article 88, No 33-34, Article 267; 2004, No 35, Article 412, No 52, Article 563; 2005, No 5, Article 114, No 17-19, Article 267):

a) article 5 (5.2) to add with the paragraphs 5.2.18 and 5.2.19 of such contents:

“5.2.18. The sums of means or cost of the property, directed as the financial help on manufacture and/or demonstrations of the national films.

5.2.19. The sums of means or cost of the property, directed on purchase, creation, manufacture of audiovisual products”;

b) article 8 (8.1) (8.1.3) to supply with the sixth paragraph of such contents:

“creation and/or purchase of audiovisual products”.

5. The Cabinet of Ministers of Ukraine during three months from the date of coming into the force by this Law to provide the conduct of the ministries and other enforcement authorities of Ukraine certificates in conformity with this Law.

The National Council of Ukraine on TV and broadcasting within three months from the date of coming into force of this law should put the published regulatory and legal acts in conformity with this Law.

President of Ukraine L. Kravchuk.

Kiev, 21 December 1993
N 3759-XII
