Commonwealth of Independent States: Model Statute on Transfrontier Broadcasting

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The Model statute “On transfrontier satellite television and radio broadcasting and international information exchange via satellite means”, an advisory legislative instrument, was adopted by the Interparliamentary Assembly of CIS Member States on 15 June 1998.

It regulates relations that emerge in the process of establishing systems of satellite television and radio broadcasting and satellite telecommunication networks; of obtaining permission to use such networks; of their actual use; of television and radio broadcasting via satellites of one state to the territory of another state or to territories of several countries; of formation, use and protection of data as it passes through satellite telecommunication systems (Article 2).

While Article 11 of the statute obliges an operator that broadcasts from the territory of a state to obtain a license according to the procedure envisaged by national law, it forbids the establishment of separate licenses for satellite television and radio broadcasting and/or satellite telecommunications.

The right to choose which language(s) to use for satellite television and radio broadcasting belongs to the operator, unless specifically established otherwise in the law on state language (Article 16).

Article 19 establishes rules on advertising which shall not exceed 15 percent of daily transmission time. In particular, it forbids direct and indirect advertising of alcohol and tobacco products and any form of surreptitious advertising.

Conflicts between international operators, between countries that are consumers of satellite programmes, between such countries and international operators shall be resolved through negotiations, and if reaching accord is impossible they shall become subject to the jurisdiction of the Economic Court of the Commonwealth of Independent States (Article 26).

Taxation of television and radio broadcasting programmes and telecommunications data, unless it is being carried in a material form across the national border, shall not be allowed (Article 27).

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Модельный закон «О трансграничном спутниковом телевизионном радиовещании и международном спутниковом информационном обмене», Информационный бюллетень, 1998, No. 18

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