[AZ] Public Broadcasting Introduced

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On 29 August 2005 the Public Television of Azerbaijan started broadcasting on a regular basis. It was established by the Statute “On public television and radio broadcasting” signed into law by President Ilham Aliyev on 28 September 2004. On 5 November 2004 the President of Azerbaijan issued the Decree on implementation of the Statute. These Acts established legal and organizational guarantees of functioning of public broadcasting.

The Statute includes 6 chapters and consists of 26 Articles. It provides for the aims and principles of public broadcasting, the legal status, the rights and duties, the management, and the financing of the public broadcaster. It also establishes the competence of the supervisory authority in the sphere of public broadcasting.

According to the Statute the public broadcaster shall be organized as an independent legal entity functioning for the provision of public broadcasting service. The public broadcaster shall be authorised to have its own property (Article 4.2); however, the Statute stipulates that the said property may be used only for public broadcasting and may not be privatised or sold except for the cases prescribed by law (Article 4.4). The said provisions may be interpreted as saving the status of state property of public broadcasting company's assets. Article 5 of the Statute stipulates that a broadcasting license and frequency for public broadcasting shall be granted by the State forever and free of charge.

Third chapter of the Statute deals with the content of programs issues and advertising rules. Two fundamental duties of the public broadcaster are to be found in the Statute: to provide the audience with official information and to fulfil needs of most of groups of the society in receiving diverse and pluralistic information. Most of provisions devoted to advertising restrict the amount and periodicity of commercials at the public broadcaster channels rather than its content. However, there are no limitations on the amount of income from advertising activities of the public broadcasting company in the law.

Chapter 4 constructs the system of management of the public broadcasting company. There shall be two major managing bodies according to paragraph 1 of Article 16 of the Statute: the Council of Broadcasting and the Chief Executive Director. The first body shall be elected by the Parliament of the Azerbaijani Republic from among the candidates proposed by non-governmental

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organizations, the latter shall be appointed by the Council of Broadcasting. Other top managers of the company may be appointed only after approval from the Council of Broadcasting. The Council of Broadcasting shall also: adopt statute of the company; monitor broadcasts; formulate priorities of the company's policy; approve the company's budget; inform Chief Executive Director about violations of the law in the company's programs. The Chief Executive Director shall provide operative management of the company.

Article 22 of the Statute lodges a "relevant governmental authority" with controlling powers over activities of the public broadcaster. The governmental body shall be authorised to issue warnings to the managing bodies of the public broadcasting company and to bring an action before court in case of violation of the law.

The fifth chapter establishes a complex system of financing of the public broadcasting service. According to paragraph 1 of Article 23 the sources of financing shall be: the license fee (as the main source), advertising, sponsorship, donations, and selling of the programmes. The license fee as it is prescribed by Article 26 shall be introduced from 1 January 2010. Until that time the main source of finance shall be the national budget. The Statute does not establish a minimum amount of budget financing, however it guarantees an annual grows of budget financing.

The President's Decree, in its turn, provides practical measures of the organization of the public broadcasting service. Its paragraphs 1 and 2 stipulate that public broadcasting shall be organized on the basis of the Second Channel of the State Azerbaijani Television and the First channel of the State Azerbaijani Radio and also provide for passing of the said channel's property to the Council of Broadcasting. In its paragraph 3 the Decree prescribes the National Council of Television and Radio (NCTR) to organize the process of formation of the Council of Broadcasting, and delegates to the NCTR the competence of the "relevant governmental authority" specified in Article 22 of the Statute. Paragraph 4 of the Decree authorises the Government of the Azerbaijani Republic to work out the proposals on development of the legislation in the sphere of public broadcasting including the formulation of principles of license fee collection.

Zakon Ob obschestvennom teleradioveschanii, 28.09.2004

http://www.medialaw.ru/exussrlaw/l/az/pubtv.htm

Statute "On public television and radio broadcasting" of 28 September 2004

O primenenii zakona "Ob obschestvennom teleradoveschanii", 05.11.2004

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http://www.day.az/news/society/15567.html

Decree of the President of the Azerbaijani Republic "On implementation of the statute "On public television and radio broadcasting" of 5 November 2004

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