

[KZ] New Rules of Entrepreneurial Activities Affect Mass Media

IRIS 2006-4:1/27

*Dmitry Golovanov
Moscow Media Law and Policy Centre*

The Statute of the Republic of Kazakhstan “On entrepreneurial activities” was enacted on 31 January 2006 along with the Statute introducing a number of amendments to current legislation, including the Statute “On the Mass Media” of 23 July 1999.

The Statute “On entrepreneurial activities” establishes general principles of entrepreneurial business: rights, duties and liability of entrepreneurs, the competence and liability of governmental authorities, rules of the governmental support as well as of the supervision of business activities. The Act includes a number of provisions that are important for the mass media: first, it provides for the guarantees of information rights of entrepreneurs; second, it regulates procedures of the state supervision of entrepreneurs' activities.

According to the Statute, the government shall provide entrepreneurs with information support. Article 5 of the Act provides for the publication (including dissemination via Internet) by governmental agencies of any bill or draft of a legal document that may potentially affect business activities; such agencies shall be obliged to set up web-sites *inter alia* for this purpose (Art. 23). The Statute proclaims the right of entrepreneurs to obtain information and consulting services financed by the government, as well as to access information resources that are managed by governmental authorities (Art. 18).

The Statute regulates general rules of supervision activities in a very detailed way; at the same time it provides for the introduction of any specific procedure only in accordance with the statutes of the Republic of Kazakhstan (Art. 38). Article 37 prohibits supervisory authorities from adopting subordinate legislation changing or modifying rules of the supervision procedures. In the appendix to the Statute the supervisory functions are reallocated between the governmental agencies: the authorized body in the sphere of the mass media (the Committee of Information and Archives at the Ministry of Culture, Information and Sports) shall supervise the legality of the mass media activities; the authorized body in the sphere of justice (the Committee of Intellectual Property Rights at the Ministry of Justice) shall supervise the legality of the use of intellectual property rights as well as supervising the publication of texts of official acts.

According to the second Statute introducing amendments to the current legislation, an Article 4.1 ("Governmental supervision") was integrated into the Statute "On the Mass Media". The supervision is aimed at providing compliance of natural and legal persons with the mass media legislation (p.1 Art. 4.1). Point 3 of this Article stipulates that the governmental supervision shall be conducted by the authorized body in the sphere of the mass media and by local authorities in the form of inspections. There are three types of such procedures to be found in point 4 of Article 4.1. Planned inspections mean procedures that shall be planned beforehand and take place only within fixed periods of time. *Ad hoc* inspections shall be required by specific social-economic situations calling for an immediate reaction to the complaints of representatives of public. Finally, "patrol" inspections are aimed at control over compliance with the law of licensing documentation (e.g. broadcasting license, registration certificate of a mass media outlet). The duration of any inspection shall not exceed 15 days from the date when relevant order is served upon by the governmental agency to a mass medium (p. 5 Art. 4.1.).

"O chastnom predprinimatelstve", Kazakhstanskaya pravda, 07/02/2006

http://www.government.kz/ru/doc/Z060124_RUS_31_01_2006.html

Statute of the Republic of Kazakhstan N 124 "On entrepreneurial activities", official publication on 7 February 2006

"O vnesenii izmenenii i dopolnenii v nekotorye zakonodatelnye akty Respubliki Kazakhstan po voprosam preprinimatelstva", Kazakhstanskaya pravda, 14/02/2006

http://www.government.kz/ru/doc/Z060125_RUS_31_01_2006.html

Statute of the Republic of Kazakhstan N 125 "On amendments and addenda to several legislative acts of the Republic of Kazakhstan in the sphere of entrepreneurship", official publication on 14 February 2006

