[UA] Sweep Changes in Broadcasting Statute

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On 1 March 2006, the new wording of the Statute of Ukraine “On TV and Radio Broadcasting” of 21 December 1993, (see IRIS 1995-2: 8), adopted by the Supreme Rada of Ukraine (the parliament) on 12 January 2006, was enacted after its official publication.

The new Statute provides for major changes at two national state-run broadcasting companies - the National TV Company of Ukraine (NTCU) and the National Radio Company of Ukraine (NRCU). According to the Statute, the Supreme Rada of Ukraine shall form Public Councils for both NTCU and NRCU. Each will consist of 17 members: 9 persons recommended by parliamentary factions, 4 persons recommended by the President of Ukraine and the other 4 recommended by national broadcasting associations. The Public Councils will be involved in the process of appointment and dismissal of the heads of the NTCU and the NRCU. The procedure of appointment shall be rather complicated: the Public Council selects a candidate and makes a submission to the Supreme Rada of Ukraine. The parliament then approves the candidate and makes submission to the President of Ukraine for a final appointment.

Currently it is the President who appoints the heads of the NTCU and the NRCU by his own decision. The new amendments are considered a step forward to European public service broadcasting standards. At the same time a lot will result from new internal charters of the NTCU and the NRCU. According to the Statute “On TV and Radio Broadcasting” these charters shall be adopted by separate parliamentary statutes.

The Statute established a number of new content quotas to be followed by all broadcasters of Ukraine. Broadcasters shall reserve not less than 80 % of the broadcasting time for European programs, with not less than 50 % of the broadcasting time for Ukrainian programs. Not less than 50 % of weekly broadcasting time of music and songs on every radio from 7:00h to 23:00h shall be secured for the music of the Ukrainian authors and performers. Judging from the current stage of implementation of the new Statute this obligation is being ignored by radio companies.

An obligation on every broadcaster to adopt within one year an editorial charter is another novelty of the Statute. The editorial charters shall define professional

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rules of conducts for journalists; moreover the Statute contains a general list of provisions that shall be written in the charters: for example provisions on how to report elections, on how to deal with information about private life, etc. The general structure of an editorial charter was copied from the BBC Producers' Code. Editorial charters shall be adopted by the management or owner of a TV or a radio company. It is not provided that journalists shall have any influence on the text of such a charter. At the same time journalists will have 50 % representation in the Editorial Councils that shall be also formed at every TV and radio company. Such councils shall be responsible for settling editorial disputes. The other half of an Editorial Council shall be formed by the management or owner of the TV or radio company.

At the same time many provisions of the Statute are rather questionable. The President of Ukraine immediately after signing the Statute into law ordered the start of work on amendments. Without reasons the Supreme Rada removed from the bill at the very last moment provisions to limit foreign investments in TV and radio companies.

The introduction of the license guarantee is another point for criticism. A license guarantee is a payment in the amount of up to 10% of the license fee to be fixed every time by the National Council of Ukraine on TV and Radio, the main regulator in broadcasting, every applicant for the frequency shall pay such a guarantee in advance of the frequency competition. The license guarantee goes towards the state budget; it shall not be returned to those who lost competition.

Zakon Ukrainy "Pro telebachennya i radiomovlennya"

http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3317%2D15

Statute of Ukraine "On TV and Radio Broadcasting"

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