[RU] Regulation of Broadcasting and Internet now Part of Media Statute

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The Federal Assembly (parliament) of the Russian Federation has adopted the Statute "On amending some legal acts of the Russian Federation in order to improve legal regulation in the sphere of mass information" (*О внесении изменений в отдельные законодательные акты Российской Федерации в связи с совершенствованием правового регулирования в сфере средств массовой информации*). The Bill was introduced on 29 November 2010 by the chair of the parliamentary committee on the mass media, adopted in the first reading by the State Duma (lower chamber) on 22 February 2011, and in the 2nd and 3rd readings in one day - on 3 June 2011. The Council of the Federation (upper chamber) approved it on 8 June 2011, and the statute was signed by the President of the Russian Federation on 14 June 2011. Most of the provisions of the statute are to enter into force on 10 November 2011.

About 90% of the statute amends and expands the Statute of the Russian Federation "On the mass media" (No. 2124-I of 27 December 1991). In several ways the new act counteracts the recent Resolution of the Plenary of the Supreme Court of the Russian Federation "On Judicial Practice Related to the Statute of the Russian Federation 'On the Mass Media'" of 15 June 2010 (see IRIS 2010-6/40 and IRIS plus 2011-1).

The amended statute provides a systematic regulation of online media instead of the vaguely-formulated Article 24 ("Other mass media"), now abolished. In particular it includes a "network publication" as one of the types of the mass media, considers a single issue or renewal of a network publication as a form of the product of the mass media, while providing access to a network publication is considered to be a form of dissemination of the product of a mass media outlet. Under a "network publication" the statute defines "any site in information-telecommunications network Internet registered as a mass media outlet". While such registration of a network publication is optional, no editorial office of a mass media outlet may engage in professional activity without such registration.

Article 31 of the Statute "On the mass media" gets new parts that detail licensing of broadcasting. In particular it stipulates that licensing may be based on a tender, competition or auction as shall be determined by the Government. The procedures for them as well as fees for participants shall be determined by the

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Government. The programme policy, a blueprint document in which the applicant should conceptualise and describe the range of programmes it proposes to offer now becomes part of the licence of the winner, which may not be violated. Other conditions of the license shall be determined by the Government. The new act leaves it open for the Government to license broadcasting online.

The term of the licence shall increase to ten years from the current five. It may be extended by a decision of the licensing body to be determined by the Government (currently such body is Roskomnadzor at the Ministry of Communications and Mass Communications) in case, inter alia, there are no uncorrected violations of the terms of the licence. A licence shall not be transferred to a different legal entity.

According to a new article of the Statute “On the mass media” (31-7), the licensing body has powers to issue a written prescript to any broadcaster for any violation of the law as well as to suspend its activity for up to three months. Any violation is to be corrected within the term stated in the prescript and its acknowledgement shall be reported back to the licensing body. A licence is revoked by a decision of the court of law (earlier it could be done by the decision of the licensing body alone) on a petition of the licensing body in cases when its prescript has not led to a correction of the violation or when a broadcaster makes “a gross violation” of its licence terms for the second time within 12 months. In addition other grounds for revoking the licence remain in force such as repeated violations of Article 4 of the Statute on the mass media (“Inadmissibility of abuse of the freedom of the mass media”) and provisions set by the Federal Statute “On licensing of certain types of activity”.

Article 32-1 gives powers to the President of the Russian Federation to approve the list of must-carry channels on all platforms (see IRIS 2009-10/25). The channels that enter the list obtain licences without tender (competition, auction).

The statute redrafts article 19-1 of the Statute “On the mass media” (see IRIS 2001-9/25) to restrict establishment of radio stations by foreign companies. Article 54 has a new provision that bans dissemination of a foreign radio or TV programme without its registration in accordance with the rules set in the Statute on the mass media. Article 31 is also amended to ban TV or radio rebroadcasting unless the original broadcaster has a Russian licence and there is a contract between the rebroadcaster and broadcasting company.

О внесении изменений в отдельные законодательные акты Российской Федерации в связи с совершенствованием правового регулирования в сфере средств массовой информации

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