[KZ] Broadcasting Law Enters into Force

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On 18 January 2012 Kazakhstan President Nursultan Nazarbaev signed into law the Statute "On television and radio broadcasting", adopted earlier by the national legislature. The Act consists of six chapters and 43 articles. It enters into force 2 March 2012.

The Statute introduces a comprehensive uniform system of licensing of activities in the audiovisual sphere including IP-television and radio, satellite and cable broadcasting, down to dissemination of signals within one block of flats (Art. 40). In addition to a license all foreign TV and radio channels shall undergo special registration procedures if rebroadcast in Kazakhstan by any means of transmission. Retransmission of foreign programmes as part of programming of a Kazakhstan broadcaster shall have a cap of 20 percent (Art. 34). Licensing and registration shall be carried out by an executive body of the Government.

The Statute regulates some aspects of the digital switchover. They involve, in particular, the establishment of a national operator for digital infrastructure, as determined by the Government (Art. 25). Must-carry channels shall be determined every three years by the Government taking into account the recommendations of the Commission on Development of Broadcasting to be established by the Government and acting in accordance with by-laws as approved by the Government (Arts. 11 and 12).

The Statute imposes limitations on the use of foreign languages in television and radio broadcasting including transmissions via cable.

The Office of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) issued its Commentary on the Draft Law "On television and radio broadcasting" in which it criticized the bill from the viewpoint of the country’s obligations as an OSCE Member State.

Закон Республики Казахстан от 18 января 2012 года № 545-IV «О телерадиовещании»

http://www.adilsoz.kz/wp-content/uploads/2012/02/TV-Law.pdf

Statute of the Republic of Kazakhstan "On television and radio broadcasting" No. 545-IV, Kazakhstanskaya pravda, 31 January 2011, No. 33-34.

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OSCE, Legal analysis of the Draft Law of the Republic of Kazakhstan "On television and radio broadcasting" (April 2011 with addendum of September 2011)

http://www.osce.org/fom/85484

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