[UA] Barrier established for Russian programmes

IRIS 2015-5:1/37

Andrei Richter
Comenius University (Bratislava)

On 2 April 2015, President Petro Poroshenko of Ukraine promulgated the statute "On amendments to certain statutes of Ukraine to protect information television and radio sphere of Ukraine" (Про внесення змін до деяких законів України щодо захисту інформаційного телерадіопростору України) adopted by the Supreme Rada (Parliament) on 5 February 2015.

According to the amendments to the statute "On Cinematography" (see IRIS 1998-4/12), the "central body of the executive that enforces national policy in the field of cinematography" (currently, the Ukrainian State Film Agency) is to refuse the issue of new state permits for the exhibition and other forms of distribution, including via TV, of films in a number of additional cases. Among prohibited films are the following: films with the participation of persons included in the "List of persons who pose a threat to national security". This list is to be published and renewed on its official website by the Ministry of Culture, which shall be guided by requests of the national security agencies, as well as the National Council on Television and Radio Broadcasting, the independent regulator; films that popularise or create a positive image of the law enforcement agencies or any other agencies of the "aggressor state", Soviet state security and their agents. The aggressor state, according to the statute, as well as earlier resolutions of the Parliament, is the Russian Federation. This new norm (Article 15-1) bans distribution of such films if they were produced in any country after 1 August 1991; any films of any thematic character produced with the participation of physical and legal entities of the aggressor state since 1 January 2014.

The Agency is also obliged to annul the already issued permits to such films retroactively.

Violators of the above provisions will face administrative fines.

Amendments to the Broadcasting Statute of Ukraine (see IRIS 2006-5/34) introduced by the new statute envisage a ban on the broadcasting of audiovisual programmes that fall under the following categories: programmes produced after 1 August 1991 that popularise bodies of the aggressor state, as well as its actions that justify or legitimise the illegal occupation of Ukrainian territories, as specified in the statute "On Cinematography"; films and TV programmes (with the exception of news and current affairs) with the participation of a person included

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in the “List of persons who pose a threat to national security”. The statute defines as “participation” the functions of an actor, artist, script author, music composer, narrator, director and/or producer of a film or TV programme.

Licence holders that violate the above provisions will face sanctions by the National Council on Television and Radio Broadcasting.

The statute comes into force on 4 June 2015.

Про внесення змін до деяких законів України щодо захисту інформаційного телерадіопростору України

http://www.golos.com.ua/article/253577

The statute of Ukraine “On amendments to certain statutes of Ukraine to protect information television and radio sphere of Ukraine”, N 159-VIII, 5 February 2015. Published in Holos Ukrainy (Голос України) official daily on 4 April 2015, № 61

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