

[UA] Statute to further restrict Russian audiovisual works

IRIS 2022-8:1/7

*Andrei Richter
Comenius University (Bratislava)*

On 7 October 2022, the Statute of Ukraine “On amendments to certain laws of Ukraine to support the national musical product and restrict the use of the musical product of the aggressor state in public” enters into force. The law was adopted on 19 June 2022 by the Supreme Rada (the Parliament) and signed into law by the President.

The key amendment is made to the Statute of Ukraine “On culture” (2011). It adds a new part to Article 15. It prohibits public performance, public display and/or public exhibition, including online availability in the territory of Ukraine, of phonograms, videograms and musical clips that contain a recorded performance of musical works with lyrics (not intended for the theatre) by a singer who is or was at any time after 1991 a citizen of the state, recognized by the Supreme Rada as an aggressor state [the Russian Federation], with the exception of former citizens of the aggressor state who are, or at the time of death were, citizens of Ukraine and do not have (did not have at the time of death) citizenship of the aggressor state. The ban extends to works produced by a natural person and/or a legal entity, which at the time of their public performance was, respectively, a citizen of, or registered in, a state, which at any time was recognised as an aggressor state.

Among the exceptions from the ban are works by singers included in the “List of musical performers (singers) of the aggressor state who condemn aggression against Ukraine”. The List is still to be determined by the Security Service of Ukraine and the National Security and Defense Council of Ukraine, in particular upon receipt of specific individual declarations of condemnation.

The amendments forbid collective societies in Ukraine from concluding or respecting any contracts to represent copyright holders from the aggressor state, or their license-holders, – until the territorial integrity of Ukraine (within internationally recognised borders) is reestablished.

The new statute also makes amendments to the Statute of Ukraine “On TV and radio broadcasting” (see IRIS 2006-5/34). These amendments ban the broadcasting of the works listed in Article 15 of the Statute “On culture” (see above), as well as specifying that the quota for national audiovisual product on

TV channels for children would be lowered to 25 per cent (as compared to 50 per cent for other TV entities). The rebroadcasting of programmes of foreign (except for the aggressor state) channels that correspond with the requirements of the European Convention on Transfrontier Television, without changes, and fully translated into Ukrainian is fully exempt from such quota requirements.

Heavy administrative fines are envisioned for violations of the new rules.

Про внесення змін до деяких законів України щодо підтримки національного музичного продукту та обмеження публічного використання музичного продукту держави-агресора

<https://zakon.rada.gov.ua/laws/show/2310-IX?lang=en#Text>

On amendments to certain laws of Ukraine to support of the national musical product and restrict the use of the musical product of the aggressor state in public), Statute of Ukraine, 19 June 2022, N 2310-IX. Officially published in Holos Ukrainy parliamentary daily on 7 July 2022, N 139

