[UA] “Impeccable reputation” regulation for media owners approved

IRIS 2023-8:1/33

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Following the adoption of the “de-oligarchisation” statute in Ukraine (see IRIS 2023-7:1/19), which aims to eliminate the excessive influence of vested interests in the economic, political and public life of the country including through “exerting significant influence over the mass media”, the national media regulator – the National Council on Broadcasting – adopted, on 28 July 2023, the Regulation on conducting the verification of the business reputation of the purchaser (potential purchaser) of a media outlet.

This verification is to be conducted by the Ministry of Justice at the request of the potential buyer (either domestic or foreign). The Ministry contacts other public competent authorities when necessary. In their turn those authorities have to respond to the Ministry’s inquiry within 10 days with the possibility of having an additional 10-day extension if necessary.

The conclusion on the reputation in question reached by the Ministry of Justice and based on official documents from the competent authorities together with the file on each application is submitted to the National Security and Defence Council of Ukraine (see IRIS 2022-5:1/8) with a copy of the conclusion sent to the buyer.

According to the “de-oligarchisation” statute, oligarchs may lose their status (and accompanying scrutiny and restrictions) if they sell their media business and hand control of the mass media to a person with an “impeccable reputation”. The law denies such a reputation to anyone with a criminal record, those under Ukrainian or international sanctions, any person named in the list of persons linked to terrorism, those prevented by a court from holding certain positions, gross violators of tax regulation, anyone intending to buy the media at a price which is significantly lower than market price or with funds the source of which cannot be proven, or those with a record of essential or systematic violations of media law or financial law (Article 10 of the statute and paragraph 5 of the regulation).

Порядок проведення перевірки ділової репутації покупця (потенційного покупця) засобу масової інформації

https://webportal.nrada.gov.ua/normatyvno-pravovi-akty-natsionalnoyi-rady/

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Regulation on conducting verification of the business reputation of the purchaser (potential purchaser) of a media outlet, N 49

Про запобігання загрозам національній безпеці, пов'язаним із надмірним впливом осіб, які мають значну економічну та політичну вагу в суспільному житті (олігархів)

https://zakon.rada.gov.ua/laws/show/1780-IX#Text

Statute of Ukraine on the prevention of threats to national security associated with the excessive influence of persons who have significant economic or political weight in public life (oligarchs), N 1780-IX.

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