

UKRAINE

ON THE PUBLIC TELEVISION AND RADIO BROADCASTING SYSTEM

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ON THE PUBLIC TELEVISION AND RADIO BROADCASTING SYSTEM

(Vidomosty Verkhovnoyi Rady Ukrainy (VVR), 1997, No.45, p. 284) With a view to ensuring in-depth satisfaction of society's need in operative information, guaranteeing pluralistic nature of broadcasts, allowing for national customs and moral values of the Ukrainian people there shall be established a Public Television and Radio Broadcasting System of Ukraine (hereinafter referred to as the Public TV and Radio Broadcasting) acting on the basis of the Constitution of Ukraine (254k/96-VR), Laws of Ukraine "On Information" (2657-12), "On Television and Radio Broadcasting" (3759-12), other laws regulating the activities of TV and radio companies as information and business entities, and this Law.

Article 1 **Public TV and Radio Broadcasting Status**

The Public TV and Radio Broadcasting shall mean a single national non-profit broadcasting system, owned by the Ukrainian people and built on a uniform program concept. The Public TV and Radio Broadcasting shall be based on a wide representation of various society strata ensuring via their representatives in the Public Council the implementation of the program concept of this TV/radio organization and exercising control over financial and business activities thereof.

The Public TV and Radio Broadcasting program concept shall periodically undergo revision allowing for social development trends and need to satisfy citizens' right to free receipt, use and dissemination of information. The Public TV and Radio Broadcasting shall be a legal entity having an independent balance sheet, current and other accounts with banking institutions, a stamp with its title inscribed thereon, as well as a trade mark (logo) for its goods and services.

Article 2 **Establishment of the Public TV and Radio Broadcasting**

Public TV and Radio Broadcasting shall be established upon a resolution passed by the Verkhovna Rada of Ukraine in line with procedures prescribed thereby in keeping with laws currently in effect. The Verkhovna Rada of Ukraine shall approve the Statute of the Public TV and Radio Broadcasting, size and membership of the

Public Council, part of membership of the Qualification Council in pursuance of the provisions of section 2, Article 5 of this Law and the program concept of the Public TV and Radio Broadcasting.

Article 3

The Public Council as a Supervisory Body of the Public TV and Radio Broadcasting

Its Function Supervision of the Public TV and Radio Broadcasting shall be exercised by the Public Council - a collective non-departmental body coordinating the development of the Public TV and Radio Broadcasting and implementation of its program concept; it shall:

- determine principles of staffing and an organisation chart,
- control the use of broadcasting channels and financial and economic activities of the TV/radio company,
- give the approval of nominees to be a head and members of the Administrative Council of the Public TV and Radio Broadcasting,
- consider and approve reports of the Administrative Council.

The Public Council shall protect values laid as the foundations of political, legal and social structures of the democratic society. The Public Council may not interfere with day-to-day business activities and exercise control of the content of programs produced by the Public TV and Radio Broadcasting. The Public Council shall act on the grounds of the Statute of the Public TV and Radio Broadcasting approved by the Verkhovna Rada of Ukraine.

Article 4

Size and Membership of the Public Council

The Public Council shall consist of:

- one representative of each political party, having seats in the Verkhovna Rada of Ukraine,
- of the all-Ukrainian creative unions and public associations registered with the Ministry of Justice of Ukraine and itemized by the Verkhovna Rada, as well as
- one representative of the President,
- Cabinet of Ministers,
- National Bank,
- Public Prosecutor's Office,
- National Council on Television and Radio Broadcasting,
- Antimonopoly Committee,
- State Copyright and Allied Rights Agency under the Cabinet of Ministers of Ukraine.

Principles of setting up the Public Council shall be determined in the Statute of the Public TV and Radio Broadcasting. Size and membership of the Public Council shall be approved by the Verkhovna Rada of Ukraine of each convocation during the first year of its term.

Article 5

The Qualification Council

The Qualification Council shall be a permanent public body comprising scholars and experts in the field of television, radio, information communications who shall be engaged in the process of eliminating nominees to be a head and members of the Administrative Council and shall submit the candidacies for the approval of the Public Council.

The Qualification Council shall comprise 3 representatives of the President of Ukraine and 3 representatives of the Verkhovna Rada of Ukraine. The term of office of the Qualification Council shall be unlimited. Rotation or re-appointment of the Qualification Council members shall be made on the initiative of the President of Ukraine, Verkhovna Rada of Ukraine only once during the term of office thereof.

Meetings of the Qualification Council shall be convened if need be upon the Public Council's decision. The Qualification Council shall act on the ground of the relevant Provisions, approved by the Public Council.

Article 6

The Administrative Council

The Administrative Council shall be a permanent managing body of the Public TV and Radio Broadcasting, with the authority and functions stipulated in the Statute of the Public TV and Radio Broadcasting.

Article 7

Sources of Financing

The Public TV and Radio Broadcasting shall be financed from:

- the subscription fee collected for the use of TV and radio sets,
- at the expense of state order,
- fund-raising campaigns,
- publishing specialized newspapers and magazines,
- distributing its own audio and video recordings,
- selling out its own TV and radio products to other organisations and
- from other sources of financing in keeping with laws currently in effect in Ukraine.

The Public Council may set up a public fund to raise and accumulate on a non-commercial basis the funds required for the activities of the Public TV and Radio Broadcasting. State order for programs produced by the Public TV and Radio Broadcasting may not exceed 20 per cent of the total airtime. Such state order shall be agreed upon with the National Council on TV and Radio Broadcasting.

Advertising on the channels of the Public TV and Radio Broadcasting shall be forbidden except for commercial presentations specified as such in the TV program, which airtime shall not exceed 3 percent of daily airtime.

Article 8

Licensing

The Public TV and Radio Broadcasting shall enjoy the priority in obtaining a license allowing the use of the broadcasting channels.

Article 9

Entry into Force

This Law shall enter into force on the date of its publication.

The provisions of the Law of Ukraine "On the Public Television and Radio Broadcasting System" shall be taken into account when elaborating and passing laws of Ukraine, other legal acts of legislative and state executive power in Ukraine.

Regulatory acts of the President of Ukraine, Cabinet of Ministers, ministries and other central executive authorities shall be brought in compliance herewith within three months from the entry into force of this Law to be subject to the registration in a new wording in keeping with the legislation.

Article 10

Transitory Clauses

The foundation period of the Public TV and Radio Broadcasting shall be determined by resolutions of the Verkhovna Rada of Ukraine approved as per Law of Ukraine "On Television and Radio Broadcasting" (3759-12).

The Public TV and Radio Broadcasting shall be funded from the state budget during the foundation period and the first year of function.

For the forthcoming three years the state order shall be gradually cut down allowing for the requirements set forth in Section 3, Article 7 of this Law.

During the formation period there may be allowed upon decision of the Verkhovna Rada of Ukraine advertising of goods manufactured and services rendered by domestic producers according to legally set procedures.

Leonid Kuchma, President of Ukraine City of Kyiv, July 18, 1997 #485/97-VR