

THE LAW OF REPUBLIC OF ARMENIA "ON TELEVISION AND RADIOBROADCASTING"

CHAPTER I GENERAL PROVISIONS

ARTICLE 1 THE SUBJECT OF THE REGULATION OF THIS LAW

The present Law defines the status of Television and Radio companies, regulates their foundation, licensing and management procedures, the foundation of their rights and obligations, relations emerging in the process of the establishment and activities of television and radio broadcasting companies.

ARTICLE 2

THE LEGISLATION OF THE REPUBLIC OF ARMENIA ON TELEVISION AND RADIO BROADCASTING

The RA Law on Television and Radio Broadcasting comprises the Laws "On Media", "On Broadcasting", "Author's and other related rights", "On language", "On advertisement".

The law also comprises other laws and legal norms of the RA. If an international agreement ratified by the RA provides norms for the organization and performance of television and/or radio broadcasting other than those stipulated by the present Law, the norms of the international agreements shall prevail.

ARTICLE 3

MAIN CONCEPTS AND TERMS USED IN THE LAW

The following main conceptions are used in this law:

Television and radio broadcasting - dissemination of pictures and (or) sounds or their conditional signs with the help of electromagnetic waves, through transmitting lines (including cable connection) or without transmitting lines (including broadcasting on radio, television and satellite), so that those pictures or sounds are perceptible by the public. Dissemination of encoded signals is also considered to be broadcasting, if the decoding means are provided to the TV and radio audience by the broadcasting organization, or with the consent of that organization;

Teleradioprogram - a set of broadcast (pictures or voices) information, live or recorded, done by the broadcasting company or other companies for broadcasting purposes.

Teleradioseries - a set of broadcasting materials (pictures and voice) with a name, rights to broadcasting at certain regularity (not less than once a year) stipulated for the direct perception on behalf of the potential audience.

Schedule of teleradioprograms- list of TV and radio programs, their sequence, hours of broadcasting, audio and video information in a form of programs;

Teleradiobroadcast license - written permission allowing using certain frequencies, cable or wire network, and carry out a certain programming policy in order to broadcast teleradioprograms of their own production or produced by other persons.

Programming policy - the main theme, the direction, and the type of the program, the specific features of preparing and broadcasting the programs.

Television and Radio company (television company or radio company) - a legal entity that based on the license (except for the Public TV and radio company) produces, transmits or re-transmits mass information by using private or rented transmission facilities, which is responsible for the implementation of the conditions of the license, of this law and other legal rules.

Founders of television and radio broadcasting companies - those persons who initiate the launch of the television and radio broadcasting company with the participation of investors.

Television and radio program producer - an individual and (or) legal entity carrying out audio, visual and audiovisual mass information production.

Licensee - television or radio broadcasting company that based on this law has the license to broadcast TV and radio programs, implement certain programming policy, produce, disseminate audio and video mass information and data (additional data).

National teleradioprograms - programs produced or commissioned by the television or radio companies of RA, or other companies producing television and radio programs, including those program translated into Armenian.

Local programs - programs that are produced by a particular teleradio company and are subject to the author's right.

Foreign television and radio programs - programs produced in a foreign country by a teleradio programs **production** company of that particular country, as well as programs which contain over 50 per cent of **audio, visual and audiovisual foreign production**.

Encoded TV and radio programs - programs that can be received with the help of corresponding auxiliary devices, through terrestrial and cable broadcasting, based on the contracts.

Rebroadcasting - receiving, and simultaneous complete and unchanged re-transmission of audio and video program and broadcasts.

Broadcasting network - a set of transmitters connected to communication channels, which are used by the licensee to broadcast television and radio frequencies.

Area of dissemination - area within which TV and radio companies, according to the acting technical criteria, provide the dissemination of audio and video information or data (additional data)

Frequency list - a document that contains the list of frequencies provided by competent bodies for television and radio broadcasting.

Satellite - a cosmic device used to receive and rebroadcast information

Additional information - any information that is not connected to the content of the main program but is broadcast with the signal of that particular program and is foreseen for unlimited audience.

Individual receiving - immediate receiving of television and radio programs (broadcast) through household video and audio devices without the right of re-broadcasting.

Official statement – information concerning the internal and foreign politics, protection of public interests, emergency situations, subject to publication and presented officially by the President of the Republic of Armenia, the National Assembly, the chairman of the National Assembly, the government, the prime minister, the constitutional court, the central election commission, the central bank, bodies of local government, as well as other state bodies or persons authorized by them in cases stipulated by the law or the resolution of the government.

ARTICLE 4

THE FREEDOM OF TELEVISION AND RADIO BROADCASTING PROGRAMS

The Republic of Armenia guarantees the right to freedom of selection, production and broadcast of television and radio programs and forbids censorship.

Consumers are free to receive television and radio programs and additional information including via satellite, cable and wire networks, paid or unpaid, decoding devices and open networks of TV and radio broadcasting

The state creates necessary conditions and takes measures to receive public television and radio (at least one radio and one television channels) program throughout entire country.

The transmitting (broadcasting) company should not limit the rights of receivers to the programs.

ARTICLE 5

THE LANGUAGE OF TELEVISION AND RADIO PROGRAMS

The language of television and radio programs broadcast in the territory of Republic of Armenia is Armenian, except for the cases stipulated by this law.

The television and radio programs are obliged to provide appropriate level of clarity in the language. Teleradio programs, films and documentaries and cartoons languages, as well as the foreign version of Armenian programs are broadcast with simultaneous translation in Armenian either with the voice over or subtitles.

Programs on teaching foreign language as well as songs other music works can be broadcast without Armenian translation.

It is forbidden to use names of programs, ads and other entries only in foreign language.

Above mentioned provisions do not apply to those programs broadcast for foreign countries or ethnic minorities.

ARTICLE 6 THE IMPLEMENTATION OF THE LAW

The current law applies to broadcasting entities in RA and broadcasting companies to the extent that their programs are aired in the territory of RA with the exclusion of the programs based on interstate agreements.

CHAPTER II ORGANIZATION OF TELEVISION AND RADIO BROADCASTING

ARTICLE 7 PROCEDURE FOR THE PREPARATION IMPLEMENTATION OF TELEVISION AND RADIO PROGRAMS

In RA, broadcasting of TV and radio programs is implemented based on licensing. TV and radio companies implement TV and radio broadcasting using their own, rented and (or) lent technical devices.

In case of dissemination of programs by other broadcasting companies reference to the source is obligatory.

ARTICLE 8 SEARCH FOR AUDIO AND VIDEO INFORMATION

The rights of journalists and other specialists to search for and find any kind of information to prepare TV and radio programs are not limited during the implementation of video and audio recording, with the exception of the cases stipulated by the legislation of the Republic of Armenia.

ARTICLE 9 PROTECTION OF A NATIONAL PROGRAMS PRODUCER

Broadcasting nationally produced programs on any channel cannot be less than 65% of the overall airtime, if not stipulated otherwise by this law.

Exclusions are the direct broadcast of important information, educational, cultural, sport and other events.

Those provisions do not apply to coded programs.

ARTICLE 10 BROADCAST OF FOREIGN RADIO AND TELEVISION COMPANIES' PROGRAMS

Programs of foreign television and radio broadcasting companies can be rebroadcast in the territory of RA, based on interstate agreement or a license granted to the re-broadcaster by the National Commission, using no more than one fifth of the existing frequency for each range (VHF, UHF, FM, etc.) The procedure for granting a license for re-broadcasting is defined by the National Commission.

TV and radio companies licensed in the Republic of Armenia can rebroadcast the programs of foreign TV and radio companies on a contractual basis, abiding by the demands of the articles 5 and 9 of the law and the licensing conditions and by informing the National Commission in writing before re-broadcasting.

ARTICLE 11

TELEVISION AND RADIO PROGRAMS DURING REFERENDUMS AND ELECTIONS

Before and during referendum and election campaigns the RA law on elections and referendum regulates Television and Radio programs.

During the above-mentioned period it is forbidden to broadcast political or other campaign materials in the form of information, editorial, documentary, column and other programs. Similar programs should be run with the "Political Advertisement" or "Election Campaign" title on the screen. In case of radio broadcast not less than three times during the program there should be a reminder about it.

During the referendum and election campaign the television and radiobroadcasting companies shall publicly inform about the rates for political advertisement and for the airtime. Everyone shall use the paid airtime based on contracts, and the conditions shall be the same for everyone.

ARTICLE 12

THE TELEVISION AND RADIO DURING THE MILITARY AND EXTRAORDINARY SITUATIONS

Television and radio companies are obliged to provide the RA President or individuals authorized by the president with the airtime for the official statements on military situation or in case of natural disaster, accidents, fires and extraordinary situations. The allotted airtime cannot exceed 10 minutes in each hour.

ARTICLE 13

RECEIVING OF AUDIO-VISUAL INFORMATION

Viewers and listeners of broadcasting programs receive audio-visual information for free of charge or paid via open or coded channels.

TV viewers and radio listeners shall have no obstacles in receiving all the TV and radio programs (including the foreign TV and radio programs broadcast through satellite connection,) without the right to rebroadcast them.

ARTICLE 14

PRESERVATION OF AUDIO-VISUAL MATERIALS

Television and radio broadcast companies shall preserve the recorded version of their products within one month from the production date.

All programs and broadcasts shall be registered in a book indicating the date, starting and ending time of broadcasting, summary contents, names of the authors and officials in charge.

After one month, the audio-visual materials can be erased if there was no application, complaint or legal action submitted to the council of public TV and radio company, National commission, TV and radio companies or the court, concerning the refutation of the data or other controversial issues included in the programs.

ARTICLE 15

SPONSORSHIP OF TELEVISION AND RADIO BROADCASTING

Sponsorship of television and radio broadcasting is a direct or indirect financial investment of physical and legal entities aimed at increasing the quality of programs and their process of preparation.

Sponsorship of television and radio broadcasting shall be a non-commercial type of financing.

Sponsorship by political parties, religious organizations is prohibited.

Sponsorship of information production, official statements and political programs is prohibited, as well as the interference of a sponsor in the sponsored programs is prohibited.

In the sponsored program statements about the identity of the sponsor, symbols, autographs can be expressly presented at the beginning and at the end of the broadcast program for no longer than one minute each.

CHAPTER III TELEVISION AND RADIO BROADCASTING COMPANIES

ARTICLE 16

TYPES OF TELEVISION AND RADIO COMPANIES

There can be public and private Television and Radio Companies in the RA with the status of legal entity.

In the RA there shall be at least one public Television and Radio broadcasting company that shall be established based on this Law.

TV and radio companies founded by physical and legal entities are considered to be private.

All television and radio broadcasting companies in the territory of Armenia have equal rights and are accountable in front of the law equally notwithstanding their ownership.

ARTICLE 17

FOUNDERS OF TELEVISION AND RADIO BROADCASTING COMPANIES

Founders of Television and Radio Broadcasting companies can be any physical and legal entities with the exclusion of those listed in this law.

At the time of establishing TV and radio companies or after that the amount of foreign capital should not be equal or exceed the amount of the capital that provides the result of the decisions.

Those who are not permitted found television and radio broadcasting company:

representatives of the government or local municipalities
members of the Council of the Public Television and radio company - members of the National Commission
political parties
religious organizations
prisoners or those denied the right to work
citizen below the age 18

ARTICLE 18

THE CHARTER OF THE TELEVISION AND RADIO COMPANIES

The regulations of the Public television and Radio Company is based on the articles 28 and 42 of this law.

The founders of television and radio broadcasting company adopt their regulation which includes the aim of the company, the structure, and the rights and obligations of its members and other conditions foreseen by the Civil Code of the RA.

ARTICLE 19

GUARANTEE FOR THE INDEPENDENCE OF TELEVISION AND RADIO COMPANIES

The interference by the state officials, political party members, public entities and other physical and legal entities into the function of television and radio companies is forbidden.

State officials can interfere into the operation of television and radio companies only in the cases foreseen by the Constitution of RA.

ARTICLE 20

ANTIMONOPOLY GUARANTEE

Each physical or legal entity can be licensed only for one Television or Radio Company.

ARTICLE 21

ADVERTISEMENT ON THE TELEVISION AND RADIO COMPANIES

The advertisement in the television and radio is realized according to the law "On Advertisement" of RA.

ARTICLE 22

SOURCE OF INCOME OF THE TELEVISION AND RADIO COMPANIES

The source of income of Television and Radio Companies shall be advertisements, paid air time, sponsorship, income from the sale of their own audio-visual production, subscription, founders' investment and other financial sources which are not prohibited by the Law.

The income of the public TV and radio company is regulated also by article 35 of this law.

ARTICLE 23

PROGRAM IDENTIFICATION

Television and Radio broadcasting companies are obliged to present their names and symbols during airing everyday, as well as the program for the day.

TV and radio companies are obligated to continuously broadcast the logo that company during the broadcasting of their programs, with the exception of advertisement broadcasting.

Television and radio companies can provide the media with their daily, weekly and monthly program with or without payment.

ARTICLE 24

ABUSING TELEVISION AND RADIO PROGRAMS

It is forbidden to use the television and radio programs for the following:

- a) For the campaign of the coup d'etat, or forcibly change of the Constitution.
- b) Ethnic, religious or racial discrimination,
- c) To publicize state or other secrets protected by the law
- d) To advocate war
- e) To advocate criminal or other acts, forbidden by the Law,
- f) To spread pornography materials
- g) Horror movies, programs damaging the education of teenagers.
- h) Libel violating other people's rights.

Exclusions are historical documentaries

Programs with erotic features can be aired from 24 p.m. to 6 a.m. Exclusion are coded programs.

ARTICLE 25

SATELLITE TELEVISION AND RADIO BROADCASTING AND BROADCAST

The primary right to use of Satellite rented by the Republic of Armenia is given to the Public Television and Radio Company. In case of existing extra air time the National Commission can decide to rent it out to other television and radio companies. Private Television and Radio companies can use the Satellite when they have a contract with the Satellite Company. The broadcaster can inform the National Commission about it.

ARTICLE 26

CONSUMERS RIGHT TO ACCESS TO INFORMATION

Information is accessible for all the consumers if the TV and radio company has not made restrictions on the access to information through encoding or in another way, or if the TV and radio company has not announced the limited access to that information.

In cases when television and radio company implements broadcasting for unlimited number of consumers and delivery of free of charge information, the consumer has the right to use the service without letting the company know about it.

In other cases the prices and the conditions for the service are decided by the agreement.

ARTICLE 27

CODED TELEVISION AND RADIO PROGRAMS

Coded is television and radio program that is received through the additional facilities via airing, cable, wire broadcasting.

There are not subject and language restrictions for coded programs. Exclusions are the ones foreseen in article 24 of this law.

In this case before broadcasting the program the audience is given the name, main subject, the direction, the hour and the length program.

To get the programs coded the licensed television and radio companies shall get the permission from the National Commission.

CHAPTER IV PUBLIC TELEVISION OF ARMENIA

ARTICLE 28

THE STATUS AND THE PRINCIPLES OF OPERATION OF ARMENIAN PUBLIC TELEVISION

The public television is a state enterprise with a special status. This Law regulates the legal part of the Armenian Public Television. It is launched by the State to guarantee the Constitutional rights of people to freely receive political, economic, educational, cultural, children's, teenagers, scientific, Armenian language and history, sport, entertainment and other popular information. It is operating according to this law, to its regulations and the RA legislation.

The Public Television Company carries out its activities in the sphere of producing and broadcasting the television programs of the Public TV and Radio Company, and the Public Radio Company carries out its activities in the sphere of producing and

broadcasting the radio programs of the Public TV and Radio Company. Their supreme body of management is the Council of Public TV and Radio Company.

The production of an official statement, subject to broadcast by the Public TV and Radio Company, is carried out by the staff (the department) of the body that has presented that statement, or the Public TV and Radio Company, or other TV and radio companies, with the consent of that body.

According to the article 80 of the Constitution, the Public TV and Radio Company carries out the production of the video recording of the National Assembly sessions convened with the purpose of making inquiries to the government of the Republic of Armenia, as well as the live broadcasting of the National Assembly sessions and, in cases defined by the National Assembly, the video recordings (the audio recordings) of the National Assembly sessions. The staff of the National Assembly carried out the production of the video recording of the time period allotted for the parliament members' announcements taking place at the last session of each Tuesday of the three-day sessions of the National Assembly, as well as the production of the "Parliament Hour" TV program and other programs stipulated by the law of the Republic of Armenia "Regulations of the National Assembly."

The Public television and radio functions based on principle of democracy, objectiveness, unbiased and provide freedom of speech and creativeness.

Public Television and Radio Company is obliged to:

- a) Broadcast the programs stipulated by the RA law "Regulations of the National Assembly" according to the procedure and time defined by that law
- b) Allot at least two third of the programs to national production
- c) To ensure the diversity of the programs with the possible selection of programs and series.
- d) To make and realize a program policy:
 - 1) To use the most convenient airtime for the most publicly popular program, presenting the official statement on the subject.
 - 2) To provide the audience with programs that considers the interests of ethnic minorities, different social groups and different regions of Armenia.
- e) To make sure deaf and mute people have access to information.

Public Television and Radio can provide airtime for the ethnic minorities in their languages.

The volume of those programs should not exceed to one hour per week for television and one hour per day for radio.

In public television and radio companies:

- a) Commercial advertisement should not exceed 5 per cent of all programs.
- b) A program in a process of a broadcast cannot be interrupted for a commercial advertisement.

- c) In the aired program there shall not be a dominance of political orientation and political advertisement out of campaign period.
- d) The length of the official statements of the President of the Republic, the National Assembly, the government cannot exceed 3 minutes a day for each of them.
- e) During the state mourning the broadcast of advertisements and entertainment programs is prohibited.

At least one channel of public television and radio shall cover the entire country.

It is forbidden to use the frequencies used by the public television and radio by other broadcasting companies without particular agreement. During the strike of the staff of Public television and radio the company is obliged to provide with at least two news programs a day.

The National Assembly approves the regulation of the public television and Radio Company.

The council of Public Television and Radio Company works out the regulations of the Public Television and Radio Company and introduces it to the government of the Republic of Armenia. The government of the Republic of Armenia presents the regulations, as a legislative initiative, to the RA National Assembly, attaching its conclusion. The National Assembly of the Republic of Armenia ratifies the regulations of the Public Television and Radio Company by a law.

ARTICLE 29

THE COUNCIL OF PUBLIC TELEVISION AND RADIO COMPANY

The executive body of the public Television and Radio Company is the Council.

The President of the Republic appoints members of the Council.

The Council comprises of 5 members. Members are appointed for the period of six years. The Council elects a Chairman and members from among its staff. The functioning periods of the members of the first staff of the Council are defined in the additional provisions of this law.

The Head and the members of the Council are paid from the part of the budget for the Public Television and Radio Company.

The members of the Council are selected from the journalism, jurisdiction, the management of the television and radio broadcasting, science, cultural sphere and other qualified professionals, having graduated from institutions of higher education and having fluent knowledge of Armenian.

Those who cannot be members of the Council:

- a) the leaders of political parties,
- b) foreign citizens and persons without citizenship,
- c) the directors of public and private television and radio companies,
- d) persons who are in a contractual relationship with the broadcasting companies.

The Council functions based on this Law, its regulations, other legislative norms, and is independent within its jurisdiction.

The Council can be liquidated in case this law is considered invalid or there is an amendment to the law.

ARTICLE 30

THE ORDER OF THE ACTIVITIES OF THE COUNCIL

The work of the Council is being organized through daily activities and session meetings.

The President of the Council calls the session meetings for no less than once a month.

The President of the Council for two reasons calls the extraordinary session.

- a) by his/her initiative
- b) by the request of at least two members of the Council.

The session meeting of the Council is legal if it is run by the President or by a vice president with the President's authorization and there should be more than half of the members present.

The session meeting of the Council is open. The Council provides with the publicity of its' functions.

ARTICLE 31

THE PRESIDENT OF THE COUNCIL AND THE MEMBERS

The President of the Council is being elected from the members of the Council. The President:

- a) Organizes the work of the Council and its staff.
- b) Calling the meeting session of the Council and runs them, sign the decisions of the Council and the minutes of the meetings.
- c) Coordinates and assures the work of the Public Television and Radio company. The President and the members of the Council during the implementation of their duty cannot be engaged in another paid work, except pedagogical, creative and scientific activities.

The members of the Council cannot be called back from their job before the end of term with the exclusion of the following cases when the member:

- a) Has resigned.
- b) Is elected or appointed in another state position.
- c) Without valid reason over three months is not participating the work of the Council.
- d) Is sentenced by the court verdict.
- e) Has lost the citizenship of RA,
- f) In case of death.

In cases of above mentioned the work of the Council can be terminated before the expiry date by the Decree of the President.

In case of a vacant place in the Council the President of the Council informs the President of the Republic and it shall be filled within one-month time.

The same person cannot be elected a member of the Council more than twice.

ARTICLE 32 THE JURISDICTION OF THE COUNCIL

The Council of Public Television and Radio Broadcasting Company:

- a) Defines the overall broadcasting volume of the Public TV and radio company programs, as well as the number of TV and radio channels.
- b) Approves the structure and the schedule of the programs.
- c) Writes and provides the government with its Regulations for approval.
- d) Sets the expenditure regulations.
- e) Approves the status of the staff (Television and Radio Broadcasting Company), their contracts and payments.
- f) Defines the category of staff who are cannot to work in other television and radio broadcasting companies and media.
- g) Defines the rules of competition for the vacancy of the Head of Public Television and Radio Company.
- h) Appoints the executive directors of Public Television and Radio Companies who passed the competition for vacancy.
- i) Approves the deputy heads presented by the executive directors of Public Television and Radio Companies.
- j) At least once a year receives a report by the Heads of the Public Television and Radio Companies.
- k) In case of unsatisfactory work fires the Heads of Public Television and Radio Companies.

The implementations of the decisions of the Council are obligatory for the Heads of the Public Television and Radio Companies.

The Function of the Council is public. The Council shall inform media regularly about its activities and taken decisions.

The Council provides the President of RA and the National Assembly with the annual report.

ARTICLE 33 THE JURISDICTION OF THE EXECUTIVE BODY OF THE COUNCIL

The executive body of the Council appoints the Executive Directors of the Public Television and Radio Companies on a competition basis.

The executive Directors and Deputy Directors of Public Television and Radio Companies:

Direct the current activities of the Public Television and Radio Companies.
Approves the administrative structure, release orders, sign agreements and monitor their implementation.

Approves the size of the payments for the staff.

Participate in the work of the Council with the right to advising voice.

In the country, outside the country present the Public Television and Radio Company.

The executive Directors of Public Television and Radio Companies are appointed or fired by the two third of the Council's voice.

ARTICLE 34

THE STAFF OF THE COUNCIL

The Council organizes its work with its staff. The Council decides the structure and the number of the staff presented by the President of the Council.

ARTICLE 35

THE FINANCING OF PUBLIC TELEVISION AND RADIO COMPANY EXPENDITURE

Each year the council of the Public TV and radio company forms the budget of the expenses of the public TV and radio company for the following year, indicating in a separate line the sum of money allotted to the public TV and radio company Council, Public TV company and Public radio company, presenting it to the government of the Republic of Armenia. The latter presents it to the RA National Assembly for confirmation.

The Preliminary calculations for the expenditures shall satisfy the implementation of Council's functions based on this Law.

ARTICLE 36

THE ANNUAL STATEMENT OF THE COUNCIL

Before March 1 of each year, the Council introduces to the National Assembly a statement (including a policy and financial statement) on the previous year's activities of the Public TV and Radio Company.

The chairman of the Council presents the statement at the session of the National Assembly. The statement is discussed at the session of the National Assembly according to the procedure defined by the RA law "Regulations of the National Assembly" and is taken into account.

The Council shall publish the statement in the press.

CHAPTER IV

THE NATIONAL COMMISSION OF TELEVISION AND RADIO

ARTICLE 37

The National Commission of Television and Radio Company (from now on National Commission) is an independent body with the status of a state enterprise, regulated by this law and its regulations. The function of the Commission applies only to licensing and monitoring the private television and radio companies. The National Commission:

- a) Provides the broadcasting frequency publicly and by competition, providing the publication of complete information about the competition results.
- b) Approves the types of a license.
- c) Provides licenses.
- d) Makes and publicizes the list of licenses, inspects the implementation of the conditions stated in the license.
- e) Allows coded programs by the television and Radio companies.
- f) Through the audio and visual recordings makes sure their compatibility to the law.
- g) Inspect the technical standards of the preparation process of the programs, as well as the technical compatibility to the existing standards and certification.
- i) Shall monitor the implementation of the laws and regulations related to the Television and Radio.
- j) In case of violation of this law, before the court decision, is suspending particular series of program of television or radio broadcasting company.
- k) By the article 55 of this law considers the license invalid.

The activities of the National Commission are financed from the state budget. It is indicated in the budget in a separate item.

ARTICLE 38

THE FINANCING OF THE NATIONAL COMMISSIONS EXPENDITURES

The National Commission annually establishes the budget for the next year, which is presented for the National Assembly approval within the State budget line. The budget of the National Commission shall allow the implementation of functions of the Commission indicated in this law.

ARTICLE 39

THE REGULATION FOR ESTABLISHING NATIONAL COMMISSION

The National Commission consists of nine members appointed by the president of RA.

The members of the National Commission are appointed for the period of six years, except for the first staff. The periods for appointing the first staff are defined in the transitional provisions of this law.

The National Commission elects the director and deputy director from its members.

The same person cannot be appointed more than twice as a member of the Commission.

ARTICLE 40

THE STATEMENT OF THE NATIONAL COMMISSION

Before March 1 of each year, the National Commission presents a statement about the previous year's activities to the National Assembly.

The National Assembly shall publish the statement in mass media.

ARTICLE 41

THE REQUIREMENTS FROM THE MEMBERS OF THE COMMISSION AND THEIR PAYMENT

A person, who has long experience in the sphere of journalism, television and radio broadcasting, technical, cultural art, science and law, who had graduated from an institution of higher education and is fluent in Armenian, can become a member of the National Commission.

Members of the National Commission cannot be:

- a) Leaders of the political parties,
- b) directors of public or private television and radio broadcasting companies,
- c) persons who have a contractual relationship with broadcasting companies, including the employees of Public and private television and radio companies.

The National Commission acts on the basis of this Law, other legislative acts and is independent within its own legislation.

The National Commission can be suspended in case of invalidation of this Law, or alternation in the law.

The size of the Commission member's payment including the Director and the deputy director is decided according to the particular law.

ARTICLE 42

THE LEGISLATIVE PRINCIPLES AND BASIS FOR THE FUNCTION OF THE NATIONAL COMMISSION

The Constitution of RA, Current Law, its regulations and the acting legislation of RA regulate the function of the National Commission.

The National Commission works out the regulations of the National Commission and presents to the government of the Republic of Armenia. The government of the Republic of Armenia presents the regulations, as a legislative initiative, to the RA National Assembly, attaching its conclusion. The National Assembly of the Republic of Armenia ratifies the regulations of the National Commission by a law.

The independence, joint work and publicity are the principles of the National Commission.

ARTICLE 43

THE FUNCTION OF THE NATIONAL COMMISSION

The work of the National Commission shall be organized and directed by the Chairman of the National Assembly. The National Commission:

- a). Shall convene sessions by the initiative of the president of the Commission no less than once a year.
- b) The Session is competent if the President of the Commission or the deputy president, authorized by the president, runs it. More than the two third of the members shall be present at the session.
- c) The decisions are passed by the majority of the total number of the members of the Commission.
- d) There are minutes of the meetings (sessions) signed by the President.
- e) The sessions are hold publicly in the presence of media representatives.

Extraordinary sessions of the National Commission can be convened by the initiative of the commission chairman or by the demands of at least four members.

ARTICLE 44

THE STAFF OF THE NATIONAL COMMISSION

The National Commission organizes its work with the help of its staff. The structure and the number of the staff presented by the National Commission president are approved by the National Commission.

ARTICLE 45

SUSPENSION OF THE AUTHORIZATIONS OF NATIONAL COMMISSION MEMBERS

The members of the National Commission cannot be called back (suspended) from their work with except for the following cases:

- a) resignation
- b) elected or appointed to other state position
- c) Without a respectable reason has been absent from work for more than three months.
- d) Is sentenced by the verdict of the court.
- e) Lost the citizenship of the RA.
- f) In case of death.

In the mentioned cases the right to attorney of the members of the National Commission are being terminated before the expiry date by the Decree of the President of RA.

The president of the Commission informs the RA President about the vacant places in the Commission and they shall be filled in within one month.

The same person cannot be elected into the National Commission more than twice.

ARTICLE 46

THE GUARANTEES OF THE NATIONAL COMMISSION MEMBERS' INDEPENDENCE

The members of the National Commission cannot be members of the executive body of the political party. They cannot use their position in favor of any political party and other non-governmental organizations.

The President and the vice President of the National Commission cannot be engaged in another paid work in the meantime except for pedagogical, scientific, and creative work. The President and the members of the National Commission cannot be licensed for / or be a shareholder of any television and radio company.

CHAPTER V LICENSING OF TELEVISION AND RADIO BROADCASTING COMPANIES

ARTICLE 47 LICENSING. THE LICENSEE

The license is the only legal basis allowing to implement the broadcasting of television and radio programs in using certain frequencies, cable or wire network for the programs in the territory of RA, Exclusions are stated in the Armenian legislation:

The license for broadcasting shall be given on a basis of a competition according to the list of frequencies.

A license allows the licensee to sign lease contracts with the organizations and enterprises that have telecommunication devices, in order to carry out TV and radio broadcasting.

The licensed entity cannot sell or pass on the license to another entity.

ARTICLE 48 THE LIST OF FREQUENCIES

The state telecommunication body using the list of International Telecommunication Union, ITU, is setting up the frequency list in the territory of Armenia and providing the national Commission with the list.

The National Commission:

- 1) At least once a year shall publicize the frequency list and shall announce the tender for frequencies.
- 2) At the beginning of each year shall publicize the rules, conditions and the time for tender.
- 3) Shall set up the rules for license payment.

ARTICLE 49 THE APPLICATION FOR LICENSE

The application for licensing the broadcasting of television and radio programs shall contain:

- a) The type of a television and radio broadcasting company (airing, cable, wire).
- b) The name of an applicant and the juridical address.

- c) The type of broadcasting programs (airing, cable, wire)
- d) The subject and the specialization of television and radio programs.
- e) The regularity and the maximum volume of television and radio programs.
- f) The language of television and radio programs, as well as the language programs, if there are any.
- g) The territory covered by the program and the population number. h) Information about the applicant's other licenses for other television and radio companies or media, as well as about the producing and broadcasting them.
- i) Information about technical facilities
- j) Information about possible financial source
- k) Information about the airing time and date of the program.
- l) Preliminary information about the number, education and level of professionalism of the staff.
- m) The date of application.

There shall be documents about the company, status of legal entity, and a receipt of dues payment for taking part in the licensing competition, attached to the application.

ARTICLE 50 THE SELECTION OF LICENSEES

During the selection of an entity for licensing the National Commission considers:

- a) The prevalence of local programs.
- b) The prevalence of national programs.
- c) The technical and financial possibilities of an applicant.
- d) The professional level of the staff.

If the applicant pretends to receive a license for cable or wire television and radio programs broadcasting, he/she needs to have also the consent of local authorities regarding the implementation of technical conditions while creating the corresponding network.

The implementation of necessary conditions for broadcast licensing and the selection of broadcasting company should be no later than sixty days after getting registered at the licensing body.

ARTICLE 51 THE REJECTION OF A LICENSE

The License is not being given if:

- a) According to this law the applicant cannot be a licensee.
- b) The information stated in the application is not true.
- c) The technical facilities for broadcasting do not exist or are not sufficient.

The rejection of a license is given in a written form to an applicant, within ten days of the decision.

The rejection of a licensing can be complaint in the court.

ARTICLE 52

THE CONTENT OF TELEVISION AND RADIO BROADCASTING LICENSE

The license consists of the following information provided by the applicant:

- a) Full name of the applicant.
- b) The status of the television and radio company.
- c) The type of broadcasting.
- d) The address of television and radio company.

The license consists of the following information provided by the National Commission:

- a) The territory covered by the broadcast.
- b) The hours of TV and radio programs broadcasting during the day.
- c) Note about the payments for the license.
- d) Note about the limitations.
- e) The number and the date of the license.
- f) The expiration date of the license.

The license consists of the information about the applicant agreed by the National Commission:

- a) The frequency of television and radio programs.
- b) The technical information about private or rented facilities.
- c) Facilities with radiation and their location.
- d) The existence and location of radiated devices.
- e) Expected audience.
- f) The language of the programs.
- g) The subject of the programs and the specifications.
- h) The volume of the programs. i) The airing time of the programs.

ARTICLE 53

THE LICENSING

The licensee gets the license within ten days after the payments are made.

The amount of the licensing payment for broadcasting TV and radio programs depends on the transmitter capacity and the possible area of coverage. National Commission sets up the size of the payment, however it cannot be less than 500-fold of the minimum wages.

In order to use a broadcasting frequency, a licensee pays annual airtime fee the amount of which is calculated based only on the expenses necessary for maintaining the frequencies.

ARTICLE 54

DATES OF VALIDITY FOR LICENSE

Licenses are given for broadcasting of television and radio programs:

- a) Ten years for cable (wire) broadcasting,

b) Seven years for terrestrial broadcasting.

Two months prior to the expiry of the broadcasting license, the National Commission announces a competition for broadcasting on that particular frequency, on a general basis.

During the competition for a broadcasting license for a free frequency, in case of other equal conditions, a preference shall be given to:

- a) the functioning TV and radio companies that haven't violated the legislation in the process of their activities,
- b) the functioning companies that have at least 3 years of experience in the sphere of producing and broadcasting TV and radio programs.

If 1/5 of the TV and radio frequencies, completely stipulated for re-broadcasting by part one of article 10 of this law, is not occupied, and in case there is an application for re-broadcasting, a preference may be given to the re-broadcaster.

ARTICLE 55

ABOLISHING THE LICENSE

The National Commission can abolish the license if:

- a) it has been obtained illegally.
- b) There have been violations of the license conditions and three notifications about it within one year by the National Commission.
- c) The discrepancy of the technical equipment of the TV and radio company to the accepted standards, proved by experts, is threatening to the health of people, creating obstacles for function of other television and radio broadcasting companies, does not have sufficient level of technical quality, and fifteen days after the notification of the National Commission these problems are not solved.
- d) The license has been confessed to other physical or legal entities.
- e) The licensee six months after obtaining the license has not been engaged in broadcasting television and radio programs.
- f) The licensee has applied to consider the license to be invalid.

The National Commission does not bare responsibility for the damages created due to the liquidation of Television or Radio Company. The fee for license is not refundable. The decision of the National Commission on abolishing the license can be appealed in the court. If the decision of abolishing the license is considered to be groundless, the National Commission is obligated to compensate the damages caused to the TV and radio company.

CHAPTER VI

CONDITIONS FOR ORGANIZATION OF TELEVISION AND RADIO BROADCASTING PROGRAMS WITHOUT LICENSE

ARTICLE 56

CONDITIONS FOR ORGANIZATION OF TELEVISION AND RADIO BROADCASTING PROGRAMS

It is not necessary to obtain license for cable and wire network, if:

- a) the number of television and radio receiving facilities is not over 25.
- b) The area covered by broadcast is within the territory belonging to a legal entity, with the exclusion of hotels, and hotel complexes, sanatoriums and similar premises on the basis of rental.
- c) It is planned to broadcast television and radio programs within the period not exceeding 45 days and is on cultural and sport events.

The broadcast of social, political and economic programs is forbidden without license.

Organization of programs without license should not affect the quality of the programs broadcast during the same period. It shall not also create obstacles for broadcasting facilities of television and radio programs. The programs without license shall be broadcast on the basis of written permission given by the National Commission. In case of violation of this law and other laws in the sphere of television and radio, the National Commission shall suspend the activities of television and radio companies without license.

ARTICLE 57

APPLICATION FOR PROGRAMS WITHOUT LICENSE

The entity realizing television and radio programs without license shall apply National Commission 40 days before the broadcast, the application shall include following points:

- a) about the person realizing television and radio programs
- b) territory covered by the broadcast
- c) the size of the audience
- d) the subject, specification and the time of the programs.

CHAPTER VII

ACCOUNTABILITY FOR VIOLATION OF THE RA LAW "ON TELEVISION AND RADIO BROADCASTING"

ARTICLE 58

ACCOUNTABILITY FOR VIOLATION OF THIS LAW

In case of violation of this law, decisions of the National Commission and other legislative acts regulating this sphere, as well as not implementing or violating the licensing conditions the National Commission shall warn about it in writing to the given TV and radio company (TV company or radio company) that is obligated to meet the mentioned requirements in a sensible period of time. In case the requirements mentioned in the written notice are not met, the National Commission is authorized

- a) To impose administrative fines upon particular Television and Radio company 100 or 500 fold of the minimum wages,
- c) To suspend the programs or the activities of that particular Television or Radio company until a corresponding decision or a verdict is adopted by the court.

The National Commission is authorized to call invalid the license of a Television and Radio Company in case of violation of conditions stated in article 55 in this law, as well

as to apply to the court in order to institute a lawsuit against a TV or radio station, according to the RA legislation.

According to this article, the cases of implementing the authorizations of the National Commission and the procedure of implementing are defined by the National Commission regulations.

Television and Radio companies have right to apply to court with the demand of canceling or changing the decisions of the National Commission. The existence of a lawsuit does not affect the implementation of the decision on implementing the requirements of the written caution or the administrative fine.

In case of unreasonable suspension of Television and Radio Company, or program, the National Commission shall then compensate the loss.

CHAPTER VIII TRANSITIONAL PROVISIONS

ARTICLE 59 TRANSITIONAL PROVISIONS

The competition for the position of Director or Deputy Director of Public Television and Radio Companies shall be announced later then one month after the formation of the Company.

The National Commission and its staff shall be formed and start functioning within six months after the enforcement of the Law.

Within one month of this law coming into force, the government presents to the National Assembly the regulations of the Public TV and Radio Company, and of the National Commission, and its conclusions concerning them.

For implementation of the National Commission's work the Government shall provide with premises and other means.

From the moment of the National Commission's function, television and radio companies already accredited (functioning on a legal basis) are being re-licensed for free of charge, according to the RA legislation. TV and radio companies broadcasting on a leasehold basis carry on their activities until they are considered to be winners of a licensing competition for TV and radio broadcasting on corresponding frequencies.

From the moment of validation of this Law till 2005 is allowed to broadcast programs in foreign languages in the following scale:

2001-12 hours, 2002 - 9 hours, 2003 - 6 hours, 2004 - 3 hours.

The conditions applied for the volumes of national programs broadcast stated in the article 9 till 2005 is allowed to implement in the following scale:

2001 - 25%, 2002 - 35%, 2003 - 45 %, 2004 - 55 %

From the moment of validation of this law the National Television and Radio Broadcasting company is liquidating and instead is being created Public Television and Radio Broadcasting State enterprise.

From the moment this law comes into force the Broadcast volume of Public Television and Radio Company is set at the following scale:
Television broadcasting 2001-12 hrs, 2002 - 15 hrs, 2003 - 18 hrs. Radio broadcasting 2001 - 43 hrs, 2002 - 48 hrs, 2003 - 50 hrs.

The official duration of work for the members of the Public Television and Radio Company first Council is the following:

2 members - 2 years, 2 members - 4 years, 1 member - 6 years,

Duration of work of the first National Commission is the following:

3 members - 2 years, 3 members - 4 years, 3 members - 6 years

CHAPTER IX FINAL PROVISION

ARTICLE 60 ENFORCEMENT OF THE LAW

This law shall come into force as soon as it is published.

PRESIDENT OF THE REPUBLIC OF ARMENIA R.KOCHARYAN