

LAW OF UKRAINE
Amending and supplementing
the Law of Ukraine *On Television and Radio Broadcasting*
(National Television and Broadcasting Companies of Ukraine)

Now, the Verkhovna Rada of Ukraine resolves–

2. That the Law of Ukraine *On Television and Radio Broadcasting* (the *Vidomosti Verkhovnoi Rady*, 2006, No. 18, p. 155) be amended as follows:

1. To set forth Article 14 as follows:

“Article 14. National Television Company of Ukraine and National Radio Company of Ukraine

1. The National Television Company of Ukraine (NTCU) and the National Radio Company of Ukraine (NRCU) shall be created for the purpose of ensuring the citizens' rights to freedom of thought and speech, to receive complete, reliable and timely information and to open and free discussion of public issues.

Their principal tasks shall be–

- a) to inform promptly their viewers and listeners of all developments of public importance, both in Ukraine and abroad, inclusive of the activities of public authorities and local government, activities of political parties and civic associations, developments in the cultural, social and sporting life, and any emergencies that threaten life or health of the public;*
- b) to promote the fullest possible satisfaction of the cultural and educational needs of different sections of the population;*
- c) to promote consolidation of the Ukrainian society, interethnic and interconfessional understanding;*
- d) to produce and distribute programmes dedicated to economy, social and political life, culture, education, arts, schooling, entertainment and sports, as well as children and youth programmes;*
- e) to promote evolution of the Ukrainian language and culture, and also languages and cultures of ethnic minorities;*
- f) to ensure high standards of tolerance, respect for human being, their honour and dignity, respect for privacy and confidentiality of private life;*
- g) to introduce and maintain high standards of journalism;*
- h) to provide, in compliance with the legal procedure, airtime for election campaigning;*
- i) to support strengthening of international ties of Ukraine, promoting the Ukrainian state abroad, its culture, history and science and to help building its good name in the world.*

3. The activities of the NTCU and NRCU shall not be subject to censorship. The editorial boards of NTCU and NRCU shall be independent. No public authority or body of local government or their officials, no association of citizens, other corporations or individuals may interfere with their creative activities, programming or editorial policies.

4. The NTCU and NRCU shall be public institutions. The legal status of the NTCU and NRCU shall have special features of organisation as are specified herein.”

2. To supplement the Law of Ukraine *On Television and Radio Broadcasting* with new articles 14-1 and 14-2:

«Article 14-1. Governing bodies of the National Television Company of Ukraine and the National Radio Company of Ukraine

1. The governing body of the NTCU and that of the NRCU shall be their Boards, each consisting of 17 members. The members of the Boards of the NTCU and NRCU shall perform their functions for a period of three years and may not be recalled.

The personal composition of the Boards of the NTCU and NRCU shall be as follows: 9 of their members shall be elected by the Verkhovna Rada of Ukraine, 4 members appointed by the President of Ukraine and 4 more elected by a congress of civic associations operating in the areas of freedom of speech, journalism or media and having at least 2 years of operational experience. The holding of such congress shall be ensured by the State Committee for Broadcasting.

2. The Boards of the NTCU and NRCU shall act solely in the interests of the people of Ukraine and exercise all the powers that the legislation of Ukraine vests in the owners (members) of a broadcasting organisation.

3. The Boards of the NTCU and NRCU shall have the following powers:

- a) to approve the programming and editorial policies of the broadcasting organisation and control their implementation;*
- b) to approve the annual report on the results of the broadcasting organisation's performance and refer it to the Verkhovna Rada of Ukraine, the President of Ukraine and the National Broadcasting Council of Ukraine;*
- c) to make proposals as respects improvements of the legal regulation of the broadcasting organisation's operation;*
- d) to elect and dismiss, subject to this law and its Charter, head of the broadcasting organisation;*
- e) to supervise administrative and financial activities of the head;*
- f) to approve the budget of the broadcasting organisation and control compliance therewith;*
- g) to perform other functions in accordance with the effective legislation and its Charter.*

4. The heads of the National Television Company of Ukraine and the National Radio Company of Ukraine shall be appointed and dismissed by the Board of the National Television Company of Ukraine and the Board of the National Radio Company of Ukraine, respectively. The appointment of the heads of the broadcasting organisation shall be by competitive selection and for a period of 3 years. Appointment as well as dismissal of the head of the National Television Company of Ukraine and the National Radio Company of Ukraine must be supported by votes of at least 10 members of the respective Board.

5. The head of the NTCU and that of the NRCU shall—

- a) exercise the day to day administration of the broadcasting organisation and ensure performance of the tasks provided by this Law;*
- b) be responsible before the Board for compliance with the programming and editorial policy of the broadcasting organisation;*
- c) make semi-annual reports to the Board on the issues related to the operation of the broadcasting organisation;*
- d) be responsible for the preparation of the semi-annual reports on the operation of the broadcasting organisation;*
- e) make arrangements for industrial and economic activities of the broadcasting organisation, its social welfare activities and, also, ensure efficient use and integrity of the public property vested in it;*
- f) appoint and dismiss employees of the broadcasting organisation, determine, subject to legal terms, the form and system of payment with regard to the employees of the broadcasting organisation and other persons involved in work, and decide in a manner prescribed on their rewarding and liability;*
- g) sign on behalf of the broadcasting organisation's administration collective agreements;*

- h) *issue within his competence orders and other acts, give binding instructions to all divisions and personnel of the broadcasting organisation, make arrangements for and ensure their execution;*
- i) *be the plenipotentiary of the broadcasting organisation and act on its behalf without special authorisation;*
- j) *negotiate contracts on behalf of the broadcasting organisation, subject to provisions of this Law and its Charter;*
- k) *unless otherwise provided by the legislation, decide independently on other issues related to the operation of the broadcasting organisation (except for those falling within the competence of the Board).*

Article 14-2. Special features of activities of the National Television Company of Ukraine and the National Radio Company of Ukraine

1. The National Television Company of Ukraine and the National Radio Company of Ukraine shall have their Charters to be approved by the Cabinet of Ministers of Ukraine. The Board of the NTCU and the Board of the NRCU shall have the right to submit to the Cabinet of Ministers of Ukraine proposals seeking to amend respective Charters.

2. The National Television Company of Ukraine and the National Radio Company of Ukraine shall be registered by the competent territorial authorities, have their seals and be entities in the field of economic and information activities.

3. The National Television Company of Ukraine and the National Radio Company of Ukraine shall prepare annually, by the 1st of March, reports on the performance of the broadcasting organisation in the preceding year and, upon approval by the respective Board, send such to the Verkhovna Rada of Ukraine, the President of Ukraine and the National Broadcasting Council of Ukraine and, also, publish them, including on their web-sites.

Such report must inter alia contain:

- *general information on the activities of the broadcasting organisation in the previous year,*
- *information on the programming policy and any proposed changes thereto,*
- *information on the structure of the broadcasting organisation, its staff list and actual number of personnel,*
- *personal composition of the broadcasting organisation's management,*
- *information on the salaries of the broadcasting organisation's management,*
- *information on the amount and structure of receipts and expenditures,*
- *information on major service providers and cost of services,*
- *a list of organisations which have produced programmes on commission of the broadcasting organisation, titles of such programmes and cost of their production,*
- *information on the state of fixed assets,*
- *budget for the current year,*
- *other information specified by the Board.*

4. Funding of the National Television Company of Ukraine and that of the National Radio Company of Ukraine shall be fixed in the separate items of the State Budget of Ukraine. The NTCU shall be funded annually at the rate of not less than 0.1 % of the State Budget of Ukraine, the NRCU at the rate of not less than 0.05 %.

The NTCU and NRCU may pursue economic activities. All receipts from such economic activities shall be directed to the organisations' ends defined in this Law.

The NTCU and NRCU shall enjoy the status of non-for-profit organisations.

5. The organisational and legal status of the National Television Company of Ukraine and the National Radio Company of Ukraine may be changed only to that of Public Service Broadcasting."

22. That this Law take effect one month after its publication.

²²². That the Cabinet of Ministers of Ukraine, within three months of the effective date of this Law, bring the Charter of the National Television Company of Ukraine and that of the National Radio Company of Ukraine in conformity to this Law and, also, cause the ministries and other executive authorities of Ukraine to bring their regulatory acts in line with this Law.

That, within three months of the effective date of this Law, the President of Ukraine, the Verkhovna Rada of Ukraine, the State Broadcasting Committee of Ukraine should ensure formation of the initial composition of the Board of the National Television Company of Ukraine and the Board of the National Radio Company of Ukraine.

That the Board of the National Television Company of Ukraine and the Board of the National Radio Company of Ukraine should, within three months of their formation, appoint new heads of the National Television Company of Ukraine and of the National Radio Company of Ukraine as provided herein.

Chairperson of the Verkhovna Rada of Ukraine