

# **On Mass Media**

## **Law of the Republic of Belarus**

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### **Chapter 1. General Provisions**

#### **Article 1. Main Terms Used in the Present Law and Their Definitions**

Accreditation of the mass medium's journalist – confirmation of the right of a mass medium's journalist to cover actions organized by state bodies, political parties, other public associations, other legal persons as well as other events taking place in the territory of and outside the Republic of Belarus.

Type of the mass medium – a newspaper, magazine (journal), bulletin, a radio, television, video or newsreel program, another combination of informational reports and/or materials (programs), having a periodic character and intended for uncertain number of persons.

Video, newsreel program – combination of audio, audiovisual informational reports and/or materials (programs), having a permanent title and periodic character.

Issuance of the mass medium – coming out of a printed mass medium, mass medium disseminated through the global computer network Internet or putting on air television, radio-broadcasting mass medium.

Editor-in-chief (editor) of the mass medium – the chief of a legal person which is entrusted with functions of the editorial board of the mass medium or a person authorized by the editor.

Foreign mass medium's journalist – a natural person engaged in collection, editing, creation (preparation) of informational reports and/or materials for a legal person which is entrusted with functions of the editorial board of the mass medium, registered outside the Republic of Belarus, who is connected with this legal person through labor relations and has accreditation in the Republic of Belarus.

Mass medium's journalist – a natural person engaged in collection, editing, creation (preparation) of informational reports and/or materials for the legal person which is entrusted with functions of the editorial board of the mass medium, who is connected with that legal person through labor or other contractual relations.

Foreign mass medium – a mass medium registered outside the Republic of Belarus.

Information agency – a legal person carrying out collection, creation (preparation), storage of informational reports and/or materials, their dissemination in a mass medium and simultaneously having the status of the legal person which is entrusted with functions of the editorial board of the mass medium and of the disseminator of the produce of the mass medium.

Correspondent post – separate subdivision of the legal person which is entrusted with the functions of the editorial board of the mass medium and which is carrying out collection, creation (preparation), storage of informational reports and/or materials for the mass medium as well as dissemination of its produce.

Mass information - printed, audio, audiovisual and other informational reports and/or materials, intended for an uncertain number of persons, published in the press, communicated by means of television broadcasting and radio broadcasting or in another form of periodic dissemination.

Untrue information - informational reports and/or materials, disseminated by the mass medium, which do not correspond to reality.

Periodicity of the mass medium - issuance of the mass medium for a determined number of times in a determined period of time.

Print mass medium - a newspaper, magazine (journal), bulletin, other edition having a permanent name (title), running number, continuous page numbering and coming out (on air) at least once in six months.

Produce of the mass medium - a circulation or a part of circulation of a single issue of a print mass medium, an individual issue of a radio, television, newsreel program, a circulation or a part of circulation of an audio or video recording of a program, as well as informational reports and/or materials disseminated in the established manner through the global computer network Internet.

Radio, television program – a combination of audio, audiovisual informational reports and/or materials (radio, television programs) having a permanent title and being of a periodic character.

Radio broadcasting mass medium – a radio program disseminated with use of means of telecommunications at least once in six months.

Dissemination of produce of the mass medium - sale, subscription, delivery of a print mass medium, audio or video recordings of programs, broadcasting and rebroadcasting of radio, television programs, demonstration of newsreel programs, another form of bringing mass information to everyone's notice.

Disseminator of produce of the mass medium – a legal or natural person carrying out dissemination of the produce of a mass medium in the manner established by the legislation of the Republic of Belarus.

Mass medium – a form of periodical dissemination of mass information with use of press, television broadcasting and radio broadcasting, the global computer network Internet.

Subjects of legal relations in mass information sphere - the republic body of state administration in the mass information sphere, the public coordinating council in the mass information sphere, the founder (founders), the editor-in-chief (editor), a mass medium's journalist, a legal person which is entrusted with functions of the editorial board of the mass medium, as well as information agency, correspondent post, disseminator of produce of the mass medium.

Television broadcasting and radio broadcasting – dissemination of mass information with use of technical means of broadcasting for individual or collective receiving by general public with the help of television and radio receivers.

Television mass medium – a television program disseminated with use of means of telecommunications at least once in six months.

Founder (founders) of the mass medium – a natural or a legal person, including a state body, which took decision, independently or jointly with others natural or legal persons, on creation of a mass medium and applied for its state registration.

Natural person – citizen of the Republic of Belarus, foreign citizen, stateless person.

Legal person which is entrusted with functions of the editorial board – a legal person carrying out production and issuance of a mass medium on the basis of the decision of the mass medium's founder (founders) (hereinafter – decision on the editorial board of the mass medium) or in the case when the said legal person is not a founder of the mass medium, - on the basis of a contract between of that legal person and the founder (founders) of the mass medium (hereinafter – contract on the editorial board of the mass medium).

## **Article 2. Legal Base of Mass Media's Activities**

The legal base of mass media's activities constitute the Constitution of the Republic of Belarus, the present Law, treaties of the Republic of Belarus and other acts of legislation of the Republic of Belarus.

If a treaty of the Republic of Belarus establishes other rules than those provided for in the present Law, the rules of the treaty are to be applied

## **Article 3. Scope of the Present Law**

The present Law covers mass media founded in the Republic of Belarus, as well as foreign mass media in the part concerning their activities in the territory of the Republic of Belarus.

The present Law covers analogs of printed, television and broadcasting mass media disseminated through the global computer network Internet, with the exception of the requirements for the state registration of mass media.

## **Article 4. Basic principles of Mass Media's Activities**

Basic principles of mass media's activities are:

truthfulness of the information – mass media shall disseminate the information which corresponds to reality;

legality - information shall not contradict the requirements of the legislation of the Republic of Belarus;

equality - mass media shall be based on equality of rights of all natural persons, state bodies, political parties, other public associations, other legal persons to disseminate and obtain mass information;

respect for human rights and freedoms - mass media shall ensure observance of human rights and freedoms guaranteed by the Constitution of the Republic of Belarus, other acts of legislation of the Republic of Belarus;

opinion variety - mass media shall ensure free expression and dissemination of various opinions and views in the society;

national culture development – mass media shall promote dissemination and popularization of national cultural values;

protection of morals – mass media shall not allow dissemination of the information that encroaches upon the norms of public morality;

observance of the norms of journalist`s professional ethics and generally accepted moral norms - mass media`s journalists shall strictly observe norms of professional ethics and generally accepted moral norms.

## **Article 5. Freedom of Opinion, Convictions and Free Expression Thereof**

Freedom of opinion, convictions and their free expression are guaranteed for everyone in the Republic of Belarus.

## **Article 6. Inadmissibility of Mass Media`s Monopolization**

The monopolization of mass media by state bodies, political parties, and other public associations, other legal or natural persons are not allowed.

## **Article 7. Inadmissibility of Illegal Restriction of Freedom of Mass Information**

It is not allowed the illegal restriction of freedom mass information that is expressed:

in implementation of censorship – requirements from the officials, state bodies, political parties, other public associations, other legal persons to the legal person which is entrusted with functions of the editorial board of a mass medium, information agency, correspondent post, editor-in-chief (editor), journalist, founder (founders) of a mass medium to agree in advance reports and/or materials with the exception of the cases of agreeing with the author or interviewee, dissemination of official reports in accordance with articles 18 and 26 of the present Law;

in interference into the sphere of professional independence of the legal person which is entrusted with functions of the editorial board of the mass medium;

in suspension or termination of issuance of a mass medium while breaching the requirements of the present Law, other acts of legislation of the Republic of Belarus;

in forcing a mass media's journalist to disseminate or to refuse to disseminate information;

in breaching the rights of a mass medium's journalist established by the present Law and other acts of legislation of the Republic of Belarus;

in another obstruction of legal activities of the founder (founders) of a mass medium, the legal person which is entrusted with functions of the editorial board of the mass medium, disseminator of produce of the mass medium in any form.

### **Article 8. Financing of Mass Media**

Sources of financing of mass media may be the funds of the founder (founders), republic and local budgets, as well as other sources not forbidden by the legislation of the Republic of Belarus;

It is forbidden to receive monetary funds and other property with the aim to finance mass media from:

foreign legal persons, foreign citizens and stateless persons, which do not reside permanently in the territory of the Republic of Belarus with the exception of the cases of participation of the mentioned persons in the statutory fund of the legal person which is entrusted with functions of the editorial board of the mass medium, as well as other cases envisaged by the legislative acts of the Republic of Belarus;

anonymous sources.

### **Article 9. Language of Mass Media**

Mass information may be disseminated in the Republic of Belarus in the state languages and in other languages.

Usage of obscene words and expressions in the mass media are not allowed.

## **Chapter 2. Procedure of Establishment and State Registration (Re-registration) of Mass Media**

### **Article 10. Establishment of Mass Media**

Natural persons, state bodies, political parties other public associations, other legal persons including foreign ones, shall establish mass media in the order and on the terms, determined by the present Law and other acts of legislation of the Republic of Belarus.

Foreign legal persons, as well as foreign citizens and stateless persons, which do not permanently reside in the territory of the Republic of Belarus, may establish mass media only jointly with citizens and legal persons of the Republic of Belarus.

The following natural person may not be a founder of a mass medium:

who has not reached the age of eighteen years, with the exception of cases when the minor obtains the active capacity in full prior to the attainment of the age of 18 years in accordance with the civil legislation of the Republic of Belarus;

who is serving a court sentence or recognized incapable by a court decision;

who acted as founder of a mass media earlier the issuance of which has been terminated - during three years after the entry into legal force of the court decision on termination of the issuance of that mass medium;

who has been stripped, in the established order, of the right to be engaged in activities connected with production and issuance of the mass medium.

### **Article 11. State Registration of Mass Media**

Mass media are subject to state registration in the republic body of state administration in the sphere of mass information in the order established by the present Law and other acts of legislation of the Republic of Belarus, with the exception of the cases stipulated by clause 2 of Article 3 and Clause 7 of Article 13 of the present Law.

Procedure of state registration of the mass media disseminated through the global network Internet is determined by the Council of Ministers of the Republic of Belarus.

Foreign mass media disseminating their produce in the territory of the Republic of Belarus with changing its form or substance are subject to state registration in the republic body of state administration in the sphere of mass information in the order established by the present Law.

Rights and duties of the founder (founders) of a mass medium, of the legal person which is entrusted with the functions of the editorial board of the mass medium, envisaged by the present Law arise from the moment of state registration of the mass medium.

### **Article 12. Registration Requirements**

At state registration of the mass medium, the founder (founders) or a person authorized by the founder (founders) shall submit an application according to the form established by the republic body of state administration in the sphere of mass information with indication of the following data:

founder (founders) of the mass medium;

title (name) and type of the mass medium;

language of the mass medium;

legal person which is entrusted with the functions of the editorial board of the mass medium;

address of the legal person which is entrusted with the functions of the editorial board of the mass medium;

intended territory of dissemination of the mass medium;

specialization (topics) of the mass medium;

sources of financing of the mass media;

periodicity of the mass medium;

intended circulation of the mass medium (for a printed mass medium);

information on whether the founder is being the editor-in-chief (editor) or journalist of other mass media (for the founder of the mass medium – a natural person), founder of other mass media, disseminator of produce of the mass media (for the founders of the mass medium – natural and legal persons).

The application envisaged by clause 1 of the present Article shall be accompanied by:

copies of the constituent documents of the legal person or of the document confirming the state registration of the legal person (for the founder of the mass medium – legal person of the Republic of Belarus);

a legalized extract from the trade register of the country where the foreign organization is established or another equivalent evidence of the legal status of the foreign legal person in accordance with the legislation of the country of its establishment (for the founder of the mass medium – foreign legal person);

copy of the identity document of the natural person (for the founder of the mass medium – natural person);

copies of the constituent documents and the document confirming the state registration of the legal person which is entrusted with the functions of the editorial board of the mass medium ( for the legal person, which is entrusted with the functions of the editorial board of the mass medium, and which is not a founder of the mass medium);

copy of the decision on the editorial board of the mass medium or the contract on the editorial board of the mass medium;

the document confirming payment of the state duty for the state registration of mass medium.

Submission of copies of the documents envisaged by subclause 2.1 of clause 2 of the present Article shall is not required for state bodies, as well as for others state organizations the legal status of which is determined by the Constitution of the Republic of Belarus, normative legal acts of the President of the Republic of Belarus or of the Council of Ministers of the Republic of Belarus.

In the case when the state body or another state organization, specified in part one of the present clause, is entrusted with functions of the editorial board of the mass medium, is also not required the submission of copies of the documents envisaged by subclause 2.4 of clause 2 of the present Article.

### **Article 13. Procedure of State Registration of Mass Media**

The decision on state registration of a mass medium and its inclusion in the State Register of Mass Media shall be taken by the republic body of state administration in the sphere of mass information within one month after the date of receipt of the application and of the documents, envisaged by Article 12 of the present Law.

The application for the state registration of the mass medium shall be returned to the applicant without consideration with indication of the ground for the return, if:

the application has been submitted while breaching requirements established by Article 12 of the present Law;

the application on behalf of the founder has been submitted by a person having powers to do so.

The republic body of state administration in the sphere of mass information shall take, within the period, established by clause 1 of the present Article, one of the following decisions:

on state registration of the mass medium;

on refusal of state registration of the mass medium.

Refusal of state registration of the mass medium and violation by the republic body of the state administration in the sphere of mass information of the period, established for state registration may be appealed against to the court by the founder (founders) of the mass medium.

A mass medium deemed to be registered and is entitled to carry out its activities from the day of its inclusion in the State Register of Mass Media the maintenance of which is performed by the republic body of state administration in the sphere of mass information.

After the inclusion of the mass medium in the State Register of Mass Media, its founder (founders) is given the state registration certificate of the mass medium.

The form of the state registration certificate of the mass medium and the order of its issuance, as well as list of data being included in the state registration certificate, shall be established by the republic body of state administration in the sphere of mass information.

The founder (founders) shall preserve the right to start the issuance of the mass medium within one year, for television and broadcasting mass media, and within six months, for printed mass media, from the day of their inclusion in the State Register of Mass Information.

No state registration is required:

for the mass media specifically established by the state bodies and other state organizations only for dissemination of their official reports as well as for official publication of legal acts;

for radio and television programs disseminated through networks limited by the premises and territory of one organization or of those which have not more than ten subscribers;

for audio and video programs disseminated as recordings with not more than ten copies;



for printed mass media coming out with circulation not exceeding 299 copies.

#### **Article 14. Re-registration of Mass Media**

Re-registration of mass media is performed in the order envisaged by Articles 11-13 of the present Law. The application for re-registration of the mass medium shall be submitted within a month from the moment of arising of the grounds for the re-registration, envisaged by clause 2 of the present Article.

Re-registration of mass media is obligatory in the case:

of reorganization (liquidation) of the legal person which is one of the founders of the mass medium;

of change of founders of the mass media;

of changing the data envisaged by subclauses 1.2 and 1.4 of clause 1 of Article 12 of the present Law.

In the case of change of other data subject to inclusion in the State Register of Mass Media, the founder (founders) of the mass medium shall inform, within a month from the day of their change, the state body of state administration in the sphere of mass information about the fact in writing with enclosure of the documents confirming respective changes.

#### **Article 15. Grounds for Refusal of State Registration of Mass Medium**

The grounds to refuse in the state registration of a mass media shall be:

non-observance of the requirements envisaged by clause 2 and 3 of Article 10 of the present Law;

untruthfulness of the data specified in the application for the state registration of the mass medium;

the title or specialization (topics) of the mass medium is in contradiction with requirements of Article 38 of the present Law;

availability in the State Register of Mass Media of a mass medium with the same title;

entrusting functions of the editorial board of the mass media to the legal person (non-commercial organization) in the fund of those the share of foreign investment shall be 30 and more percents;

entrusting with functions of the editorial board of a mass media to the legal person (non-commercial organization), 30 and more percent of founders (participants, members) of which are foreign legal persons, foreign citizens and/or stateless persons which do not reside permanently in the territory of the Republic of Belarus.

A notice about refusal of state registration of the mass medium shall be directed to the applicant in writing within ten days from the day of taking the decision with indication of the

grounds for the refusal, but not later than a month from the day of receipt of the document envisaged by Article 12 of the present Law.

### **Article 16. Recognition of State Registration to Be Invalid. Annulment of State Registration Certificate of a Mass Media.**

A state registration of the mass medium may be recognized invalid by the court in the case when it was performed with violations of requirements of the present Law and other acts of legislation of the Republic of Belarus.

The republic body of state administration shall annul the state registration certificate of the mass media, if:

the mass medium has not passed the re-registration;

the founder (founders) has missed the terms envisaged by clause 6 of Article 13 of the present Law;

the issuance of the mass medium has been terminated by the court decision in the order envisaged by Article 51 of the present Law or by the founder (founders) of the mass media in accordance with subclause 1.3 of clause 1 of article 29 of the present Law;

the legal person which is entrusted with functions of the editorial board of the mass medium or which was a sole founder of the mass medium has been liquidated;

the natural person who is the sole founder of the mass medium has died (declared as deceased) when heirs did not declare acceptance of rights and duties of the founder (founders) of the mass medium;

changes providing for the removal of types of activities, connected with production and issuance of the mass medium (in the case when such types of activities had been specified in the constituent documents) had been included in the constituent documents of the legal person which is entrusted with functions of the editorial board of the mass medium;

the decision on editorial board of the mass medium has been recognized invalid or canceled, or contract on the editorial board of the mass medium has been terminated and the documents confirming the entrusting functions of the editorial board of the mass medium to another legal person have not been submitted to the republic body of state administration in the sphere of mass information.

In the case of recognition of the state registration to be invalid or of annulment of the state registration certificate of the mass medium on the grounds envisaged by clause 2 of the present Article, the mass medium is to be excluded from the State Register of Mass Information.

## **Chapter 3. Procedure of Dissemination of Produce of Mass Media**

### **Article 17. Procedure of Dissemination of Produce of a Mass Medium**

Dissemination of the produce of a mass medium shall be performed in accordance with the legislation of the Republic of Belarus by the legal person which is entrusted with functions of

the editorial board of the mass medium or on the grounds of a contract concluded by it with the disseminator of produce of the mass medium.

If the mass medium disseminates informational reports and/or materials, which have been disseminated earlier by another mass medium, a reference must be done to the mass medium which has earlier disseminated those informational reports and/or materials.

Informational reports and/or materials disseminated by an information agency shall be accompanied by the reference to that information agency.

Procedure of dissemination of the produce of mass media disseminated through the global network Internet shall be determined by the Council of Ministers of the Republic of Belarus.

The produce of a foreign mass medium, disseminated in the territory of the Republic of Belarus without changing form and content, may be disseminated in the territory of the Republic of Belarus after attainment of a respective permission in the republic body of state administration in the sphere of mass information by the foreign mass medium.

The order of issuance of the permission on dissemination of the produce of a foreign mass medium envisaged by part one of the present clause shall be established by the Council of Ministers of the Republic of Belarus.

#### **Article 18. Dissemination of Officials Reports and/or Materials**

The legal person which is entrusted with functions of the editorial board of a mass medium is obliged to disseminate free of charge and in the requested time:

a court judgment that has entered into its legal force containing a ruling to report to everyone's notice such a decision through that mass medium;

information reports and/or materials, received from the state body, concerning the activities of the legal person which is entrusted with functions of the editorial board of that mass medium;

The founder (founders) of the mass media is entitled to oblige the legal person which is entrusted with functions of the editorial board of the mass medium to place in the mass medium free of charge and in the term determined by him (them) an official informational report and/or material on his (their) behalf (message of the founder (founders)). The maximum volume of the message of the founder (founders) shall be determined in the decision on the editorial board of the mass medium or in the contract on the editorial board of the mass medium.

#### **Article 19. Storage of Informational Reports and/or Materials**

The legal person which is entrusted with functions of the editorial board of the mass medium is obliged to storage the originals of informational reports and/or materials, disseminated by him, within one year after the dissemination thereof.

The legal person which is entrusted with functions of the editorial board of a television or broadcasting mass medium is obliged to storage as recordings, for at least one year after the day of issuance, the informational reports and/or materials of own radio, television programs.

## **Article 20. Allocation (Dissemination) of Advertisements**

Allocation (dissemination) of advertisements in mass media shall be carried out in accordance with the legislation of the Republic of Belarus on advertising.

## **Article 21. Production and Dissemination of the Produce of Mass Media of Erotic Character**

The order of production and dissemination of the produce of mass media of erotic character as well as the order of reference of the produce of mass media to the produce of an erotic character is determined by the legislation of the Republic of Belarus.

Retail sale of the printed mass media of an erotic character is allowed only in non-transparent packing and in special places and premises determined for those purposes by local executive and administrative bodies.

Dissemination of radio and television programs of an erotic character without special coding of the signal is not allowed.

## **Chapter 4. Peculiarities of Dissemination of the printed mass media**

### **Article 22. Exit Data of a Printed Mass Medium**

Each issue of the printed mass medium shall specify :

title (name) of the printed mass medium;

founder (founders) of the printed mass medium;

surname, proper name and patronymic (if available) of the editor-in-chief (editor) of the printed mass medium;

serial number of the printed mass medium and the date of its issuance, and for newspapers — also the time of signing to printing;

price;

circulation;

bar code;

subscription index (for the printed mass medium disseminated by subscription);

address of the legal person which is entrusted with the functions of the editorial board of the printed mass medium;

address of the printing house;

number of the state registration certificate (for the printed mass medium subject to state registration);

the republic body of state administration in the sphere of mass information that has registered that printed mass medium (for the printed mass medium subject to state registration).

### **Article 23. Obligatory free Copies of Printed Mass Media**

Obligatory free copies of printed mass media, including those exempted from state registration in accordance with subclause 7.1 and 7.4 of clause 7 of Article 13 of the present Law, shall be sent, immediately after issuance, to the founder (founders) of the printed mass medium, republic body of state administration in the sphere of mass information, to the institution “National Book Chamber of the Republic of Belarus”, to the state institutions “National Library of Belarus”, “President's Library of the Republic of Belarus”, “Central Scientific Library of the Academy of Sciences of Belarus named after Y. Kolas”, to other organizations according to the list being determined by the Council of Ministers of the Republic of Belarus.

The order of sending the obligatory free copies of printed mass media is determined by the Regulations on the Obligatory Free Copy of the Documents approved by the Council of Ministers of the Republic of Belarus.

## **Chapter 5. Peculiarities of Activities of Television and Radio-Broadcasting Mass Media**

### **Article 24. Order of Carrying Out Television and Radio Broadcasting**

Television and radio broadcasting shall be carried out by means of using own or leased means of telecommunications.

Rules of importation, purchase and maintenance of means of telecommunications including satellite ones, being applied by the television and radio broadcasting mass media are established by the legislation of the Republic of Belarus.

### **Article 25. Output Data of Television and Radio-Broadcasting Mass Medium**

In each presentation of a radio or television program must be announced (indicated) the title thereof.

In case of continuous broadcasting of the mass medium, the title of a radio or television program shall be announced (indicated) — at least four times a day.

### **Article 26. Obligatory Information Reports**

The governmental television and radio-broadcasting mass media ensure dissemination in radio and television programs of declarations and appeals by the President of the Republic of Belarus, other persons who hold the highest state offices, as well as information about other socially meaningful facts, about the activities of state bodies and state organizations.

The President of the Republic of Belarus has the right to appeal to the nation of the Republic of Belarus on important issues of social and political life without preliminary agreement with state television and radio-broadcasting mass media.

## **Chapter 6. Legal Status of Subjects of Legal Relationships in the Sphere of Mass Information**

### **Article 27. Republic Body of State Administration in the Sphere of Mass Information**

The republic body of state administration is the Ministry of Information of the Republic of Belarus which implements, within the limits of its competence, the state policy, carries out regulation, administration and coordination of activities of other state bodies in the sphere of mass information, carries out state registration of mass media and performs other functions determined by the present Law and other acts of legislation of the republic of Belarus.

### **Article 28. Public Coordinating Council in the Sphere of Mass Information**

The republic body of state administration in the sphere of mass information shall create public coordinating council in the sphere of mass information which comprises representatives of state bodies, public associations, mass media, other organizations, and other persons.

Composition of the public coordinating council in the sphere of mass information and its Regulations shall be approved by the Council of Ministers of the Republic of Belarus.

Decisions of public coordinating council in the sphere of mass information have a recommendation character.

### **Article 29. Status of Founder (Founders) of a Mass Medium**

The founder (founders) is (are) entitled:

to act as a legal person which is entrusted with functions of the editorial board of the mass medium (when the founder of the mass medium is a legal person), as the disseminator of produce of the mass medium;

to assign his/her/its rights to a third person on the basis of a contract in accordance with the legislation of the Republic of Belarus;

in the cases specified in the decision on the editorial board of the mass medium or in the contract on the editorial board of the mass medium, to terminate the issuance of the mass media; The decision of the founder (founders) on termination of the issuance of the mass medium shall be directed within three days after the day of its taking to the republic body of state administration in the sphere of mass information;

to execute other rights in accordance with the present Law;

The founder (founders) shall have no right to interfere into the activities of the mass medium with the exception of the cases stipulated by the present Law, by the decision on the editorial board of mass media or by the contract on the editorial board of mass medium.

The founder (founders) shall bear responsibility for observance of the requirements declared by him/her/it at the founding and state registration of the mass medium, established by the present Law and other acts of legislation of the Republic of Belarus and also for the content of information disseminated by the mass medium founded by the founder.

The rights and duties of the founder (founders) of the mass medium may be inherited by his/her heirs, in the case when the founder (founders) of the mass medium is (are) a natural person (persons).

### **Article 30. Status of the Legal Person which is Entrusted with Functions of Editorial Board of Mass Medium**

The legal person which is entrusted with functions of the editorial board of a mass medium carries out production and issuance of the mass medium on the basis of the present Law, other acts of legislation of the Republic of Belarus, the decision on the editorial board of the mass medium or the contract on the editorial board of the mass medium.

### **Article 31. Status of the Editor-in-chief (Editor) of a Mass Medium**

The editor-in-chief (editor) of a mass medium shall execute professional activities in accordance with the Constitution of Republic of Belarus, the present Law, and other acts of legislation of the Republic of Belarus.

The editor-in-chief (editor) of a mass medium takes the final decision concerning the production and issuance of the mass medium.

The editor-in-chief (editor) of a mass medium shall bear the responsibility for observance of the requirements regarding the activities of the mass medium by the present Law and by other acts of legislation of the Republic of Belarus.

### **Article 32. Information Agency**

Information agencies, as well as mass media founded by them, are registered in the order envisaged by Articles 11 – 13 of the present Law for mass media.

### **Article 33. Correspondence Post**

With the aim to collect, storage and create (prepare) informational reports and/or materials, as well as dissemination of the produce of mass medium, the legal person which is entrusted with functions of the editorial board of the mass medium may open correspondence posts.

The order of opening correspondence posts shall be established by the Council of Ministers of the Republic of Belarus.

### **Article 34. Status of Journalist of Mass Medium**

The journalist of a mass medium, including a foreign one, shall be governed by the Constitution of the Republic of Belarus, the present Law, other acts of legislation of the Republic of Belarus, and the norms of journalist's professional ethics in professional activities.

In connection with execution of professional duties the journalist of a mass medium has the right to:

collect, request and receive information from state bodies, political parties, other public associations, other legal persons, as well as to storage and to disseminate information necessary for carrying out professional activities;

be present, in the order determined in the legislation of the Republic of Belarus, in the area of armed conflicts or emergencies, on mass actions, in places of other socially important events and transmit information from there;

make records, upon accreditation or upon agreement with natural persons or legal persons in relation to them, including the use of audio and video equipment, film and photo shooting, unless otherwise provided for by the legislation of the Republic of Belarus;

contact specialists when verifying facts and circumstances in connection with informational reports and/or materials received;

express his/her personal opinion on informational reports and/or materials intended for dissemination, under his/her signature;

disseminate reports and/or materials prepared by him/her under his/her signature, under a pseudonym or without signature, and make remark in the case of necessity of preservation of authorship secrecy;

The journalist of a mass medium has also other rights in accordance with the legislation of the Republic of Belarus.

The journalist of mass medium is obliged to:

respect rights, freedoms and legal interests of natural persons, rights and legal interests of legal persons;

verify the truthfulness of the data received;

provide objective information for dissemination;

indicate, at wish of the persons who provide information, their authorship;

preserve confidentiality of information and sources of its receipt, with the exception of the cases envisaged by part 2 of Article 39 of the present Law;



receive consent for dissemination in a mass medium of data about personal life of a natural person from that very natural person or from his/her legal representative, with the exception of the cases established by the legislative acts of the Republic of Belarus;

receive consent of natural persons for making audio, video recording, film and photo shooting, with the exception of the cases of making them in the places opened for mass attendance, as well as of the case envisaged by Article 40 of the present Law;

refuse an order given to him/her by the founder (founders), editor-in-chief (editor) of the mass medium when such order or its execution is connected with violation of the legislation of the Republic of Belarus;

present the service certificate upon request when carrying out his/her professional activities. The form of the service certificate of journalist of the mass medium registered in the territory of the Republic of Belarus shall be established by the republic body of state administration in the sphere of mass information.

The journalist of a mass medium shall also execute other duties in accordance with the legislation of the Republic of Belarus.

The journalist of a foreign mass medium has rights and execute duties of the journalist envisaged by the present Article, as well as other acts of legislation of the Republic of Belarus.

### **Article 35. Accreditation of Mass Media's Journalists**

Mass media's journalists have the right for accreditation at the state bodies, political parties, other public associations, other legal persons to cover sittings, meetings, and other events, organized by them, in the order established by those state bodies, political parties, other public associations, and other legal persons.

It is not allowed to refuse unreasonably the accreditation of mass media's journalists.

Accreditation of foreign mass media's journalists in the Republic of Belarus is performed by the Ministry of Foreign Affairs of the Republic of Belarus in the order established by the Council of Ministers of the Republic of Belarus.

Foreign mass media's journalists are also obliged to obtain accreditation in the order established by part one of the present Article for covering sittings, meetings and other events, organized by state bodies, political parties, other public associations, and other legal persons.

Executing professional activities of foreign mass media's journalists in the territory of the Republic of Belarus without accreditation is prohibited.

## **Chapter 7. Relations of Mass Media with State Bodies, Other Legal and Natural Persons**

### **Article 36. Right to Obtain, Storage and Disseminate Information**

Natural persons are guaranteed the right to obtain, storage, and disseminate full, true, and timely information on activities of state bodies, political parties, other public associations, and other legal persons about political, economic, cultural, and international life, on environmental condition.

State bodies, political parties, other public associations, other legal persons, as well as their officials, may provide data about their activities to mass media via holding press-conferences, sending out reference and statistical materials, and by other means.

### **Article 37. Information of Limited Access**

In the order established by the legislation of the Republic of Belarus, the access is limited to:

data constituting state secrets, commercial, personal or any other secrecy protected by the law;

data about organizational system, about sources, about methods, about ways, plans and results of operative and search activities;

materials of inquiry, preliminary investigation and court proceeding prior to the termination of criminal case proceedings;

other information envisaged by the legislation of the Republic of Belarus.

### **Article 38. Information Dissemination of which in Mass Media is Prohibited**

It is prohibited to disseminate in mass media:

1.1. information on behalf of organizations which failed to pass state registration (re-registration) in the established order, in the cases when such a registration (re-registration) is obligatory in accordance with the legislative acts of the Republic of Belarus, as well as of organizations in relation to which there is a decision of an authorized state body on their liquidation, which has entered into force;

1.2. data which propagate use and intake of drugs, psychotropic, toxic, and other stupefied substances for non-medical purposes, as well as data about ways and methods of development, fabrication, use and location points of sale of drugs, psychotropic substances, and their precursors;

1.3. information aimed at propaganda of war, violence, cruelty, extremist activities or containing appeals for such activities, as well as other information dissemination of which is prohibited by the present Law, other acts of legislation of the Republic of Belarus.

Use in radio, video, television and newsreel programs of latent inserts influencing people's subconsciousness or affecting their health is prohibited.

### **Article 39. Information Source Protection**

The legal person which is entrusted with function of the editorial board of mass medium and mass medium's journalist are not obliged to name the source of information and have no right to disclose data on the natural or legal person which provided the data, without the consent of that person.

The source of information and data on the natural or legal person which provided the data are to be named upon request of a body of criminal prosecution, of a court in connection with preliminary investigation proceeding and court proceeding.

#### **Article 40. Use of Latent Audio, Video Recordings, Film and Photo Shooting**

Dissemination in mass media of informational reports and/or materials, prepared with use of audio, video recordings, film and photo shooting of a natural person without his/her consent is allowed only upon taking measures against possible identification of that person by strangers, as well as under the condition that dissemination of those informational reports and/or materials does not breach constitutional rights and freedoms of individual and is necessary for protection of public interests, with the exception of the cases of dissemination of those informational reports and/or materials at the request of a body of criminal prosecution or a court in connection with preliminary investigation proceeding or court proceeding.

#### **Article 41. Use of Author's Works and Letters**

When using in mass media author's works and letters, copyrights and related rights concerning such works and letters are reserved to authors and other rightholders. The author or other rightholder may determine conditions and character of using a work or a letter presented to the editorial board of the mass medium.

The legal person which is entrusted with functions of the editorial board of the mass medium shall, on its own discretion, select and disseminate letters addressed thereto. When disseminating in mass media letters, text editing and abridging are allowed under the condition that it does not distort the meaning of the letters. In the case of necessity, the legal person which is entrusted with functions of the editorial board of the mass medium shall forward letters to those bodies, political parties, other public associations, other legal persons, and their officials, which are competent to consider them.

Nobody has the right to oblige the legal person which is entrusted with functions of the editorial board of the mass medium, to disseminate informational reports and/or materials, denied by them, unless otherwise stipulated by the present Law, other acts of legislation of the Republic of Belarus.

#### **Article 42. Right of Refutation (Response)**

Natural persons are entitled to demand from the legal person which is entrusted with functions of the editorial board of the mass medium to disprove disseminated data if those data do not correspond to reality and disgrace their honor, dignity, or business reputation.

Legal persons, including foreign ones, are entitled to demand from legal person which is entrusted with functions of the editorial board of the mass medium to disprove disseminated data if those data do not correspond to reality or disgrace their business reputation.

If the legal person which is entrusted with functions of the editorial board of the mass medium has no proofs of the fact that the data disseminated by it corresponds to reality, it is obliged to publish a refutation (correction or clarification).

Natural persons, state bodies, political parties, other public associations, other legal persons, in relation to which the mass medium has disseminated data infringing on their rights and legal interests, have the right to disseminate their response in the same mass medium.

Refutation of the data not corresponding to reality, disseminated in a mass medium, does not deprive natural and legal persons of the right to appeal for protection of their honor and dignity or business reputation in court.

#### **Article 43. Procedure of the Dissemination of Refutation (Response)**

The refutation (response) must indicate which piece of data does not correspond to reality, when and in what way it was disseminated by the mass medium.

A printed mass medium is obliged to disseminate a refutation (response) under a special rubric or in the same position on the page and with the same type as the informational reports and/or material being refuted.

A refutation must be broadcast in television or radio-broadcasting mass media in the same time of the day and in the same program or similar-subject program as the informational reports and/or material being refuted.

A refutation must be disseminated:

in mass media the issuance of which is made at least once per week, - not later than within ten days after the day of receipt of the demand for the refutation (response) or of the text thereof;

in other mass media — in the next issue thereof.

#### **Article 44. Grounds for Refusal to Disseminate Refutation (Response)**

The legal person which is entrusted with functions of the editorial board of the mass medium is entitled to refuse dissemination of refutation of the data specified in clause one of Article 42 of the present Law if the data is refuted that has been refuted earlier in that mass medium.

The legal person which is entrusted with functions of the editorial board of the mass medium is not released from the duty to refute the data envisaged by clause 1 and 2 of Article 52 of the present Law.

The legal person which is entrusted with functions of the editorial board of mass medium is entitled to refuse dissemination of response if that demand:

3.1. contains information the dissemination of which is restricted or prohibited in accordance with Articles 37 and 38 of the present Law;

3.2. contradicts the court judgment that has entered into its legal force;

3.3. is anonymous.

A refusal to disseminate the refutation (response) shall be directed in writing to the concerned persons within five days with indications of its reasons.

A refusal to disseminate the refutation (response) or breach of dissemination order of refutation (response) may be may be appealed against in court.

## **Chapter 8. International Cooperation in the Sphere of Mass Information**

### **Article 45. International Cooperation of Mass Media**

Mass media participate in international cooperation on the basis of international treaties of the Republic of Belarus.

### **Article 46. Correspondent Posts of Foreign Mass Media**

Correspondent posts of foreign mass media may be opened in the Republic of Belarus.

The order of opening correspondent posts of foreign mass media shall be established by the Council of Ministers of the Republic of Belarus.

### **Article 47. Correspondent Posts of Mass Media of the Republic of Belarus in Foreign States**

Mass media registered in the Republic of Belarus have the right to open correspondent posts in foreign states in accordance with the legislation of those states with obligatory written notification of the state body of state administration in the sphere of mass media.

The notification of opening a correspondent posts in a foreign state shall be directed to the state body of state administration in the sphere of mass media within one month from the day of opening of the correspondent post.

## **Chapter 9. Liability for Violation of the Legislation of the Republic of Belarus on Mass Media**

### **Article 48. Liability for Violation of the Legislation of the Republic of Belarus on Mass Media**

Violation of the legislation of the Republic of Belarus entails criminal, administrative, civil or other liability in accordance with the present Law and other legislative acts of the Republic of Belarus.

### **Article 49. Written Warning**

Written warning is issued by the state body of state administration in the sphere of mass media to the legal person which is entrusted with functions of the editorial board of the mass medium in the case of:

commitment of actions contradicting to the requirements of the present Law, including bringing to everyone's notice the information the dissemination of which is restricted or prohibited in accordance with Articles 37 and 38 of the present Law;

dissemination of untrue information that may harm the state or public interests;

production and/or dissemination of the produce of the mass medium without permission of the editor-in-chief (editor) of the mass medium;

dissemination of the data not corresponding to reality and disgracing honor, dignity or business reputation of natural persons or business reputation legal persons.

A written warning is issued to a founder (founders) of mass medium in the case of breaching requirements envisaged by clause 3 of Article 29 of the present Law.

A written warning to be handed in or forwarded by mail, not later than three days after its issuance, to the legal person which is entrusted with functions of the editorial board of mass medium or to the founder (founders) of mass medium, with indication of committed violations and term for its elimination.

The legal person, who is entrusted with functions of the editorial board of the mass medium and founder (founders) of the mass medium are obliged to inform the state body of state administration in the sphere of mass information about elimination of violations that served as a ground for issuance of written warning and submit confirmation documents not later than three days upon the expiry of the term for elimination of violations, established in the written warning.

4. The decision on issuance of a written warning may be appealed against within a month period by the legal person which is entrusted with functions of the editorial board of the mass medium or by the founder (founders) of the mass medium in court.

## **Article 50. Suspension of Issuance of Mass Media**

Issuance of a mass medium may be suspended for the period of up to three months by the decision of the state body of state administration in the sphere of mass information in the cases if:

a written warning was issued to the legal person which is entrusted with functions of the editorial board of the mass medium or to the founder (founders) of the mass medium and that legal person or founder (founders) of the mass medium did not eliminate violations that served as a ground for issuance of the written warning or did not inform the state body of state administration in the sphere of mass information about its elimination with presentation of confirmation documents, in terms envisaged by clause 3 of Article 49 of the present Law;

the republic body of state administration in the sphere of mass information has brought an action to the court about termination of issuance the of mass medium.

The decision to suspend issuance of a mass medium may be taken not later than three months after the date of arising of grounds envisaged by clause 1 of the present Article.

The decision to suspend issuance of a mass medium may be appealed against within a month period in court by the legal person which is entrusted with functions of the editorial board of the mass medium or by the founder (founders) of the mass medium.

### **Article 51. Termination of Issuance of Mass Media**

Issuance of a mass medium may be terminated by a court decision upon an action of the republic body of state administration in the sphere of mass information or of the prosecutor.

The state body of state administration may bring an action to the court about termination of the issuance of mass medium in the case:

of a single violation of provisions of the present Law that establish the order of dissemination of produce by foreign mass media, of official information reports and/or materials, of produce of an erotic character, as well as of the procedure of television broadcasting and radio broadcasting;

issuance of two or more written warnings during a year to the legal person which is entrusted with functions of the editorial board of the mass medium or to the founder (founders) of the mass medium;

attainment of the state registration certificate of the mass medium with violation of the legislation of the Republic of Belarus through the entry of knowingly false data in the documents presented for the mass medium's state registration.

A decision to terminate the issuance of a mass medium may be taken not later than three months from the day of arising of the grounds envisaged by subclause 2.1 and 2.2 of clause 2 of the present Article.

The prosecutor may bring an action to the court about termination of the issuance of a mass medium when officials of the legal person which is entrusted with functions of the editorial board of the mass medium or the founder (founders) of the mass medium were issued two and more prosecutor's official warnings during a year about inadmissibility of recurrent commitment of offences which entail liability established by the present Law or other acts of legislation or of preparation for commitment of illegal actions.

### **Article 52. Circumstances which Exclude Liability**

A journalist, a founder (founders) of a mass medium, the editor-in-chief (editor) of a mass medium, the legal person which is entrusted with functions of the editorial board of a mass medium, disseminator of the produce of a mass medium, information agency, correspondent post do not bear liability for dissemination of data not corresponding to reality, if that data:

is received from state bodies, other state organizations, their officials, as well as is contained in official informational reports and/or materials;

is received from information agency provided that there is a reference to those information agencies;

is received from political parties, other public associations, other legal persons, as well as is contained in official informational reports and/or materials of press-services of political parties, other public associations, other legal persons;

is a word for word reproduction of official presentations of state bodies` officials;

is contained in informational reports and/or materials of television and radio-broadcasting mass media which are put on air without prior recording.

Subjects of legal relations in mass information sphere, specified in clause 1 of the present Article, before dissemination the data which may discredit the Republic of Belarus as well as disgrace honor, dignity or business reputation of natural persons or business reputation of legal persons, received from sources specified in subclause 1.3 of clause one of the present Article, are obliged to verify truthfulness of the specified data and give an opportunity to disseminate simultaneously a commentary of natural and/or legal persons, including state bodies and other state organizations (their press-services), in relation to which those data may be disseminated or within competence of which falls the preparation of explanations in relation to the data disseminated.

In the case of non-fulfillment of requirements envisaged by part one of the present clause, subjects of legal relations in the mass information sphere, envisaged by part one of the present Article, are not exempted from liability for dissemination of the data not corresponding to reality.

Subjects of legal relations in the sphere of mass information, specified in clause 1 of the present Article, retain the right not to disseminate the data specified in clause 2 of the present Article.

## **Chapter 10. Final Provisions**

**Article 53.** [Not given]

### **Article 54. Measures for Implementation of Provisions of the Present Law**

The Council of Ministers of the Republic of Belarus shall, within five months:

prepare and submit in the established order proposals about bringing the legislation of the Republic of Belarus into conformity with the present Law;

take other measures necessary for implementation of provisions of the present Law.

Mass media shall pass, within one year, the re-registration in conformity with requirements established by the present Law.

At that, the grounds for refusal of state registration of mass media, envisaged in subclauses 1.5 and 1.6 of clause 1 of Article 15 of the present Law, shall not be applied during re-registration of mass media registered in the established order as of the day of adoption of the present Law.



**Article 55. Entry into Force of the Present Law**

The present Law enters into force in six months after its official publication, with the exception of the present Article and clause one of Article 54, which enter into force from the date of the official publication of the present Law.

**President of the Republic of Belarus A. Lukashenko**

\*unofficial translation\*

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