



On television and radio broadcasting

Unofficial translation

The Law of the Republic of Kazakhstan dated 18 January, 2012 No 545-IV.

Unofficial translation

This Law shall regulate the social relations in the field of television and radio broadcasting, the rights and duties of subjects of television and radio broadcasting

Chapter 1. GENERAL PROVISIONS

Article 1. The basic concepts, used in this Law

The following concepts shall be used in this Law:

1) subscriber – individual or legal entity, concluded a treaty with operator of television and radio broadcasting;

1-1) children's television program - a television program for children under 12 years of age having a plot typical for this age group;

1-2) educational television program - a television program for the public at large, the content of which is aimed at training the viewer in the system of specific knowledge in a particular field of science, culture, production, art and social life;

1-3) distributor of individual satellite and terrestrial receiving devices - an individual or a legal entity distributing conditional access cards to the services of television and radio broadcasting operators, equipment designed for the individual reception of television and radio signals of television and radio broadcasting operators licensed in the field of television

and radio broadcasting and having their own satellite broadcasting systems in the territory of the Republic of Kazakhstan;

2) individual satellite and terrestrial receiving device - equipment (reception apparatus for television communication), intended for individual reception of television-, radio signal;

3) multi-channel audio transmission-transmission of two or more audio accompaniment in the television program, presenting to the subscriber the option to select a language.

3-1) religious television program - a television program aimed at informing and enhancing the literacy of the population on religious issues;

4) television and radio channel of free access – television and radio channel, broadcast through digital terrestrial and satellite broadcasting to the general public without charge for the right of viewing;

5) multicasting - a telecommunications system, intended to distribute package of television and radio channels;

5-1) the state technical service is a republican state enterprise on the right of economic management, created by the decision of the Government of the Republic of Kazakhstan;

6) obligatory television and radio channel - television and radio channel, included in the relevant list, confirmed by the Government of the Republic of Kazakhstan, compulsory for distribution through multi-channel broadcasting over the whole territory of the Republic of Kazakhstan;

7) domestic television and radio channel – the mass media, representing a set of television and radio program and audiovisual works, pieces and materials, formed by the television and radio broadcasting company of the Republic of Kazakhstan in accordance with the viewing grid for subsequent broadcast and (or) rebroadcast;

8) domestic television and radio programs - television and radio programs, created by the television and radio companies or individuals and legal entities, registered in the territory of the Republic of Kazakhstan and conducting its activity in the territory of the Republic of Kazakhstan and abroad;

9) rebroadcasting - the reception and simultaneous or recorded broadcasting of television, radio programs, television, radio channels using telecommunication equipment and in telecommunication networks;

10) subtitles – method of dissemination of information, contained in the television program, by the text duplication of original audio accompaniment of television program;

11) television set-top box - a separate technical facilities intended for reception of digital television and radio signal by the subscriber;

11-1) television newspaper - full electronic version of a print periodical distributed in telecommunication networks by television and radio broadcasting operators for the consumer;

12) television and radio channel – the mass media, representing a set of television and radio programs and audiovisual works, pieces and materials, formed in accordance with the viewing grid for subsequent broadcast and (or) rebroadcast;

13) the package of television, radio channels – a set of television, radio channels formed by a television and radio broadcasting operator for broadcasting using the multicasting in telecommunication networks;

14) broadcasting of television and radio channels - bringing to the consumer of television or radio programs with the use of technical facilities of telecommunication;

15) certificate of registration of television and radio channel – the standard document, issued by the authorized body of television and radio companies and permissive the distribution of television and radio channel in the territory of the Republic of Kazakhstan;

16) television and radio program – informative and completed part of television and radio channel, which has a name, broadcasting time and may be used independently from the other parts of television and radio channel;

17) television and radio company – individual and legal entity, being the owner of television and radio channel and received a certificate of registration of television and radio channel;

18) television and radio broadcasting - the formation and (or) broadcasting of television, radio channels using telecommunication equipment and in telecommunication networks for public reception by the consumer in the open or coded form;

19) service television and radio broadcasting - reception, processing, storing, transmission, delivery of television and radio programs to the subscriber;

20) operator of television and radio broadcasting – individual or legal entity, receiving a license to engage in activity on broadcasting of television and radio channels;

21) technical facilities of television and radio broadcasting – a set of radio electronic facilities and transmitter-receiver technical devices, providing production, formation, broadcasting and (or) reception of television and radio channels and television and radio programs;

22) technical facilities of telecommunication – technical device, permitting to form, receive, process and transmit television and radio signals;

23) an authorized body in the field of television and radio broadcasting (hereinafter – an authorized body) – the state body, carrying out the state regulation in the field of television and radio broadcasting;

23-1) an authorized body in the field of technical support of television and radio broadcasting – the state body, carrying out the state regulation in the field of technical support of television and radio broadcasting;

24) transmission – primary broadcasting of a signal of television, radio channels using telecommunication equipment and in telecommunication networks;

25) nationwide network of television and radio broadcasting – the system of technical facilities and channels of connection, possessed as Government property, providing broadcasting of television and radio signals in the territory of the Republic of Kazakhstan;

26) viewing grid – the list, sequence, name, air time of television or radio programs, representing the main directions of program concept of broadcasting during particular period;

26-1) conditional access card - a device containing the identifier of individual satellite and terrestrial receiving devices, providing subscriber access to the services of a television and radio broadcasting operator;

27) television and radio channel of conditional access – television and radio channel, broadcasting by the operators of television and radio broadcasting in the territory of the Republic of Kazakhstan for general public, the right of viewing which is provided on the basis of commutative contract.

Footnote. Article 1 as amended by Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 2. The scope of this Law

1. Operation of this Law shall be distributed to individuals and legal entities, conducting their activity in the field of television and radio broadcasting in the territory of the republic of Kazakhstan.

2. Provision of this Law shall be applied as well to foreign individual and legal entities, conducting their activity in the field of television and radio broadcasting in the territory of the Republic of Kazakhstan.

Article 3. The legislation of the Republic of Kazakhstan on television and radio broadcasting

1. The legislation of the Republic of Kazakhstan on television and radio broadcasting shall be based on the constitution of the Republic of Kazakhstan, shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

Chapter 2. STATE REGULATION IN THE FIELD OF TELEVISION AND RADIO BROADCASTING

Article 4. Basic principles of the state regulation in the field of television and radio broadcasting

The principles of state regulation of activity in the field of broadcasting shall be:

1) ensuring of constitutional guarantees of the rights to freely receive and distribution of information by any methods, which is not prohibited by Laws, freedom of speech and creation;

2) providing of information security of person, society and the state upon using of television and radio broadcasting services;

3) the equality of rights of individuals and legal entities to participate in activity in the field of broadcasting;

4) protection of rights and legal interests of consumers of television and radio broadcasting service, individuals and legal entities carrying out activity in the field of television and radio broadcasting;

5) fair competition, expressing in securing of equal opportunities for the development of branch of television and radio broadcasting irrespective of their form of ownership;

6) ensuring the safety, reliability and quality in the field of television and radio broadcasting on the basis of national standards in the territory of the Republic of Kazakhstan in the field of television and radio broadcasting;

7) creation of conditions for the development of domestic television and radio channels, production and transmission of domestic television and radio programs;

8) assistance to introduction of the latest technologies in the field of television and radio broadcasting;

9) openness and transparency in the field of television and radio broadcasting.

Footnote. Article 4 as amended by Law of the Republic of Kazakhstan No 31-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. State regulation and control in the field of television and radio broadcasting

1. State regulation in the field of television and radio broadcasting shall be carried out by legal grand work, licensing, registration and control for observance of the legislation of the Republic of Kazakhstan.

2. The state control over compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting is carried out by the authorized body and the authorized body in the field of technical support of television and radio broadcasting.

3. State control over compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting shall be carried out in the form of an inspection and preventive control.

An inspection and preventive control with a visit to the subject (object) of control shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan. Preventive control without visiting the subject (object) of control shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

4. Control of observance of the legislation of the Republic of Kazakhstan on television and radio broadcasting to the extent concerning compliance with requirements, provided by Article 31 of this Law, shall be carried out by the authorized body in the field of technical support of television and radio broadcasting with the assistance of the state technical service.

Footnote. Article 5 as amended by Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 5-1. Preventive control without visiting the subject (object) of control

1. Preventive control without visiting the subject (object) of control shall be carried out by the authorized body and the authorized body in the field of technical support of television and radio broadcasting by comparing information on their activities received from various sources of information.

2. The subjects of control are television, radio companies, television and radio broadcasting operators.

3. The objectives of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, granting the subjects of control the right to eliminate violations found as a result of preventive control without visiting the subject (object) of control on their own, and the reduction of administrative burden on them.

4. In case of detection of violations found as a result of preventive control without visiting the subject (object) of control in the actions (inaction) of the subject of control, it is necessary to draw up a recommendation and send it within five working days of violations' detection.

5. A recommendation shall be delivered to the subject of control by hand against signature or in any other way confirming the recommendation's dispatch and receipt.

A recommendation sent using one of the following methods is considered to be delivered in the following cases:

1) by courier – on the date of a receipt mark in the recommendation;

2) by mail - on the date of notification of receipt of the postal item by registered mail;

3) electronically – on the date of its sending to the electronic address of the subject of control indicated in the letter upon request.

6. A recommendation to eliminate violations found as a result of preventive control without visiting the subject (object) of control shall be executed within ten working days of the day following the day of its delivery.

7. In the event of disagreement with the violations specified in the recommendation, the subject of control has the right to send an objection to the authorized body or authorized body in the field of technical support of television and radio broadcasting that sent the recommendation within five working days of the day following the day of the recommendation's receipt.

8. A failure to fulfill the recommendation to eliminate violations found as a result of preventive control without visiting the subject (object) of control within the prescribed time frames entails the scheduling of preventive control with a visit to the subject (object) of

control by including it in the semi-annual list of preventive control with a visit to the subject (object) of control.

9. Preventive control without visiting the subject (object) of control may not be carried out more than once a week.

Footnote. Chapter 2 is supplemented with Article 5-1 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 6. The competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop the main directions of development of the state policy in the field of television and radio broadcasting;

2) provide international cooperation development in the field of television and radio broadcasting;

3) -10) is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

11) is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016);

12) confirm the terms of complete transition to digital terrestrial television and radio broadcasting;

13) determine the national operator in the field of television and radio broadcasting;

14) exercise other functions, provided by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 6 as amended by Law of the Republic of Kazakhstan No 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

Article 7. The competence of the authorized bodies

1. An authorized body shall:

1) Provide realization of main directions of state policy in the field of television and radio broadcasting;

2) coordinate activity of central and local executive bodies on issues of television and radio broadcasting;

3) exercises state control over compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting;

3-1) carries out an expertise of products of foreign television and radio channels that have submitted applications for registration on compliance with the legislation of the Republic of Kazakhstan;

3-2) approves the rules for expertise of products of foreign television and radio channels that have submitted applications for registration on compliance with the legislation of the Republic of Kazakhstan;

4) coordinate activity of national operator of television and radio broadcasting in terms of financial security of broadcasting of television and radio channels of free access (by digital terrestrial and satellite television and radio broadcasting, as well as analogous television and radio broadcasting);

5) organize and holding of competitive tenders on frequencies-band allocation, radio frequencies (radio frequency channels) for the purposes of television and radio broadcasting;

6) organizes, conducts competitions on formation and approval of the list of mandatory television and radio channels;

7) organizes and conducts competitions on formation and approval of the list of free-access television and radio channels distributed by national television and radio broadcasting operator;

8) carries out licensing of activity in the field of TV and radio broadcasting in the order established by the Law of the Republic of Kazakhstan "On Permits and Notifications";

9) carry out control of observance of requirements by the licensee, established by the legislation of the Republic of Kazakhstan;

10) carry out registration, rediscount of foreign television and radio channels, broadcasting in the territory of the Republic of Kazakhstan;

11) approve, within its competence, regulatory legal and regulatory technical acts in the field of television and radio broadcasting, including the rules for providing television and radio broadcasting services;

12) determine the number of compulsory television and radio channels depending on broadcasting in the multicasting;

12-1) approves the list of mandatory television and radio channels;

12-2) approves the list of free-access television and radio channels distributed by the national operator;

13) carry out registration, rediscount of domestic television and radio channels,

14) develops and approves qualification requirements for licensing activities in the field of television and radio broadcasting;

15) develops and approves the rules for conducting a competition on formation of a list of mandatory television and radio channels;

16) develops and approves rules for holding a tender for the formation of a list of free-access television and radio channels distributed by the national television and radio broadcasting operator;

17) develops and approves the rules for allocation of frequency bands, radio frequencies (radio frequency channels) with the purpose of broadcasting;

18) develops and approves the regulations and submits proposals to the Commission for the Development of Broadcasting;

18-1) issue instructions in case of detection of violations of the requirements of the legislation of the Republic of Kazakhstan on television and radio broadcasting;

19) exercises other functions stipulated by the Constitution, laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. An authorized body in the field of technical support of television and radio broadcasting:

1) coordinate activity of national operator of television and radio broadcasting in terms of introduction of digital terrestrial broadcasting;

2) is excluded by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication);

3) carry out control of observance of engineering factors of quality of television and radio broadcasting and national standards of television and radio broadcasting;

3-1) approves the technical parameters of television and radio broadcasting quality and the methodology for measuring technical parameters of television and radio broadcasting quality;

4) confirm the regulatory legal and regulatory technical acts within its competence in the field of television and radio broadcasting, as well as the rules of operation system of television and radio broadcasting, the rules of control of quality of television and radio broadcasting, the rules of connecting on networks of operators of television and radio broadcasting of technical facilities of television and radio companies;

5) carry out control of observance of the legislation of the Republic of Kazakhstan on television and radio broadcasting in terms of observance of technical requirements to the facilities of television and radio broadcasting;

5-1) issue instructions in case of detection of violations of the requirements of the legislation of the Republic of Kazakhstan on television and radio broadcasting;

6) is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015);

7) is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015);

8) exercise other functions, provided by the Constitution, the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 7 is in the wording of Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the day of its first official

publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 8. The competence of local representative and executive bodies of regions, cities of republican significance and capital city, district (city of region significance)

1. In order to ensure state and public interests concerning the general improvement of populated localities, maintenance of a residential house (residential building), other buildings and structures, local representative bodies of regions, cities of republican significance and the capital, district (city of regional significance), upon the recommendation of local executive bodies of regions, cities of republican significance and the capital, district (city of regional significance) set the requirements for the placement of individual satellite and terrestrial receiving devices, cable communications in residential complexes in the territory of a relevant administrative-territorial unit in accordance with the standard rules established by the authorized body for the architecture, town-planning and construction activity.

2. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

Footnote. Article 8 as amended by Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).

Article 9. State monopoly in the field of television and radio broadcasting

Footnote. Article 9 is excluded by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 10. Language of television and radio programs

1. Television and radio programs of domestic television and radio channels shall be broadcast in Kazakh and other languages.

2. The weekly scope of television and radio programs in Kazakh language shall not be less than the total scope of television and radio programs by time in other languages.

The scope of television and radio programs in Kazakh language in time intervals of six hours each, date from zero hour of local time, shall not be less than the total scope of television and radio programs in other languages.

Translation of television programs and movies in the form of subtitles upon distribution on television channels shall not be included in the total scope of television programs in Kazakh language.

3. Television channels, using multi-channel audio transmission, shall use the main audio accompaniment in Kazakh language.

4. Requirements of this Article shall not be distributed to foreign television and radio channels, past the procedure of registration in accordance with Article 19 of this Law.

5. Transmission of domestic television and radio channels on foreign audience shall be broadcasted in Kazakh and other languages.

Article 11. Commission on issues of development of television and radio broadcasting

1. The Commission for the Development of television and radio broadcasting, an advisory body is created under an authorized body in order to take into account and protect public interests in the field of television and radio broadcasting, as well as to meet the needs of the population in television and radio channels.

The activities of the Commission on the development of television and radio broadcasting are carried out on the basis of transparency and openness in discussion and resolution of issues within its competence. All decisions and conclusions adopted by the authorized body on the recommendation of the Commission for the Development of Broadcasting shall be published in official media.

2. The basic functions of the Commission on issues of development of television and radio broadcasting shall be:

1) development of recommendations and proposals for the implementation of state policy in the field of television and radio broadcasting, the formation and placement of social advertising on obligatory television, radio channels;

2) pendency of applications of entries for participation in the competition on formation of list of television and radio channels of free access in multicasting and the development of recommendations by definition of winners;

3) review of applications of entries for participation in the competition on formation of list of compulsory television and radio channels of free access in multicasting and the development of recommendations by determining of winners;

4) pendency of applications of entries for participation in the competition on frequency-band allocation (radio frequency channel) for the purposes of television and radio broadcasting and development of recommendation by definition of winners taking into account of its technical and financial proposals;

5) drawing up recommendations according to the results of hearing of national operator.

3. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

4. The authorized body approves the Regulations on the Commission for the Development of Broadcasting and its membership.

5. The working body of the Commission on issues of development of television and radio broadcasting shall be the authorized body, carrying out the provision of organizational and technical support of work of the Commission.

Footnote. Article 11 as amended by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

Article 12. Formation of the list of compulsory television and radio channels

1. The list of compulsory television and radio channels, composing a set of cultural, scientific and educational, informative and educational and other socially important information and compulsory to broadcasting over the whole territory of the Republic of Kazakhstan shall be formed in order to ensure the rights of individuals to information, freedom of speech, expression of opinion and development of pluralism of opinions, as well as storage and security of common information space of the Republic of Kazakhstan, interpretation of state policy in the scope of socio-economic development of the Republic, storage and development of cultural heritage of country.

2. The list of obligatory tele- and radio channels, depending on distribution in multi-channel broadcasting, is formed on a competitive basis in the manner determined by the authorized body.

3. The decision on holding a competition for the formation of list of mandatory television and radio channels is taken by an authorized body. This decision is published in the official media and on the Internet resource of the authorized body.

4. pendency of applications of television and radio companies for participation in the competition and production of suggestions on formation of list of compulsory television and radio channels shall be carried out by the Commission on issues of development of television and radio broadcasting.

5. The Government of the Republic of Kazakhstan shall confirm the list of compulsory television and radio channels on recommendation of Commission on issues of development of television and radio broadcasting.

6. The list of obligatory television, radio channels is made only once a year.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 13. Formation of the list of television and radio channels of free access

1. The list of television and radio channels of free access, broadcasting by the national operator of television and radio broadcasting shall be formed from:

1) television and radio channels, included in the packet of television channels of digital terrestrial television and radio broadcasting in accordance with paragraph 4 of Article 42 of this Law;

2) television and radio channels, formed in accordance with paragraph 2 of this Law.

2. The list of TV and radio channels of free access, distributed by the national television and radio broadcasting operator on the recommendation of the Commission for the Development of television and radio broadcasting, shall be established on a competitive basis in the manner determined by the authorized body.

The decision on holding a tender for the formation of the list of television and radio channels of free access shall be made by the authorized body.

Pendency of applications of entries for participation in the competition and making suggestions by definition of winners shall be carried out by the Commission on issues of development of television and radio broadcasting.

Formation of the list of television and radio channels of free access shall be carried out not less than once every three years.

3. On the recommendations of the Commission for the Development of television and radio broadcasting, the authorized body approves the list of free-access television and radio channels, which includes television and radio channels specified in paragraph 2 of this article.

4. The operators of television and radio broadcasting shall have a right to broadcast the television and radio channels of free access under authority of concluded contract with television and radio companies.

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

Article 14. Licensing of the activity in the field of television and radio broadcasting

1. Licensing of activities in the field of television and radio broadcasting is carried out by the authorized body in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications".

2. Is excluded by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Footnote. Article 14 as amended by Law of the Republic of Kazakhstan № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the day of its first official publication); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 15. The use of radio-frequency spectrum for the purposes of television and radio broadcasting

1. Frequency-band allocation, radio frequency (radio frequency channels) for the purposes of television and radio broadcasting shall be carried out on the competitive basis.

2. An authorized body shall adopt the decision on holding of competition on frequency-band allocation, radio frequency (radio frequency channels) for the purposes of television and radio broadcasting. The decision on holding of competition shall subject to publication in the official mass media, as well as on web sites of authorized body.

3. Pendency of applications of entries for participation in the competition and drawing up recommendations by definition of winners shall be carried out by the Commission on issues of development of television and radio broadcasting.

4. Permit to use of frequency content, radio frequency (radio frequency channels) for the purposes of television and radio broadcasting shall be granted by the authorized body in the field of technical support of television and radio broadcasting on the basis of decision of Commission on issues of development of television and radio broadcasting.

In permission to use of frequency content, radio frequency (radio frequency channels) for the purposes of television and radio broadcasting shall be specified location of technical facilities, as well as placement of antenna arrangements with specification of its type, geographic positions, as well as available capacity of using and transferring of radio electronic facilities.

5. Calculation, conformance with radio frequency bodies and international coordination of radio frequency for the purposes of television and radio broadcasting shall be carried out by the authorized body in the field of technical support of television and radio broadcasting.

Footnote. Article 15 as amended by Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Tariffs for services in the field of television and radio broadcasting

Tariffs for services for the broadcasting of television, radio channels in multicasting and telecommunication networks are established by television and radio broadcasting operators on their own on the basis of reasonable costs, unless otherwise provided for by the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 shall be enforced ten calendar days after its first official publication).

Chapter 3. BROADCASTING OF TELEVISION AND RADIO CHANNELS IN THE REPUBLIC OF KAZAKHSTAN

Article 17. Registration, rediscount of domestic television and radio channels

1. Television, radio channel, operating in the territory of the Republic of Kazakhstan, shall subject to the compulsory registration in the authorized body.

2. The owner of television, radio channel or person, acting under its empowerment, shall fill an application, satisfied to the requirements of article 18 of this Law for registration, rediscount.

3. A fee shall be charged according to the procedure, determined by the Tax Code of the Republic of Kazakhstan upon registration of television and radio channel, as well as upon receipt of a duplicate of a document, certified the registration of television and radio channel.

4. Application of record, on rediscount of television, radio channel shall subject to consideration during ten business days from the date of receipt. According to the results of application processing an authorized body shall issue the certificate on registration to the owner of television and radio channel or refuse on the following grounds:

1) if the certificate on registration of television and radio channel with the same name and on the same territory or similar to the name of previously created of television and radio channel until degree of its mixture shall be issued by the authorized body;

2) if the content of application shall not conform to the requirements of Article 18 of this Law;

3) if the fee for registration of television and radio channel is not paid;

4) if in the application on rediscount of television, radio channel by reason of change of owner, the number and the date of treaty of transfer of rights of property for the television and radio channel to another person are not specified;

5) if the television and radio channel is stated to the registration with the same name (part of the name) and the same thematic scope, release of which is previously terminated by the court, or the television and radio channel is stated, duplicated the name and thematic scope, as well as in the case of filling of an application by the owner or chief editor (the editor) of television and radio channel, release of which is terminated by the court decision, during three years from the date of entering into legal force of court decision.

5. The owner of television and radio channel shall reserve the right to begin of broadcasting of television and radio programs during six months from the date of receipt of certificate on registration.

The certificate on registration of television and radio channel by the decision of authorized body shall be deemed to have lost force in case of omission of the term of production release of television and radio channel, as well as termination of production release of television and radio channel during three months, except of the cases of suspension of release of television and radio channel by court.

6. Television and radio channel shall subject to rediscount in the cases of change of owner or change of corporate form, name, as well as the name of television and radio channel.

Footnote. Article 17 as amended by Law of the Republic of Kazakhstan No 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Application on registration of domestic television and radio channel

1. In the application on registration of television and radio channel shall be specified:

1) the name, surname, patronymic (in their existence), personal identification number, place of residence of owner of television and radio channel of individual, the name, business identification number, location, legal form of organization of owner of television and radio channel of legal entity;

2) thematic scope of television and radio channel with specification of daily average scope of individual and retransmitted broadcasting.

2. An application shall be attached by:

1) the obligation to record and storage of transmitted and retransmitted television and radio programs within six months;

2) the form of information on availability of property rights of owner of television and radio channels on the offices and area with separate entrance or its rental, including:

3) special areas for placement and exploitation of technical facilities, necessary for functioning of television and radio broadcasting (studio, hardware, accessory);

areas for placement of production personnel (editorial);

areas for administrative and managerial staff.

3. Specifying other requirements shall be prohibited upon registration of mass media.

Footnote. Article 18 as amended by Law of the Republic of Kazakhstan 36-V dated 10.07.2012 No (see Article 2 for the order of enforcement).

Article 18-1. Activities of foreign television and radio channels on the territory of the Republic of Kazakhstan

1. Foreign television and radio channels distributed by television and radio broadcasting operators on the territory of the Republic of Kazakhstan are subject to compulsory registration with an authorized body.

2. To carry out activities in the territory of the Republic of Kazakhstan, the owners of foreign television, radio channels conduct compulsory state registration of a legal entity or record registration of a branch (representative office) of foreign legal entities in the manner established by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices.

3. The activity of owners of foreign television, radio channels in the territory of the Republic of Kazakhstan, whose charter fund includes full or partial state-owned block of shares (participatory interests, units), and also those of persons affiliated with them, is carried out through the establishment of a legal entity in the territory of the Republic of Kazakhstan, whose equity holding in the charter fund is less than twenty percent of the block of shares (participatory interests, units) of foreign legal entities.

The following persons cannot be the head of the mentioned legal entity and (or) the person (editor) preparing and broadcasting television and radio channel:

- 1) the citizens recognized as legally incompetent by the court;
- 2) the citizens who have a conviction at the time of their appointment, which has not been withdrawn or canceled in accordance with the procedure established by law;
- 3) foreigners or persons without citizenship;
- 4) the citizens who were the editors-in-chief of mass media, and because of their fault the release (broadcast) of mass media was terminated by a court decision within three years from the date of entry into legal force of the court decision.

Footnote. Chapter 3 is supplemented by Article 18-1 in accordance with Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2017); as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 19. Registration, rediscount of foreign television and radio channels in the authorized body

1. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

2. The representatives of foreign television and radio companies shall carry out the registration, rediscount of foreign television and radio channels on the basis of sent application by them, satisfying to the requirements of Article 20 of this Law, for obtainment of a certificate on registration.

3. An application for obtainment of a certificate on registration, rediscount of foreign television and radio channel shall subject to consideration during fifteen calendar days from the date of receipt. An authorized body shall issue the certificate on registration of foreign television and radio channel to the applicant according to the results of consideration of application or shall refuse in its issuance on the grounds, provided by Article 21 of this Law.

4. Registration of foreign television and radio channels is carried out after the expertise of their products for compliance with the legislation of the Republic of Kazakhstan.

The registration of foreign television and radio channels of a religious line is carried out after a religious expert examination conducted in accordance with the legislation of the Republic of Kazakhstan.

5. A foreign television, radio channel shall be re-registered in case of the change of its owner, the legal entity's organizational legal form, the name, main thematic focus of the television, radio channel, in case of establishment of a new legal entity or branch (representative office) that was subjected to the procedure for the state registration of legal entities and record registration of branches and representative offices in the territory of the Republic of Kazakhstan.

6. Is excluded by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

Footnote. Article 19 as amended by Law of the Republic of Kazakhstan № 419-V dated 24.11.2015 (see Art.2 for the order of enforcement); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 20. An application on registration of foreign television and radio channel

1. In the application on registration of foreign television and radio channel shall be specified:

1) the name, surname, patronymic (in their existence), place of residence of the owner of television and radio channel of individual, the name, location, legal organizational form of the owner of television and radio channel of legal entity;

2) the language (languages) of television and radio programs;

3) viewing grid of television and radio channel;

4) the basic thematic scope of television and radio channel;

5) the name, surname, patronymic (in their existence) of chief editor (editor) of television and radio channel;

6) legal address of television and radio company;

7) the obligation on observance of the legislation of the Republic of Kazakhstan of television and radio company.

2. An application shall be attached:

1) for individuals – the copy of passport or other document, identity document of foreign individual - the owner of television and radio channel, the copy of document, confirming the right to occupation of entrepreneurial activity, with notarized translation on Kazakh and Russian languages;

2) for legal entities – legalized statement from trade register or other legalized document, certified, that incorporator – foreign legal entity shall be the legal entity on the legislation of foreign state;

3) the document, confirming the payment in the fee budget for registration of television and radio channel;

4) a certificate of state registration (re-registration) of a legal entity or record registration (re-registration) of a branch (representative office) in the territory of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices.

3. Specifying other requirements upon registration of television and radio channel shall be prohibited.

Footnote. Article 20 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 21. The reason for refusal in registration of foreign television and radio channel and revocation of certificate on registration of foreign television and radio channel

1. An authorized body shall refuse to representative of television and radio company in issuance of certificate on registration of foreign television and radio channel, if:

1) the content of application shall not conform to the requirements of Article 20 of this Law;

2) a fee for registration of television and radio channel is not paid;

3) the materials of foreign television and radio channel shall contain propaganda or agitation of forcible amendment of constitutional system, integrity violation of the Republic of Kazakhstan, subversion of safety of the state, war, propaganda of extremism or terrorism, cult of cruelty and violence, social, racial, national, religious, estate and entail superiority, information, directed to fomentation of interethnic and interfaith hostility, as well as the movie – and video production of pornographic and special sexily – erotic nature, as well as information, propagandized a suicide;

4) based on the results of theological expertize shall be an adverse determination;

5) in relation to production of foreign television and radio channel shall be the court decision on imposition of a prohibition on its broadcasting in the territory of the Republic of Kazakhstan;

6) a certificate of state registration (re-registration) of a legal entity or record registration (re-registration) of a branch (representative office), provided for by subparagraph 4) of paragraph 2 of Article 20 of this Law, has not been submitted.

2. Upon refusal to the representative of foreign television and radio company in registration of foreign television and radio channel shall be issued a motivated refusal in written form.

2-1. The certificate of registration of a foreign television, radio channel is revoked by the authorized body within fifteen calendar days if the foreign television, radio channel stops the activity of a legal entity in the territory of the Republic of Kazakhstan or cancels the record registration of the branch (representative office), provided for by paragraph 2 of Article 18-1 of this Law, without establishing a new legal entity or branch (representative office).

3. The authorized body shall apply to court for revoking a registration certificate in the cases of violation of the legislation of the Republic of Kazakhstan by a foreign television, radio channel, except for the case specified in paragraph 2-1 of this article.

3-1. If a registration certificate is revoked from a foreign television, radio channel, the authorized body shall issue instructions to television and radio broadcasting operators to take measures to restrict the broadcasting and (or) rebroadcasting of the foreign television, radio channel in the territory of the Republic of Kazakhstan.

4. The broadcasting of foreign television and radio channel in the territory of the Republic of Kazakhstan shall be suspended or terminated in case of recognition of information by court , broadcasting by the foreign television and radio channel, inconsistent to the requirements of this Law and other legislative acts of the Republic of Kazakhstan.

Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 170-VI as of 02.07.2018 (shall be enforced six months after its first official publication).

Chapter 4. AN ORGANIZATION OF TELEVISION AND RADIO BROADCASTING

22. The subjects of television and radio broadcasting

The subjects of television and radio broadcasting in the Republic of Kazakhstan shall be television and radio company, operators of television and radio broadcasting and producers of television and radio programs.

Article 23. Television and Radio Company

1. Television and radio company shall carry out an activity on formation of television and radio channels for its further network distribution of television and radio broadcasting.

2. Television and radio company shall:

1) carry out registration of television and radio channel in the authorized body as mass media;

2) ensure the compliance of technical parameters formed by television, radio channels with the requirements of national standards of television and radio broadcasting, and also technical quality parameters of television and radio broadcasting;

3) provide the quality of presentation of television, radio programs by the television, radio channels in accordance with the rules for connecting technical facilities of television and radio broadcasting to the networks of television and radio broadcasting operators, operation of television and radio broadcasting systems and requirements of national standards of television and radio broadcasting, as well as technical quality parameters of television and radio broadcasting;

4) use the technical facilities of formation of television and radio channels, carrying the certificates of correspondence, issued in accordance with the Law of the Republic of Kazakhstan “On technical regulation”.

Footnote. Article 23 as amended by Law of the Republic of Kazakhstan No 31-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 24. Operators of television and radio broadcasting

1. Television and radio broadcasting operators shall carry out the activity on broadcasting television, radio channels in telecommunication networks by:

1) transmitting and rebroadcasting packages of television, radio channels;

2) transmitting and rebroadcasting television, radio channels under agreements concluded with television, radio companies in accordance with the civil legislation of the Republic of Kazakhstan;

3) rebroadcasting television, radio channels without changing the content of their television, radio programs, unless otherwise provided for by an agreement between television and radio broadcasting operators and television, radio companies;

The provision of this subparagraph does not apply to the cases specified in paragraph 2 of Article 34 of this Law;

4) transmitting and (or) rebroadcasting foreign television, radio channels that were subjected to the registration procedure in accordance with Article 19 of this Law under agreements concluded between a television and radio broadcasting operator and a foreign television, radio company or branch (representative office) of a foreign legal entity, registered in the manner prescribed by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices;

5) transmission and (or) retransmission of compulsory television and radio channels, television and radio channels of free and conditional access.

Television and radio broadcasting operators have the right to distribute television newspapers in telecommunication networks.

2. Operators of television and radio broadcasting shall be obliged to:

use the technical facilities, carrying the certificates of correspondence, issued in Accordance with the Law of the Republic of Kazakhstan “On Technical regulation” for broadcasting of television and radio channels;

carry out transmission and (or) retransmission in accordance with the rules of operation of television and radio broadcasting and requirements of national standards of television and radio broadcasting;

a television and radio broadcasting operator receiving a digital signal and using digital content delivery technologies is obliged to ensure the transmission of signals of television, radio channels in the entire network it operates in digital format at a program stream speed in accordance with digital television and radio broadcasting standards;

transmit and (or) rebroadcast domestic television, radio channels in accordance with the technical quality parameters of television and radio broadcasting.

Footnote. Article 24 as amended by Law of the Republic of Kazakhstan No 31-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2017); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 25. National operator of television and radio broadcasting

1. National operator of television and radio broadcasting – a legal entity, determined by the Government of the Republic of Kazakhstan, on which the owner acting by the state shall be imposed the tasks on containing and development of nationwide network of television and radio channel.

2. National operator of television and radio channel shall:

1) grant an equal right of using of nationwide network of television and radio broadcasting to the television and radio companies and operators of television and radio broadcasting on the ground of contracts, concluded with television and radio companies and operators of television and broadcasting in accordance with the legislation of the Republic of Kazakhstan;

2) ensure safety of unified property complex of nationwide network of television and radio broadcasting;

3) carry out the content and exploitation of nationwide network of television and radio broadcasting;

4) carry out development and modernization of nationwide network of television and radio broadcasting on the ground of high technologies;

5) after full transfer to the digital terrestrial television and radio broadcasting, further development of networks of television and radio broadcasting shall carry out at the expense of own funds;

6) carry out transmission of compulsory television and radio channels and television and radio channels of free access;

7) share the tariffs for services on web site on broadcasting of television and radio channels;

8) provide the satellite resource backup on the satellite for broadcasting obligatory television, radio channels in digital and analog broadcasting networks.

The national television and radio broadcasting operator has the right to distribute television newspapers in telecommunication networks.

Footnote. Article 25 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 26. Producer of television and radio programs

1. Producer of television and radio programs shall be individual or legal entity, specializing in the manufacture of television and radio programs.

2. Relations between producers of television and radio programs and television and radio companies shall be regulated in accordance with the legislation of the Republic of Kazakhstan

Article 27. Networks of television and radio broadcasting

1. Networks of television and radio broadcasting shall be the component part of unified network of telecommunication in accordance with the legislation in the field of connection and shall compose a unified engineering and manufacturing complex of land-based and satellite system of broadcasting, used for broadcasting and transmission of television and radio channels in the territory of the Republic of Kazakhstan and foreign state.

2. Republican and regional networks of television and radio broadcasting shall be created for broadcasting and transmission of state television and radio channels, based on unified network of telecommunications, with the use of technical facilities and channels of operators of television and radio broadcasting.

3. Television and radio companies and operators of television and radio broadcasting shall have a right to use the existent networks of telecommunications on conditions of concluded contract for broadcasting and transmission of television and radio channels.

4. Broadcasting networks, regardless of their forms of ownership, are used to alert the public about the threat to life, human health and the procedure for acting in the current situation in emergency situations of natural and man-made nature, as well as in the interests of defense, national security and law enforcement. The procedure for the use of television and radio broadcasting networks for these purposes is established by the authorized body in the field of civil protection.

5. Population warning on danger to life, health of people and operating procedure in the existing circumstance upon emergency situations of natural and industrial nature, as well as in the interests of defense, national safety and law enforcement shall be carried out in the obligatory procedure of television and radio companies and operators of television and radio broadcasting depending on its form of ownership.

6. Objects of engineering infrastructure shall be represented on equal terms to all operators of cable television and radio broadcasting for cabling in residential houses.

Footnote. Article 27 as amended by Laws of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016).

Article 28. Protection of interests of national television and radio broadcasting

1. The number of domestic television programs, except for advertising, in the weekly broadcasting time of domestic television channels shall be at least fifty percent from January 1, 2018.

2. The number of musical works of Kazakhstani authors or performers and domestic radio programs, except for advertising, in the weekly broadcasting time of domestic radio channels shall be:

1) at least forty-five percent from January 1, 2018;

2) at least fifty percent from January 1, 2020.

Footnote. Article 28 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication)

Article 29. Protection of children when broadcasting television, radio programs

Footnote. The heading of Article 29 as amended by Law of the Republic of Kazakhstan № 170-VI as of 02.07.2018 (shall be enforced six months after its first official publication).

1. Television, radio programs for children shall be broadcast in the manner prescribed by the legislation of the Republic of Kazakhstan on the protection of children from information harmful to their health and development.

2. When rebroadcasting foreign television channels, television and radio broadcasting operators shall take measures to restrict access to viewing television, radio programs prohibited for children through organizational and technical measures.

Footnote. Article 29 as amended by Law of the Republic of Kazakhstan № 170-VI as of 02.07.2018 (shall be enforced six months after its first official publication).

Article 30. Protection of rights of disabled upon distribution of television program

1. At least one television news program between 16:00 and 22:00 local time shall be provided with sign language interpretation or subtitled translation.

Obligatory messages posted on TV channels shall be provided with sign language interpretation or subtitled translation.

2. Requirements of this Article shall not be distributed to the foreign television programs, past the procedure of registration in accordance with Article 19 of this Law.

Footnote. Article 30 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 31. Requirements to the technical facilities of television and radio broadcasting

1. Technical facilities of formation, transmission, retransmission and (or) reception of television and radio channels shall be subject to confirmation of conformity in accordance with the Law of the Republic of Kazakhstan “On technical regulation”.

2. Using of radio electronic facilities of reception and transmission of signal of television and radio broadcasting, interfering to other radio transmitting and (or) radio-receiving communication facilities and inconsistent of stated engineering factors.

Article 32. Distribution of additional information

1. Additional information shall represent alphabetic, digital, graphic information, transmitted simultaneously with the main television program with using of one frequency and

(or) air time, the content of which is not linked with the content of the main television program, transmitting in composition of television and radio broadcasting signal.

2. The volume of additional information, which is commercial advertising, shall not exceed twenty-five percent of a picture area and affect textual or information material in television programs.

Footnote. Article 32 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 33. Advertisement positioning on television and radio channels

Advertisement positioning in composition of television and radio channels, as well as retransmitting by multicasting, shall be carried out in accordance with requirements of the Law of the Republic of Kazakhstan “On advertising”.

Article 34. Retransmission of television and radio channels, television and radio programs

1. Retransmission of television and radio channels, television and radio programs shall be carried out without making amendments in the content, unless otherwise provided by the treaty between operators of television and radio broadcasting and television and radio company – rights holder, as well as except of cases, provided in this Article.

2. When rebroadcasting foreign television, radio channels in the territory of the Republic of Kazakhstan, television and radio broadcasting operators shall not allow the broadcasting of advertisements, except for:

1) public service advertisements;

2) advertisements in the place of an event broadcast live or in the recording of replay of a live program;

3) advertisements distributed by foreign television, radio channels specializing exclusively in advertising messages and materials.

When rebroadcasting foreign television, radio channels in the territory of the Republic of Kazakhstan, it is allowed to disseminate information about own products of television, radio channels (announcements) that do not contain third-party advertisements.

3. The rebroadcasting of a television, radio channel, television, radio program is only allowed under an agreement concluded between a television and radio broadcasting operator and a television, radio company or branch (representative office) of a foreign legal entity registered in the manner prescribed by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices.

4. Legal relations, linked with retransmission of television and radio channels, television and radio programs shall be carried out in accordance with the legislation of the Republic of Kazakhstan on copyright and related rights.

5. In weekly scope of broadcasting of domestic television and radio channels of retransmission of television and radio programs of foreign television and radio channels shall not exceed twenty percent from the total scope of television and radio programs.

Footnote. Article 34 as amended by Laws of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2017); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall be enforced three months after its first official publication).

Chapter 5. TYPES OF TELEVISION AND RADIO BROADCASTING

Article 35. Analog terrestrial radio broadcasting

1. Analog terrestrial radio broadcasting shall represent the system of broadcasting of radio channels with using of analog methods of signal processing.

2. Broadcasting of radio channels by analog terrestrial radio broadcasting shall be carried out in existence of permission for using of frequency content, radio frequency (radio

frequency channels), issued in accordance with Article 15 of this Law, and a license for occupation of activity on broadcasting of radio channels.

Article 36. Digital terrestrial television and radio broadcasting

1. Digital terrestrial television and radio broadcasting shall represent the system of broadcasting of television and radio channels by land transmitting stations with the use of the methods of digitization (compression) of original signal.

2. Broadcasting of television and radio channels by the operators of television and radio broadcasting by digital terrestrial television and radio broadcasting shall be carried out in the existence of permission for using of frequency content, radio frequency (radio frequency channels), issued in accordance with Article 15 of this Law, and a license for occupation of activity on broadcasting of television and radio channels.

Article 37. Satellite television and radio broadcasting

1. Satellite television and radio broadcasting shall represent the system of broadcasting of television and radio channels by translator, located on communication satellites.

2. Satellite television and radio broadcasting intended for signal propagation of television and radio broadcasting over the whole territory of the Republic of Kazakhstan.

3. Broadcasting of television and radio channels by the operators of television and radio broadcasting by satellite television and radio broadcasting shall be carried out in the existence of permission for using of frequency content, radio frequency (radio frequency channels) and a license for occupation of activity on broadcasting of television and radio channels.

4. It is prohibited to distribute conditional access cards to the services of television and radio broadcasting operators and equipment intended for individual reception of a television, radio signal of television and radio broadcasting operators not licensed in the field of television and radio broadcasting and not having own satellite broadcasting systems in the Republic of Kazakhstan.

5. The activity of distributors of individual satellite and terrestrial receiving devices shall be carried out in the manner prescribed by the rules for the provision of television and radio broadcasting services.

Footnote. Article 37 as amended by Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 38. Cable television and radio broadcasting

1. Cable television and radio broadcasting shall represent the system of broadcasting of television and radio channels by cable and terrestrial and cable networks, except of custom lines, for rendering services of Internet network access.

2. Broadcasting of television and radio channels by the operators of television and radio broadcasting by terrestrial and cable television and radio broadcasting shall be carried out on the ground of a license for occupation of activity on broadcasting of television and radio channels.

3. Broadcasting of television and radio channels by the operators of television and radio broadcasting by terrestrial and cable television and radio broadcasting shall be carried out in the existence of permission for using of frequency content, radio frequency (radio frequency channels), issued in accordance with Article 15 of this Law.

4. Operators of cable television and radio broadcasting shall carry out transmission and (or) retransmission of compulsory television and radio channels on the ground of netting between operators of cable television and radio broadcasting and television and radio company – rights holder of compulsory television and radio channel.

Article 39. Individual satellite reception

1. Individual satellite reception of television and radio channels by individuals and legal entities shall be carried out without right for further retransmission.

2. Individual satellite reception facilities, past the confirmation of conformity in accordance with the Law of the Republic of Kazakhstan “On technical regulation” shall be used for providing of individual satellite reception of television signal.

Article 40. Systems of community reception of television and radio channels

1. System of community reception of television and radio channels – complex of technical facilities, making possibility of reception of television and radio channels within one building and several buildings.

2. Activity on system organization of community reception of television and radio channels, striving to commercial purposes, shall be equated to the cable television and radio broadcasting and shall subject to licensure for occupation of activity on broadcasting of television and radio channels.

3. System of community reception within one building, not striving to commercial purposes, may be established only as of written consent of the owner of building. System of community reception within several buildings, not striving to commercial purposes, may be established, if the owner of these buildings shall be one individual or legal entity.

4. Systems of community reception shall not effect to the quality of broadcasting of other operators of television and radio broadcasting.

Article 40-1. Broadcasting of television, radio channels for public viewing

Only domestic television, radio channels can be broadcast for public viewing in waiting rooms of buildings of state bodies and organizations.

Footnote. Chapter 5 is supplemented with Article 40-1 in accordance with Law of the Republic of Kazakhstan № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Chapter 6.FINAL AND TRANSITIONAL PROVISIONS

Article 41. Responsibility for violation of this Law

Violation of the legislation of the Republic of Kazakhstan in the field of television and radio broadcasting shall involve responsibility, established by the Laws of the Republic of Kazakhstan.

Article 42. Transitional provisions

1. Before switching to digital television and radio broadcasting, it is necessary to ensure the operation of analog television and radio broadcasting

2. Upon the recommendation of the authorized body for technical support of television and radio broadcasting, the authorized body, in accordance with the procedure for switching to digital television and radio broadcasting determined by the authorized body, shall fix the time frames for switching to digital television and radio broadcasting at least six months before the switch.

Before switching to digital television and radio broadcasting, non-state free television, radio channels are broadcast at the expense of the republican budget.

The switching to digital television and radio broadcasting in the territory of a administrative-territorial unit of the Republic of Kazakhstan is carried out in accordance with the procedure and within the time frames for switching to digital television and radio broadcasting established by the authorized body.

3. Before switching to digital television and radio broadcasting, all earlier issued licenses of television channels for the activity on the organization of television broadcasting and permits to use frequency bands, radio frequencies (radio frequency channels) shall be valid. At the same time, television, radio companies are obliged to register television channels in accordance with the requirements of this Law within one year after switching to digital television and radio broadcasting.

4. When switching to digital television and radio broadcasting, the channels broadcast in the territory of an administrative-territorial using analog frequency bands, radio frequencies (radio frequency channels) shall release the data of frequency, radio frequency (radio frequency channels) and be obligatorily included by the national television and radio broadcasting operator in the package of digital television channels of television and radio

broadcasting. These television, radio channels shall be broadcast in accordance with the tariffs fixed in the concluded agreements.

5. After switching to digital television and radio broadcasting, permits for the use of the radio frequency spectrum and licenses for engaging in the organization of television broadcasting issued to television channels in the time of analog television and radio broadcasting shall cease to be effective.

6. In order to ensure the broadcasting of free television, radio channels throughout the Republic of Kazakhstan using digital television and radio broadcasting, the national television and radio operator obtains a permit to use frequency bands, radio frequencies (radio frequency channels) without holding a tender.

7. Before the entry of this Law into force, foreign television, radio channels broadcast in the territory of the Republic of Kazakhstan shall register within one year of the day of entry into force of this Law.

8. Television and radio broadcasting operators engaged in the provision of television and radio broadcasting services before the entry of this Law into force are obliged to renew their licenses within one year of the day of entry into force of this Law.

9. The local executive bodies of regions, cities of republican significance, the capital, before switching to digital television and radio broadcasting, shall provide individuals, who are recipients of state targeted social assistance, with television set-top boxes in the manner prescribed by the Government of the Republic of Kazakhstan.

Set-top boxes are provided in the amount of one set-top box per one applicant who has applied on his/her own behalf or on behalf of his/her family and other persons permanently residing with him/her.

Set-top boxes are given only once and may not be given again to an applicant who received it, his/her family members and other persons permanently residing with him/her.

9-1. Foreign television, radio channels established before the entry into force of paragraph 2 of Article 18-1 of this Law shall, within six months of the day of its entry into force, carry out the obligatory state registration of a legal entity or the record registration of a branch (representative office) in the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices.

If foreign television, radio channels fail to observe the requirements provided for in part one part of this paragraph, the authorized body shall revoke the certificate of registration six months later.

10. Item three of paragraph 2 of Article 10 shall be enforced one year after the entry into force of this Law.

Footnote. Article 42 as amended by Constitutional Law of the Republic of Kazakhstan No 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); Laws of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 419-V dated 24.11.2015 (shall be enforced from 01.01.2016); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication).

Article 43. Procedure of introduction into effect of this Law

This Law shall be enforced upon expiry of thirty calendar days after its first official publication.

The President
of the Republic of Kazakhstan

N.NAZARBAYEV