

On approval of the Rules for the Expert Examination of Production of Foreign Television and Radio Channels That Have Submitted Applications for Registration for Compliance with the Legislation of the Republic of Kazakhstan

Unofficial translation

Order of Acting Minister for Investment and Development of the Republic of Kazakhstan No. 75 dated January 26, 2016. Registered with the Ministry of Justice of the Republic of Kazakhstan on February 24, 2016 under. No. 13209.

Unofficial translation

In compliance with subparagraph 3-2) of paragraph 1 of Article 7 of the Law of the Republic of Kazakhstan dated January 18, 2012 “On Broadcasting” **I HEREBY ORDER:**

1. That the attached Rules for the Expert Examination of Products of Foreign Television and Radio Channels That Have Submitted Applications for Registration for Compliance with the Legislation of the Republic of Kazakhstan shall be approved.

2. The State Control Committee in the Sphere of Communication, Informatization and Media of the Ministry for Investment and Development of the Republic of Kazakhstan (Kazangap T. B) shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, send a copy hereof in print and electronic form for official publication in periodicals and Adilet, the legal information system, as well as to the Republican Center for Legal Information for inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry for Investment and Development of the Republic of Kazakhstan and on the web-portal of government agencies;

4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit to the Legal Department of the Ministry for Investment and Development of the Republic of Kazakhstan the information on the implementation of measures provided for in subparagraphs 1), 2) and 3) of paragraph 2 of this order.

3. The control over the execution of this order shall be assigned to the supervising Vice-Minister for Investment and Development of the Republic of Kazakhstan.

4. This order shall come into force on January 1, 2017.

Acting Minister

*for Investment and Development
of the Republic of Kazakhstan*

Zh. Kassymbek

**Rules
for the Expert Examination of Products of Foreign Television and Radio Channels
That
Have Submitted Applications for Registration for Compliance with the Legislation of
the Republic of Kazakhstan**

1. General Provisions

1. These Rules for the Expert Examination of Products of Foreign Television and Radio Channels That Have Submitted Applications for Registration for Compliance with the Legislation of the Republic of Kazakhstan (hereinafter referred to as the Rules) are developed in accordance with subparagraph 3-2) of paragraph 1 of Article 7 of the Law of the Republic of Kazakhstan dated January 18, 2012 “On Broadcasting” (hereinafter - the Law).

2. The Rules shall determine the procedure for the expert examination of products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan.

3. Expert examination of the products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan (hereinafter referred to as the examination) shall be carried out by the authorized body in the field of broadcasting (hereinafter referred to as the authorized body).

4. The expert examination shall be carried out after receipt of an application by the authorized body for registration of a foreign television and radio channel, in the form in compliance with Appendix 1 to these Rules (hereinafter - the application).

5. The result of the expert examination of the products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan shall be issued on the basis of an expert opinion of the authorized body.

6. The area under the expert examination shall be:

- 1) the main thematic focus of a foreign television and radio channel;
- 2) broadcasting network of a foreign television and radio channel.

7. The expert examination shall include:

- 1) verification of the main thematic focus of a foreign television and radio channel;
- 2) checking the broadcasting grid of a foreign television and radio channel;

3) examination of area of expert examination for the purpose of identifying contradictions to the norms of the Constitution and legislation of the Republic of Kazakhstan, as well as violations of the rights and freedoms of citizens of the Republic of Kazakhstan.

2. The procedure for the expert examination of products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan

8. The expert examination shall include the survey of the objects submitted for expert examination specified in paragraph 6 of these Rules.

When considering products presented by a foreign television and radio channel, a study of the broadcasting grid shall be carried out with a view to actual compliance with the main thematic focus of a foreign television and radio channel and identifying contradictions with the norms of the Constitution and legislation of the Republic of Kazakhstan, as well as violations of the rights and freedoms of citizens of the Republic of Kazakhstan.

9. The expert examination period shall be ten calendar days from the date of receipt of the application.

10. During the expert examination the authorized body shall:

1) draw up a motivated, justified, objective and full expert opinion on the products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan in the form in accordance with Appendix 2 to these Rules;

2) not disclose and also refrain from publicly evaluating information on the area of the expert review, materials and information submitted for the expert review.

11. An expert opinion on the products of foreign television and radio channels that have submitted applications for registration for compliance with the legislation of the Republic of Kazakhstan shall be drawn up, in duplicate, and shall include information on the advisability of distributing foreign television and radio channels on the territory of the Republic of Kazakhstan.

12. The following shall be indicated in the expert opinion:

1) the person conducting the expert review;

2) the full name of the object of survey;

3) motivated, scientifically substantiated, objective and complete justification of the expert review;

4) the expert's conclusion, which indicates whether the object of expert examination specified in paragraph 6 of these Rules is recommended or not recommended for use and distribution on the territory of the Republic of Kazakhstan.

13. The expert opinion shall be signed by the person carrying out the expert examination and the head of the authorized body.

Appendix 1
to the Rules for the Expert Examination of
Products of Foreign Television and Radio
Channels That Have Submitted Applications
for
Registration for Compliance with the
Legislation
of the Republic of Kazakhstan

The form

(full name of the authority,
issuing certificate
on registration of a television, foreign radio channel)

(Full name of the head of the authority issuing
certificate on registration of television,
foreign radio channel)

**Application
for registration of a foreign television and radio channel
broadcasted to the territory of the Republic of Kazakhstan**

I hereby ask you to register (carry out a re-registration, issue
duplicate) foreign television and radio channel:

(in the case of re-registration and issuing a duplicate a,
reason shall be indicated)

Name of the owner of the television and radio channel _____

(surname , name, patronymic (if any), place of
residence / location, organization, legal form,
phone, email address)

Language (s) of television and radio programs _____

Broadcast grid for television and radio _____

(for the next month)

The main thematic focus of the television and radio channel _____

Editor-in-chief of the television and radio channel _____

(surname , name, patronymic)

Legal address of television and radio companies

(zip code, city, district, street, house, phone, email address)

Obligation to comply with the legislation of the Republic of Kazakhstan

by TV, radio company _____

The following is attached to the application:

1. _____

2. _____

(surname, name, patronymic / name of the applicant) (signature)

Stamp here " __ " _____ 20 ____

(if available)

Appendix 2
to the Rules for the Expert Examination of
Products of Foreign Television and Radio
Channels That Have Submitted Applications
for
Registration for Compliance with the
Legislation
of the Republic of Kazakhstan

The form

**Expert opinion on the compliance of the
production of foreign television and radio channels that have submitted
applications for registration with the
legislation of the Republic of Kazakhstan**

on _____

(full name of the object of examination)

The following are submitted for expert examination:

(name of the submitted materials, other documents)

Materials received for consideration on _____ 20 ____

(Date, Incoming Registration Number)

1. General information

Brief description of a foreign television and radio channel;

owner of a foreign television and radio channel; resident in the Republic

Kazakhstan relaying foreign television, radio channel; area of distribution of a foreign
television and radio channel; the main thematic focus of a foreign television and radio
channel; viewing grid of foreign television and radio.

2. Verification for compliance of a foreign television and radio channel with the legislation of the Republic of Kazakhstan

Full characteristics of a foreign television and radio channel;
owner of a foreign television and radio channel; resident in the Republic
Kazakhstan relaying a foreign television, - radio channel; the territory of distribution of a
foreign television, - radio channel; the main thematic focus of a foreign television,
radio channel; viewing grid of a foreign television and radio channel.

Motivated, science-based, objective justification of the expert examination carried out.

3. Conclusion

The result of the expert examination shall be the expert opinion with
the conclusion: “the object of examination is recommended for use and
distribution on the territory of the Republic of Kazakhstan / the object of the expert
examination is not recommended for use and distribution in the territory
Republic of Kazakhstan.”

Head of the authorized body

Signature, full name

Performer of the authorized body

Signature, full name