

On approval of the risk assessment criteria and the checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting

Unofficial translation

The joint order of the Minister of Information and Communications of the Republic of Kazakhstan dated October 31, 2018 No. 455 and the Minister of National Economy of the Republic of Kazakhstan dated October 31, 2018 No. 39. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 2, 2018 No. 17674.

Unofficial translation

Footnote. Heading is in the wording by the joint order of the Minister of Information and Social Development of the Republic of Kazakhstan No. 40 dated 30.03.2019 and No. 24 of the Minister of National Economy of the Republic of Kazakhstan dated 04.04.2019 (shall be enforced from 11.04.2019).

In accordance with paragraph 3 of Article 141 and paragraph 1 of Article 143 of the Entrepreneur Code of the Republic of Kazakhstan of October 29, 2015, we hereby ORDER:

1. To approve:

1) criteria for assessing the degree of risk for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting (hereinafter - the criteria) in accordance with Appendix 1 to this joint order;

2) checklist in the field of state control over observance of the legislation of the Republic of Kazakhstan on television and radio broadcasting (hereinafter - the checklist) with respect to television and radio companies in accordance with Appendix 2 to this joint order;

3) checklist in relation to television and radio broadcasting operators in accordance with Appendix 3 to this joint order.

2. Joint Order No. 1282 of the Acting Minister for Investment and Development of the Republic of Kazakhstan dated December 30, 2015 and No. 844 of the Acting Minister of National Economy of the Republic of Kazakhstan dated December 31, 2015 "On Approval of the Risk Assessment Criteria and the Checklist for Compliance with the Legislation of the Republic of Kazakhstan on Television and Radio Broadcasting "(registered in the Register of State Registration of Regulatory Legal Acts under No. 13009, published on February 29, 2016 in the legal information system "Adilet") shall be deemed to have lost force.

3. The Information Committee of the Ministry of Information and Communications of the Republic of Kazakhstan shall:

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

2) within ten calendar days from the date of state registration of this joint order, direct this joint order to the Republican State Enterprise on the Right of Economic Management of the “Republican Center of Legal Information” of the Ministry of Justice of the Republic of Kazakhstan for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this joint order on the official Internet resource of the Ministry of Information and Communications of the Republic of Kazakhstan;

4) within ten working days after the state registration of this joint order, submit the data on execution of the actions provided for in subparagraphs 1), 2) and 3) of this paragraph to the Legal Department of the Ministry of Information and Communications of the Republic of Kazakhstan.

4. Control over the execution of this joint order shall be entrusted to the Supervising Vice-Minister of Information and Communications of the Republic of Kazakhstan.

5. This joint order shall take effect upon expiry of ten calendar days after the date of its first official publication, with the exception of the line, sequence number 30, Appendix 1 to the Criteria, lines, sequence number 29, Appendix 2 to the joint order, which shall take effect from January 11, 2019.

*Minister of Information
and Communications of the
Republic of Kazakhstan*
*Minister of National Economy
of the Republic of Kazakhstan*

D. Abayev

T. Suleimenov

AGREED

**Committee on Legal Statistics and
Special Accounts of the General
Prosecutor's Office of the Republic of Kazakhstan**

Appendix 1
to Joint Order No. 455 of
the Minister of Information
and Communications
of the Republic of Kazakhstan
dated October 31, 2018
and No 39 of the Minister of
National Economy
of the Republic of Kazakhstan
dated October 31, 2018

Criteria for assessing the degree of risk in compliance with the Legislation of the Republic of Kazakhstan on Television and Radio Broadcasting

Chapter 1. General Provisions

1. These Criteria for assessing the degree of risk in compliance with the Legislation of the Republic of Kazakhstan on Television and Radio Broadcasting (hereinafter referred to as

Criteria) are developed in accordance with paragraph 3 of Article 141 of the Entrepreneur Code of the Republic of Kazakhstan of October 29, 2015 (hereinafter referred to as the Code) and the Rules for formation by state bodies of the risk assessment systems and forms of checklists approved by Order No. 3 of the Acting Minister of National Economy of the Republic of Kazakhstan, dated July 31, 2018 (Registered in the Register of Registration of Regulatory Legal Acts under No. 17371).

2. The following concepts shall be used in these Criteria:

1) major violation - violation of the requirements established by regulatory legal acts in the field of television and radio broadcasting, creating preconditions for the emergence of threats to human life and health, the environment, legitimate interests of individuals and legal entities, the state, as well as the failure to comply with the instructions of the authorized body, the existence of two confirmed complaints and appeals against the entity (facility) subjected to control;

2) minor violation - violation of the requirements established by the regulatory legal acts in the field of television and radio broadcasting, non-observance of which does not create preconditions for the emergence of a threat to the life and health of the population, the environment, legitimate interests of individuals and legal entities, but which are mandatory for television and radio broadcasting entities in the execution of their activity, as well as the existence of one confirmed complaint or appeal;

3) gross violation - violation of the requirements established by the regulatory legal acts in the field of television and radio broadcasting, related to non-compliance with the prohibiting norms of the legislation of the Republic of Kazakhstan (prohibited, not permitted, not allowed), as well as the violation of the requirements that entails a threat to human life and health, the environment, legitimate interests of individuals and legal entities, the state, the existence of three or more confirmed complaints and appeals against the entity (facility) subject to control ;

4) risk - the probability of causing harm in the result of the activity of the entity (facility) subjected to control, to human life or health, the environment, the legitimate interests of individuals and legal entities, the property interests of the state, taking into account the severity of its consequences;

5) risk assessment system - a set of measures carried out by the control body with the aim of assigning preventive control with a visit to the entity (facility) subjected to control;

6) objective criteria of the risk assessment (hereinafter referred to as objective criteria) are the risk assessment criteria used to select entities subjected to control) depending on the degree of risk in compliance with the legislation of the Republic of Kazakhstan on Television and Radio Broadcasting;

7) subjective criteria for assessing the degree of risk (hereinafter - subjective criteria) - criteria for assessing the degree of risk, used to select the entities (facilities) subjected to

control, depending on the performance results of a particular entity (facility) subjected to control;

8) checklist - a list of requirements that includes the requirements for the activities of entities (facilities) subjected to control, failure to comply with which entails a threat to human life and health, the environment, the legitimate interests of individuals and legal entities, the state;

9) the entities (facilities) subjected to control in the field of television and radio broadcasting - television and radio broadcasting operators and television and radio companies

3. Criteria for assessing the degree of risk for preventive control with a visit to the entities (facilities) subjected to control shall be formed by means of objective and subjective criteria.

Chapter 2. Objective criteria

4. Determination of the risk for compliance with the legislation of the Republic of Kazakhstan on Television and Radio Broadcasting shall depend on the probability of causing harm in the result of the activity of the entity (facility) subject to control, to human life or health, the environment, legal interests of individuals and legal entities, property interests of the state related to non-provision of constitutional guarantees of the rights to freedom of receipt of information and its distribution by any ways that are not prohibited by law, freedom of speech and creativity, information security of the individual, society and the state when using the services of television and radio broadcasting.

5. According to objective criteria the following entities (facilities) subjected to control shall be assigned to a high degree of risk:

television and radio companies.

6. According to objective criteria, the following entities (facilities) subjected to control shall be assigned to a high degree of risk:

television and radio broadcasting operators.

7. With respect to the entities (facilities) subjected to control, assigned according to objective criteria to a high degree of risk, subjective criteria shall be applied in order to carry out preventive control with a visit to the entity (facility) subject to control.

Chapter 3. Subjective criteria

8. In the determination of subjective criteria the following stages shall be applied:

1) formation of database and collection of information;

2) information analysis and risk assessment.

9. Formation of database and collection of information shall be necessary to identify the entities (facilities) subjected to control, that violate the legislation of the Republic of Kazakhstan in the field of television and radio broadcasting.

To assess the degree of risk on subjective criteria, the following sources of information shall be used:

results of preventive control without a visit to the entity (facility) subject to control (final documents issued on the results of preventive control without a visit to the entity (facility) subject to control (reference, conclusion, recommendations, and other), including in the manner determined by the rules of conducting the monitoring of mass media;

existence and number of confirmed complaints or appeals on the entities (facilities) subject to control received from individuals or legal entities, state bodies;

results of previous inspections and preventive control with a visit to the entities (facilities) subject to control. In this case, the severity of violations (gross, major, minor) shall be established in the event of non-compliance with the requirements of the law, reflected in the checklists;

results of the analysis of information submitted by authorized bodies and organizations.

10. Risk assessment of the entities (facilities) subjected to control and their assignment to the high one or entities (facilities) subjected to control that are not related to a high degree of risk according to subjective criteria shall be carried out according to the following indicators:

1) subjective criteria on the information source "results of preventive control without visiting the entity (facility) subjected to control (final documents issued as a result of preventive control without visiting the entity (facility) subject to control (reference, conclusion, recommendations and others), including in the manner, determined by the rules of monitoring the media" shall be determined in accordance with Appendix 1 to these Criteria;

2) subjective criteria on the information source "existence and number of confirmed complaints or appeals with regard to the entities (facilities) subject to control received from individuals or legal entities, state bodies" shall be determined according to Appendix 2 to these Criteria;

3) subjective criteria on the information source "results of previous inspections and preventive control with a visit to the entities (facilities) subject to control. In this case, the severity of violations (gross, major, minor) established in the event of non-compliance with the requirements of the legislation reflected in the checklists" shall be determined according to Appendix 3 to these Criteria;

4) subjective criteria for the information source "results of the analysis of information submitted by authorized bodies and organizations" shall be determined in accordance with Appendix 4 to these Criteria.

11. Based on the information sources, subjective criteria shall be determined, on which the risk levels are assigned in accordance with Appendices 1, 2, 3 and 4 to these Criteria.

12. Subjective criteria are developed on the basis of the requirements of the legislation of the Republic of Kazakhstan in the field of television and radio broadcasting, advertising and protecting children from information harmful to their health and development (hereinafter referred to as Requirements) listed on checklists that have degrees of violations:

- 1) gross;
- 2) major;
- 3) minor .

The degrees of violations are specified in Appendices 1, 2, 3 and 4 to these Criteria.

13. To assign the entity (facility) subject to control to the risk level, the following procedure shall be applied to estimate the risk degree indicator.

If one gross violation is detected, the risk degree indicator of the entity (facility) subject to control shall equal 100 and preventive control shall be carried out in relation to it with a visit to the entity (facility) subject to control.

In the event that no gross violations have been identified, the total indicator for violations of a major and minor degree shall be calculated to determine the risk degree indicator.

When determining the indicator of major violations, a coefficient of 0.7 shall be applied and this indicator shall be calculated using the following formula:

$$SP_3 = (SP_2 \times 100 / SP_1) \times 0,7,$$

where:

SP₃ - is indicator of major violations;

SP₁ – required number of violations;

SP₂ – number of detected violations;

To define the indicator of minor violations coefficient 0,3 shall be applied and this indicator shall be calculated by the following formula:

$$SP_H = (SP_2 \times 100 / SP_1) \times 0,3,$$

where:

SP_H - is indicator of minor violations;

SP₁ - required number of minor violations;

SP₂ – number of detected minor violations;

General indicator of the risk degree (SP) shall be calculated on 0 to 100 scale and shall be determined by summing up the indicators of major and minor violations by the following formula:

$$SP = SP_3 + SP_H,$$

where:

SP – general indicator of the risk degree;

SP₃ – indicator of major violations;

SP_H indicator of minor violations.

14. Based on the priority of the information sources used in accordance with the criteria for assessing the risk degree of the regulatory state body, in accordance with paragraph 13 of these Criteria, an overall risk index shall be calculated based on subjective criteria on 0 to 100 scale.

Pursuant to the risk degree indicators, the entity (facility) subject to control shall be assigned:

to a high degree of risk - with an indicator of the degree of risk from 61 to 100 inclusive, and preventive control shall be carried out in relation to it with a visit to the entity (facility) subject to control;

not related to a high degree of risk - with an indicator of the degree of risk from 0 to 60 inclusive and no preventive control with a visit to the entity (facility) subjected to control shall be carried out in relation therero..

Chapter 4. Final Provisions

15. Preventive control with a visit to the entity (facility) subjected to control shall not be conducted more than once a year.

16. Preventive control with a visit to the entity (facility) subject to control shall be carried out on the basis of semi-annual lists of preventive control with a visit to the entity (facility) subject to control, formed in accordance with paragraph 3 of Article 141 of the Code.

17. Lists of preventive control with a visit to entities (facilities) subject to control shall be compiled taking into account the priority of the entity (facility) subject to control with the highest indicator of the degree of risk according to subjective criteria.

Subjective criteria on the information source "results of preventive control without a visit to the entity (facility) subject to control (final documents issued on the results of preventive control without a visit to the entity (facility) subject to control (reference, conclusion, recommendations and other), including in the manner determined by the rules of conducting the monitoring of mass media "

Footnote. Subjective criteria as amended by the joint order of the Minister of Information and Public Development of the Republic of Kazakhstan dated 30.03.2019 No. 40 and the Minister of National Economy of the Republic of Kazakhstan dated 04.04.2019 No. 24 (effective from 11.04.2019); by joint order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 10.11.2020 No. 366 and the Minister of National Economy of the Republic of Kazakhstan dated 17.11.2020 No. 87 (shall be enforced upon expiry of ten calendar days after the official publication).

№ n/n	Criteria	Degree of violations
1.	Number of domestic TV programs, with exception of advertisement, is less than fifty percent in the weekly scope of television and radio broadcasting of domestic television channels	Minor
2.	Number of musical works by Kazakh authors or performers and domestic radio programs, with exception of advertisement, in the weekly scope of radio broadcasting of domestic radio channels: 1) from January 1, 2018 - less than forty five percent; 2) from January 1, 2020 – less than fifty percent	Minor
3.	The size of additional information of commercial nature, exceeding twenty-five percent of the picture frame area and violating textual or informational material in television programs	Minor
4.	Dissemination of advertising on television and radio channels that not specialize in messages and materials of an advertising nature, exceeding twenty percent of total broadcast volume per day, except for creeping line, social advertising, information about their own products of television and radio channels (announcements) that not contain advertising third parties, announcements of events prepared	Minor

	and carried out by a television and radio channel, as well as advertising placed at the venue of an event broadcast live or recording a replay of a live broadcast	
5.	Dissemination of teleshopping on TV channels that not specialize in messages and materials of an advertising nature, exceeding more than thirty percent of total volume of advertising broadcast per day	Minor
6.	Distribution of advertisement in the form of overlays, including by way of a crawl line, which is more than seven and a half percent of the picture frame area and violating textual or informational material in television programs	Minor
7.	Placement by the television and radio broadcasting operator of compulsory television and radio channels that are not in priority in digital broadcasting of consecutive numbers, starting with the first and more, and in analog broadcasting by placing at the beginning of the frequency division channel grid	Minor
8.	Going on the air of television and radio channels without announcing their name	Major
9.	Weekly scope of television and radio programs in the Kazakh language that is less in time than the total volume of television and radio programs in other languages	Major
9-1	The volume of television and radio programs (broadcasts on television and radio broadcasting channels) in the Kazakh language in time intervals of six hours each, calculated from twelve p.m. of local time, shall be less than the total volume of television and radio programs (broadcasts on television and radio broadcasting channels) in other languages	Major
9-2	The volume of advertising in the Kazakh language in time intervals every six hours, calculated from twelve p.m. of local time, shall be	Major

	less than the total volume of advertising disseminated in other languages	
10.	Missing by the owner of a television and radio channel of the term for the distribution of television and radio programs within six months from the date of the registration certificate receipt	Major
11.	Non-compliance with the requirement of providing at least one news television program (newscast) from 16.00 to 22.00 local time, with a sign language interpretation or translation in the form of subtitles	Major
12.	Non-provision of mandatory messages, placed on television channels, with sign language interpretation or translation in the form of subtitles	Major
13.	Retransmission of radio programs of foreign television and radio channels in the weekly scope of broadcasting by domestic television and radio channels, exceeding twenty per cent of the total scope of the television and radio programs	Major
14.	Placement of information about job vacancies containing discriminatory labor requirements	Major
15.	Distribution of radio channels via analogue on-air radio broadcasting without a license to engage in the activity of distributing radio channels	Major
16.	Distribution of television and radio channels by television and radio broadcasting operators via terrestrial digital television and radio broadcasting without a license to engage in the activities of distributing television and radio channels	Major
17.	Distribution of television and radio channels by television and radio broadcasting operators via satellite television and radio broadcasting without a license to engage in the activities of distributing television and radio channels	Maor

18.	Distribution of television and radio channels by television and radio broadcasting operators via cable and on-air cable television and radio broadcasting without a license to engage in the activities of distributing television and radio channels	Major
19.*	Jamming of radio transmitting and (or) radio receiving means of communication by individual land-based satellite receiving devices	Major
20.*	Distribution of television and radio channels by television and radio broadcasting operators via satellite television and radio broadcasting in the absence of permit to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in the activities of distributing television and radio channels	Major
21.	Broadcasting of television programs from 06:00 to 22:00 local time, which may inflict harm to physical, mental, moral and cultural development of children and teenagers, as well as movies, indexing in accordance with the Law of the Republic of Kazakhstan "On Culture" by index "E 18"	gross
22.	Dissemination of advertising during retransmission of foreign television and radio channels by television and radio broadcasting operators on the territory of the Republic of Kazakhstan, except for: 1) social advertising; 2) advertisements placed at the venue of the event, broadcast live or replay recordings of the live broadcast; 3) advertising disseminated by foreign television and radio channels specializing exclusively in messages and materials of an advertising nature	gross
23.	Placement of advertisements on financial (investment) pyramid activity	gross
24.	Advertising of tobacco and tobacco products	gross

25.	Advertising of alcoholic products	gross
26.	Advertising of electronic casino and internet casino	gross
27.	Dissemination in the media or telecommunications networks of personal and biometric data of a person, including information about his/her parents and other legal representatives, other information that allows for establishing of the identity of the person, about a child injured in the result of unlawful actions (inaction) and about minors, suspected and (or) accused of administrative and (or) criminal offenses.	gross
28.	Interruption by advertisement, including by crawl line, of the broadcasting of official messages, speeches of candidates for the President of the Republic of Kazakhstan and deputies of representative bodies, educational and religious television programs, as well as the broadcasting of children's television programs, with the exception of advertising intended for children and teenagers	gross
29.	Dissemination of advertisement on television and radio channels on the days of national mourning	gross
30.	Distribution by means of television and radio broadcasting of information products without indicating the sign of the age category or without reporting the age category at the beginning of the television and radio program, as well as at each renewal after its interruption	gross
31.	Distribution by television and radio broadcasting operators of television and radio channels that are not registered with the authorized body	gross
32.	Distribution by television and radio broadcasting operators of foreign television and radio channels that are not registered with the authorized body	gross
33.	Absence of obligatory television and radio channels with the television and radio broadcasting operators	gross

34	Dissemination of advertising of goods (works, services) prohibited for advertising by the legislation of the Republic of Kazakhstan	Major
35	Dissemination of advertising for relevant product (work, services), as well as the advertiser itself subject to licensing, without specifying the license number and name of the issuing authority, except for advertising on radio	Major
36	Dissemination of unfair and inaccurate advertising, except for cases of anticompetitive actions (inaction) of state, local executive authorities, organizations endowed by the state with the functions of regulating the activities of market entities, unfair competition	Major
37	Dissemination of unethical and hidden advertising	Major
38	The use of advertising to promote or agitate forcible change of the constitutional order, violation of the integrity of the Republic of Kazakhstan, undermining the security of the state, war, social, racial, national, religious, class and tribal superiority, the cult of cruelty and violence, pornography, as well as the dissemination of information constituting state secrets Of the Republic of Kazakhstan and other secrets protected by law	Major
39	Dissemination of advertising in total volume of advertising broadcasting per day with a duration of more than twenty percent in the period from six p.m. to eleven p.m. of local time during an hour of broadcasting time	Major
40	Dissemination of social advertising, placed on a free of charge basis on compulsory television and radio channels, less than ten broadcasts in a time interval of eighteen hours, calculated from six a.m., with obligatory two broadcasts in a time interval of six hours, calculated from six p.m. of local time daily	Minor
	Dissemination of social advertising shall be uneven throughout its daily broadcast on the territory of the	

41	Republic of Kazakhstan in the Kazakh and Russian languages, as well as at the discretion of the advertiser in other languages	Minor
42.	Visual or audio use of images of minors in advertisements, except for social advertisements and advertisements of goods (works, services) for minors, as well as goods (works, services) that will not entail a harmful effect on the physical, mental health and morality of minors	major
43	Dissemination of social advertising in radio programs mentioning sponsors for more than three seconds each, in television programs of social advertising with mention to sponsors lasting more than three seconds for each, and such mentions shall be allocated more than seven percent of the frame area, and in social advertising dissimilated in other ways, - more than five percent of the advertising area (space)	Minor
44	Excessive sound when broadcasting advertisements shall be louder than the sound of the broadcast program	Major
45	Dissemination of social advertising with a mention of means of individualization, of individuals and legal entities, except for the mention of state authorities, local authorities, sponsors, individuals who find themselves in a difficult life situation or need treatment, in order to provide them with charitable assistance, as well as mentions in social advertising about socially oriented non-profit organizations in cases where the content of this advertising is directly related to information about the activities of such non-profit organizations aimed at achieving charitable or other socially useful goals	Minor

*Note: The control over the entities (facilities) of television and radio broadcasting shall be performed by the authorized body in the field of technical support of television and radio broadcasting.

Subjective criteria on the information source "existence of confirmed complaints and appeals with regard to the entities (facilities) subject to control received from individuals or legal entities, state bodies"

№ n/n	Criteria	Degree of violations
1.	Existence of one confirmed complaint or appeal with regard to the entities (facilities) subject to control received from individuals or legal entities, state bodies	Minor
2.	Existence of two confirmed complaints or appeals with regard to the entities (facilities) subject to control received from individuals or legal entities, state bodies	Major
3.	Existence of three and more confirmed complaints or appeals with regard to the entities (facilities) subject to control received from individuals or legal entities, state bodies	gross

Appendix 3
to the risk assessment criteria
for compliance with the legislation
of the Republic of Kazakhstan
on Television and Radio
Broadcasting

Subjective criteria on the information source "results of previous inspections and preventive control with a visit to the entity (facility) subject to control"

Footnote. Subjective criteria as amended by the joint order of the Minister of Information and Public Development of the Republic of Kazakhstan dated 30.03.2019 No. 40 and the Minister of National Economy of the Republic of Kazakhstan dated 04.04.2019 No. 24 (effective from 11.04.2019).

№ n/n	Criteria (degree of gravity established in the event of non-compliance with requirements named below)	Degree of violations
1.	Compliance with the requirement of recording and storing the broadcast and retransmitted television and radio programs for six months	Minor
	Compliance with the requirements for providing the quality of	

2.*	presenting the television and radio programs by television and radio channels	Major
3.	Compliance with the requirement for the written consent of the owners of the building and (or) buildings for the organization of collective reception system that does not pursue commercial purpose	Major
4.	Compliance with the requirement for existence of a signed contract for distribution of free-access television and radio channels between a television and radio broadcasting operator and a television and radio company	Major
5.*	Compliance with the requirement of non-use for dissemination of television and radio channels of technical means of television and radio broadcasting that have not passed the conformity confirmation procedures	Major
6.	Compliance with the requirements of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, to alert the population about the threat to life, human health and the order of actions in the current situation during natural and man-made emergencies, as well as in the interests of defense, national security and law enforcement	gross
7.	Compliance with the requirement for the availability of a license to engage in the distribution of television and radio channels on the organization of a system of collective reception of television and radio channels for commercial purposes	gross
8.	Execution of notifications, references, recommendations, instructions, conclusions of the authorized body	gross
9	Compliance with the requirement to prevent the retransmission of a television, radio channel, television and radio program without an agreement concluded between a television and radio broadcasting operator and a television, radio	gross

company or a branch (representative office) of a foreign legal entity

* Note: The control over the entities (facilities) of television and radio broadcasting shall be performed by the authorized body in the field of technical support of television and radio broadcasting.

Appendix 4
to the risk assessment criteria
for compliance with the legislation
of the Republic of Kazakhstan
on Television and Radio
Broadcasting

Subjective criteria on the information source "results of the analysis of information, submitted by authorized bodies and organizations"

№ n/n	Criteria	Degree of violations
1.	Activities of owners of foreign television and radio channels in the Republic of Kazakhstan, having in their authorized capital fully or partially the state package of shares (parts, pieces), as well as persons affiliated to them - a legal entity in the territory of the Republic of Kazakhstan with a share in the authorized capital of more than twenty percent of block of shares (parts, pieces) of foreign legal entities	Major

Appendix 2
to Joint Order No. 455 of
the Minister of Information
and Communications
of the Republic of Kazakhstan
dated October 31, 2018
and No 39 of the Minister of
National Economy
of the Republic of Kazakhstan
dated October 31, 2018

Checklist in the field of state control over the compliance with the Legislation of the Republic of Kazakhstan on Television and Radio Broadcasting in relation to television and radio companies

Footnote. Checklist with changes made by the joint order of the Minister of Information and Public Development of the Republic of Kazakhstan dated 30.03.2019 No. 40 and the Minister of National Economy of the Republic of Kazakhstan dated 04.04.2019 No. 24 (effective from 11.04.2019); by joint order of the Minister of Information and Social

Development of the Republic of Kazakhstan dated 10.11.2020 No. 366 and the Minister of National Economy of the Republic of Kazakhstan dated 17.11.2020 No. 87 (shall be enforced upon expiry of ten calendar days after the official publication).

In the field of/for _____

in accordance with article 138 _____

of the Entrepreneur Code of the Republic of Kazakhstan in relation to _____

name of homogeneous group of entities (facilities) subjected to control _____

State body that assigned inspection _____

Act on assigning inspection / preventive control with a visit to the entity (facility) subject to control _____

No, date

Name of the entity (facility) subject to control _____

(Individual identification number), business identification number of the entity (facility) subject to control _____

Location address _____

№	List of requirements	Required	Not required	Complying with requirements	Not complying with requirements
1	2	3	4	5	6
1.	Compliance with the requirement that the number of domestic TV programs, with the exception of advertisement, shall constitute at least fifty percent in the weekly scope of television and radio broadcasting of domestic television channels				
2.	Compliance with the requirement for the number of musical works by Kazakh authors or performers and domestic radio programs, with exception of advertising in the weekly scope of broadcasting of domestic radio channels: 1) from January 1, 2018 –not less than forty five percent; 2) from January 1, 2020 –not less than fifty percent				
3.	Compliance with the requirement for the size of additional information of commercial nature, not exceeding twenty-five percent of the picture frame area and not violating				

	textual or informational material in television programs				
4.	Compliance with the requirement for non-dissemination of advertising on television and radio channels that do not specialize in messages and materials of an advertising nature, exceeding twenty percent of total broadcast volume per day, except for creeping line, social advertising, information about their own products of television and radio channels (announcements), not containing advertisements of third parties, announcements of events prepared and carried out by a television and radio channel, as well as advertisements placed at the venue of an event broadcast live or recording a replay of a live broadcast				
	Compliance with the requirement for non-dissemination of teleshopping on TV channels that do not specialize				

5.	in messages and advertising materials, not exceeding thirty percent of total volume of advertising broadcast per day				
6.	Compliance with the requirement for distribution of advertisement in the form of overlays, including by way of a crawl line, not more than seven and a half percent of the picture frame area and not violating textual or informational material in television programs				
7.	Compliance with the requirement for non-admission of airing of television and radio channels without announcing their name				
8.	Compliance with the requirement that the weekly scope of television and radio programs in the Kazakh language shall not be less than the total scope of television and radio programs by time in other languages				
	Compliance with the requirements for volume of				

8-1	<p>television and radio programs (broadcasts on television and radio broadcasting channels) in the Kazakh language in time intervals of six hours each, calculated from 12 p.m. local time , not less than total volume of television and radio programs (broadcasts on television and radio broadcasting channels) in other languages</p>				
8-2	<p>Compliance with the requirement for volume of advertising in the Kazakh language in time intervals every six hours, calculated from 12 p.m. local time , not less than total volume of advertising disseminated in other languages</p>				
9.	<p>Compliance with the requirement for non-admission of missing by the owner of a television and radio channel of the term for the distribution of television and radio programs within six months from the date of the registration certificate receipt</p>				

10.	Compliance with the requirement for non-admission from 06:00 to 22:00 local time of broadcasting the television programs, which may inflict to harm physical, mental, moral and cultural development of children and teenagers				
11.	Availability of an agreement on the distribution of free-access radio and television channels between a television and radio broadcasting operator and a television and radio company				
12.	Compliance with the requirement for providing at least one television news program (newscast) from 16.00 to 22.00 local time with a sign language interpretation or translation in the form of subtitles				
13.	Provision of mandatory messages, placed on television channels, with sign language interpretation or translation in the form of subtitles				
	Compliance with the requirement that				

14.	retransmission of radio programs of foreign television and radio channels in the weekly scope of broadcasting by domestic television and radio channels shall not exceed twenty per cent of the total scope of the television and radio programs				
15.	Compliance with the requirement for non-admission of placing information about job vacancies containing discriminatory labor requirements				
16.	Compliance with the prohibition on dissemination of advertisements on financial (investment) pyramid activity				
17.	Compliance with the prohibition on advertising alcoholic products				
18.	Compliance with the prohibition on advertising tobacco and tobacco products				
19.	Compliance with the prohibition on advertising electronic casino and internet casino				
	Compliance with the requirement not to disseminate				

20.	<p>in the media or telecommunications networks the personal and biometric data of a person, including information about his parents and other legal representatives, other information that allows for establishing of identity of the person, about a child injured in the result of unlawful actions (inaction) and about minors, suspected and (or) accused of administrative and (or) criminal offenses.</p>				
21.*	<p>Provision of quality of presenting television and radio programs by television and radio channels</p>				
22.*	<p>Compliance with the requirement of non-use for dissemination of television and radio channels of technical means of television and radio broadcasting that have not passed the conformity confirmation procedures</p>				
	<p>Compliance with the requirement not to retransmit television and radio channel, television and</p>				

23.	radio program without a signed agreement between the television and radio operator and a television and radio company or a branch (representative office) of a foreign legal entity				
24.	Compliance with the requirement of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, to alert the population about a threat to life, human health and the order of actions in the current situation during natural and man-made emergencies, as well as in the interests of defense, national security and law enforcement				
25.	Compliance with the requirement of recording and storing the broadcast and retransmitted television and radio programs for six months				
	Compliance with the requirement on activities of owners of foreign				

26.	<p>television and radio channels in the Republic of Kazakhstan, having in their authorized capital fully or partially the state package of shares (parts, pieces), as well as persons affiliated to them - a legal entity in the territory of the Republic of Kazakhstan with a share in the authorized capital of more than twenty percent of block of shares (parts, pieces) of foreign legal entities</p>				
27.	<p>Compliance with the requirement not to interrupt by advertising, including by crawl line, the broadcasting of official messages, speeches of candidates for the President of the Republic of Kazakhstan and deputies of representative bodies, educational and religious television programs, as well as broadcasting of children's television programs, with the exception of advertisements intended for children and teenagers</p>				

28.	Compliance with the requirement not to disseminate advertisement on television and radio channels on the days of national mourning				
29.	Compliance with the requirement not to disseminate information products by means of television and radio broadcasting of without indicating the sign of the age category or without reporting the age category at the beginning of the television and radio program, as well as at each renewal after its interruption				
30.	Execution of notifications, references, recommendations , prescriptions, conclusions of the authorized body				
31	Compliance with the requirement f o r non-dissemination of advertising of goods (works, services) prohibited for advertising by the legislation of the Republic of Kazakhstan				
	Compliance with the requirements for dissemination				

32	<p>of advertising of the relevant product (work, services), as well as the advertiser itself subject to licensing, indicating the license number and name of the authority that issued the license, except for advertising on radio</p>				
33	<p>Compliance with the requirement for non-dissemination of unfair and unreliable advertising, except for cases of anti-competitive actions (inaction) of state, local executive authorities, organizations authorized by the state with the functions of regulating the activities of market entities, unfair competition</p>				
34	<p>Compliance with the requirement for non-dissemination of unethical and hidden advertising</p>				
	<p>Compliance with the requirement to prevent the use of advertising to promote or agitate forcible change of the constitutional</p>				

35	<p>order, violation of the integrity of the Republic of Kazakhstan, undermining the security of the state, war, social, racial, national, religious, class and tribal superiority, the cult of cruelty and violence, pornography, as well as the dissemination of information constituting state secrets of the Republic of Kazakhstan and other secrets protected by law</p>				
36	<p>Compliance with the requirement for dissemination of advertising in total volume of advertising broadcast per day from six p.m. to twelve p.m. of local time within an hour of broadcasting time of no more than twenty percent</p>				
37	<p>Compliance with the requirement for dissemination of social advertising, placed free of charge on compulsory television and radio channels, at least ten times in a time interval of eighteen hours, calculated from six a.m. in the morning local time, with</p>				

	obligatory two broadcasts in a time interval of six hours, calculated from				
38	Compliance with the requirement for dissemination of social advertising evenly throughout its daily broadcast on the territory of the Republic of Kazakhstan in the Kazakh and Russian languages, as well as at the discretion of the advertiser in other languages				
39	Compliance with the requirement for non-dissemination of advertisements with visual or audio use of images of minors in advertisements, except for social advertisements and advertisements of goods (works, services) for minors, as well as goods (works, services) that will not entail a harmful effect on the physical, mental health and morality of minors				
	Compliance with the requirement to disseminate the social advertising with mentioning				

40	sponsors in radio programs with a duration of no more than three seconds of each, in TV programs of social advertising with mentioning sponsors no more than three seconds long of each, and such mention shall be allocated no more than seven percent of the frame area, and in social advertising disseminated in other ways - no more than five percent of the advertising area (space)				
41	Compliance with the requirement of not exceeding the sound when broadcasting advertisements louder than the sound of the broadcast program				

*Note:

The control over the entities (facilities) of television and radio broadcasting shall be performed by the authorized body in the field of technical support of television and radio broadcasting.

Official (s) _____

— position signature _____

— Full name
Head of the entity (facility) subject to control _____

— position signature _____

Full name

Appendix 3
to Joint Order No. 455 of
the Minister of Information
and Communications
of the Republic of Kazakhstan
dated October 31, 2018
and No 39 of the Minister of
National Economy
of the Republic of Kazakhstan
dated October 31, 2018

Checklist in the field of state control over the observance of the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio broadcasting operators

Footnote. Checklist with changes made by the joint order of the Minister of Information and Public Development of the Republic of Kazakhstan dated 30.03.2019 No. 40 and the Minister of National Economy of the Republic of Kazakhstan dated 04.04.2019 No. 24 (effective from 11.04.2019).

In the field of/for _____

in accordance with article 138

of the Entrepreneur Code of the Republic of Kazakhstan in relation to

name of homogeneous group of entities (facilities) subject to control

State body that assigned inspection _____

Act on assigning inspection / preventive control with a visit to the entity (facility) subject to control

No, date

Name of the entity (facility) subject to control _____

(Individual identification number), business identification number of the entity (facility) subject to control

Location address _____

No	List of requirements	Required	Not required	Complies with requirements	Does not comply with requirements
1	2	3	4	5	6
1.	Compliance with the requirement for the availability of mandatory television and radio channels with television and radio broadcasting operators				
2.	Compliance with the requirement of not placing by the television and radio broadcasting operator of mandatory television and radio channels that are not in priority in digital broadcasting of consecutive numbers, starting				

	with the first and more, and in analog broadcasting by placing at the beginning of the frequency division channel grid				
3.	<p>Compliance with the requirement for non-dissemination of advertising when retransmission of foreign television and radio channels by operators of television and radio broadcasting on the territory of the Republic of Kazakhstan, except for:</p> <ol style="list-style-type: none"> 1) social advertising; 2) advertising placed at the location of an event broadcast live or recording a replay of a live broadcast; 3) advertising distributed by foreign TV and radio channels that specialize exclusively in messages and advertising materials 				
4.	Compliance with the requirement for written consent of the owners of the building and (or) buildings for organization of				

	collective reception system that does not pursue commercial purpose				
5.	Compliance with the requirement for the availability of a license to engage in the distribution of television and radio channels on the organization of a system of collective reception of television and radio channels for commercial purposes				
6.	Compliance with the requirement that television and radio broadcasting operators shall not distribute the television and radio channels that are not registered with the authorized body				
7.	Compliance with the requirement that television and radio broadcasting operators shall not distribute foreign television and radio channels that are not registered with the authorized body				
	Compliance with the requirement not to distribute radio channels via analogue on-air				

8.	r a d i o broadcasting without a license to engage in the activity of distributing radio channels				
9.	Compliance with the requirement that television and radio broadcasting operators shall not distribute television and radio channels via on-air digital television and r a d i o broadcasting without a license to engage in the activity of distributing television and radio channels				
10.	Compliance with the requirement that television and radio broadcasting operators shall not distribute television and radio channels via satellite television and radio broadcasting without a license to engage in the activity of distributing television and radio channels				
	Compliance with the requirement that television and radio broadcasting operators shall not distribute television and radio channels via				

11.	cable and on-air cable television and radio broadcasting without a license to engage in the activities of distributing television and radio channels				
12.	Availability of a signed contract on distribution of free-access television and radio channels between the television and radio broadcasting operators and the television and radio company				
13.*	Jamming of radio transmitting and (or) radio receiving means of communication by individual ground-based satellite receiving devices				
14.*	Compliance with the requirement that television and radio broadcasting operators shall not disseminate television and radio channels via satellite television and radio broadcasting in the absence of permit to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in the activities of				

	distributing television and radio channels				
15.*	Use for dissemination of television and radio channels of technical means of television and radio broadcasting that have not passed the conformity confirmation procedures				
16.	Compliance with the requirement not to retransmit a television and radio channel, a television and radio program without a signed contract between the television and radio broadcasting operator and the television and radio broadcasting company or a branch (representative office) of the foreign legal entity				
17.	Refusal by television and radio broadcasting operators, regardless of their form of ownership to alert the population about a threat to human life and health and the order of actions in the current situation during natural and				

	man-made emergencies, as well as in the interests of defense, national security and law enforcement				
18.	Execution of notifications references, recommendations , instructions, conclusions of the authorized body				

*Note:

The control over entities (facilities) of television and radio broadcasting shall be performed by the authorized body in the field of technical support of television and radio broadcasting.

Official (s) _____

— position signature _____

— Full name

Head of the entity (facility) subject to control _____

— position signature _____

— Full name