

**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**

***Invalidated***
***Unofficial translation***

The joint order of the Minister of Information and Communications of the Republic of Kazakhstan dated October 31, 2018 № 455 and the Minister of National Economy of the Republic of Kazakhstan dated October 31, 2018 № 39. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 2, 2018 № 17674. It became invalid by the joint order of the Minister of Culture and Information of the Republic of Kazakhstan dated 04.09.2024 № 405-NK and Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 17.09.2024 № 76.

      Unofficial translation

      Footnote. It became invalid by the joint order of the Minister of Culture and Information of the Republic of Kazakhstan dated 04.09.2024 № 405-NK and Deputy Prime Minister - Minister of National Economy of the Republic of Kazakhstan dated 17.09.2024 № 76 (effective ten calendar days after the date of its first official publication).

      Footnote. Heading is in the wording by the joint order of the Minister of Information and Social Development of the Republic of Kazakhstan № 40 dated 30.03.2019 and № 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 paragraphs 5 and 6 of the Article 141, paragraph 1 of the Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan **WE HEREBY ORDER**:

      Footnote. The preamble - in the wording of the joint order of the acting Minister of Information and Social Development of the Republic of Kazakhstan dated 02.12.2022 № 534 and Minister of National Economy of the Republic of Kazakhstan dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      1. 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 referred to as the Criteria) in accordance with the Annex 1 to this joint order;

      2) a checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting (hereinafter referred to as the checklist) in relation to television and radio companies, in accordance with the Annex 2 to this joint order;

      3) a checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio broadcasting operators, in accordance with Annex 3 to this joint order;

      4) a checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to distributors of individual satellite and terrestrial receiving devices, in accordance with the Annex 4 to this joint order;

      5) a checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio broadcasting operators for compliance with qualification requirements, in accordance with the Annex 5 to this joint order.

      Footnote. Paragrph 1 - in the wording of the joint order of the Acting Minister of Information and Public Development of RK dated 02.12.2022 № 534 and the Minister of National Economy of RK dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      2. Joint Order № 1282 of the Acting Minister for Investment and Development of the Republic of Kazakhstan dated December 30, 2015 and № 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 № 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, and sequence number 29, Appendix 2 to the joint order, which shall take effect from January 11, 2019.

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*Minister of Information*
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*and Communications of the*
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*Republic of Kazakhstan*
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*D. Abayev*
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*Minister of National Economy*
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*of the Republic of Kazakhstan*
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*T. Suleimenov*
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      AGREED

      Committee on Legal Statistics and

      Special Accounts of the General

      Prosecutor's Office of the Republic of Kazakhstan

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|   | Annex 1 |
|   | to the joint order |
|   | of the Minister of Information |
|   | and Communications |
|   | of the Republic of Kazakhstan |
|   | dated 31 Oct 2018 *№* 455 |
|   | and of the Minister of National Economy |
|   | of the Republic of Kazakhstan |
|   | dated October 31, 2018 *№* 39 |

 **Criteria for assessing the degree of risk for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting**

      Footnote. Annex 1 – in the wording of the joint order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 17.05.2023 № 198- НҚ and acting Minister of National Economy of the Republic of Kazakhstan dated 18.05.2023 № 73 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

 **Chapter 1. General provisions**

      1. These criteria for assessing the degree of risk for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting (hereinafter referred to as the Criteria) have been developed in accordance with paragraphs 5 and 6 of the Article 141, paragraph 1 of the Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan (hereinafter referred to as the Code), approved by the order of the Acting Minister of National Economy of the Republic of Kazakhstan dated July 31, 2018 № 3 "On approval of the form of the checklist" (registered in the Register of State Registration of Regulatory Legal Acts under № 17371) and the Rules for the Formation, Regulatory Bodies of the Risk Assessment and Management System, approved by the order of the Acting Minister of National Economy of the Republic of Kazakhstan dated June 22, 2022 № 48 (registered in the Register of State Registration of Regulatory Legal Acts under № 28577).

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

      1) significant violation - violation of the requirements established by regulatory legal acts in the field of television and radio broadcasting, creating prerequisites for the emergence of a threat to human life and health, the legitimate interests of individuals and legal entities, the state, as well as the presence of two confirmed complaints and appeals against the subject (object) of control;

      2) minor violation - violation of the requirements established by regulatory legal acts in the field of television and radio broadcasting, non-compliance with which shall not create a prerequisite for the emergence of a threat to the life and health of the population, the legitimate interests of individuals and legal entities, but the fulfillment of which shall be mandatory for broadcasting entities in the implementation of their activities, as well as the presence of one confirmed complaint or appeal;

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

      4) risk is the probability of causing harm as a result of the activities of the subject (object) of controlling human life or health, 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 and management system - the process of making management decisions aimed at reducing the likelihood of adverse factors by distributing subjects (objects) of control by degrees of risk for the subsequent implementation of preventive control with a visit to the subject (object) of control and (or) checks for compliance with qualification requirements (hereinafter referred to as check for compliance with requirements) with the aim of minimizing the degree of restriction of freedom of enterprise, while ensuring an acceptable level of risk in the relevant areas of activity, as well as aimed at changing the level of risk for a particular entity (object) of control and (or) release of such subject (object) of control from preventive control with a visit to the subject (object) of control and (or) checks for compliance with the requirements;

      6) objective risk assessment criteria (hereinafter referred to as objective criteria) - risk assessment criteria used to select subjects (objects) of control depending on the degree of risk for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting;

      7) subjective criteria for assessing the degree of risk (hereinafter referred to as subjective criteria) - criteria for assessing the degree of risk used to select subjects (objects) of control depending on the results of the activities of a particular subject (object) of control;

      8) checklist - a list of requirements that shall include requirements for the activities of subjects (objects) of control, non-compliance with which entails a threat to human life and health, the legitimate interests of individuals and legal entities, the state;

      9) subjects (objects) of control in the field of television and radio broadcasting - operators of television and radio broadcasting, television and radio companies and distributors of individual satellite and terrestrial receiving devices.

      10) score - a quantitative measure of risk calculation;

      11) data normalization - a statistical procedure that shall provide for bringing the values ​ ​ measured in different scales to a conditionally common scale;

      12) risk assessment criteria - a set of quantitative and qualitative indicators related to the direct activities of the subject of control, the peculiarities of industry development and factors affecting this development, which shall make it possible to attribute the subjects (objects) of control to different degrees of risk;

      13) sample population (sample) - a list of evaluated subjects (objects) belonging to a homogeneous group of subjects (objects) of control in a specific area of ​ ​state control, in accordance with paragraph 2 of Article 143 of the Code.

      3. Risk management during preventive control with a visit to the subject (object) of control and (or) verification for compliance with the requirements shall be formed by determining objective and subjective criteria that shall be carried out in stages (Multicriteria analysis of decisions).

      At the first stage, according to objective criteria, the subjects (objects) of control shall be distributed to one of the following risk degrees (hereinafter referred to as the risk degree):

      1) high risk;

      2) medium risk;

      3) low risk.

      For the areas of activity of the subjects (objects) of control classified as high and medium risk according to objective criteria, a check shall be carried out for compliance with the requirements, preventive control with a visit to the subject (object) of control, preventive control without a visit to the subject (object) of control and an unscheduled check.

      For areas of activity of subjects (objects) of control classified as low risk according to objective criteria, a check is carried out for compliance with the requirements, preventive control without visiting the subject (object) of control and an unscheduled check.

      At the second stage, according to subjective criteria, subjects (objects) of control shall be classified as one of the following risk degrees:

      1) high risk;

      2) medium risk;

      3) low risk.

      According to the indicators of the risk degree according to subjective criteria, the subject (object) of control shall include:

      1) to a high degree of risk - with a risk degree indicator from 71 to 100 inclusive;

      2) to the average risk degree - if the risk degree is from 31 to 70 inclusive;

      3) to a low risk degree - with a risk degree indicator from 0 to 30 inclusive.

      4. Criteria for assessing the degree of risk for verification of compliance with the requirements and preventive control of subjects (objects) of control shall be formed by determining objective and subjective criteria.

 **Chapter 2. Objective criteria**

      5. Objective criteria shall be determined by risk determination.

      6. The risk of state control shall be determined taking into account one of the following criteria:

      1) level of hazard (complexity) of the facility;

      2) the scale of the severity of possible negative consequences in the field of broadcasting;

      3) the possibility of an adverse incident for human life or health, the legitimate interests of individuals and legal entities, the state.

      After analyzing all possible risks, the subjects (objects) of control shall be divided into three risk levels (high, medium and low).

      7. Determination of the risk of compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting shall be carried out depending on the likelihood of harm as a result of the activities of the subject (object) of control of human life or health, legitimate interests of individuals and legal entities, property interests of the state by the activities of subjects (objects) of control related to the failure to ensure constitutional guarantees of the rights to freely receive information and disseminate it by any non-prohibited laws, methods, freedom of speech and creativity, information security of the individual, society and the state when using television and radio broadcasting services.

      According to objective criteria, television and radio companies belong to a high degree of risk, broadcasting operators belong to a medium degree of risk, distributors of individual satellite and terrestrial receiving devices belong to a low degree of risk.

 **Chapter 3. Subjective criteria**

      8. Determination of subjective criteria shall be carried out using the following stages:

      1) creation of a database and collection of information;

      2) information analysis and risk assessment.

      9. The formation of a database and the collection of information shall be necessary to identify subjects (objects) of control that violate the legislation of the Republic of Kazakhstan in the field of television and radio broadcasting.

      To assess the degree of risks according to subjective criteria, the following sources of information shall be used to conduct preventive control with a visit to the subject (object) of control:

      1) the results of previous unscheduled inspections and preventive control with a visit to the subjects (objects) of control.

      To assess the degree of risks according to subjective criteria, the following source of information shall be used to conduct a compliance check:

      1) the results of previous inspections in relation to broadcasting operators.

      10. Based on the available sources of information, the authorized body in the field of broadcasting forms subjective criteria to be evaluated.

      Analysis and assessment of subjective criteria shall allow concentrating the verification of compliance with the requirements and preventive control of the subject (object) of control in relation to the subject (object) of control with the highest potential risk.

      At the same time, during the analysis and assessment, the data of subjective criteria previously taken into account and used in relation to a specific subject (object) of control or data for which the limitation period has expired in accordance with the legislation of the Republic of Kazakhstan are not applied.

      In relation to the subjects of control who fully eliminated the violations issued following the results of the previous preventive control with a visit and (or) verification of compliance with the requirements, it shall not be allowed to include them in the formation of schedules and lists for the next period of state control.

      11. Depending on the possible risk and significance of the problem, the singularity or consistency of the violation, the analysis of previously adopted decisions on each source of information, the requirements imposed on the activities of the subjects (objects) of control correspond to the degree of violation - gross, significant and minor.

      At the same time, the definition of gross, significant and minor violations is established in the criteria for assessing the degree of risk of the authorized body in the field of television and radio broadcasting, taking into account the specifics of the sphere in the field of television and radio broadcasting.

      When forming subjective criteria, the degree of violation (gross, significant, minor) is assigned in accordance with the established definitions of gross, significant, minor violations.

      12. Based on the priority of the information sources used and the importance of indicators of subjective criteria, in accordance with the procedure for calculating the risk level according to subjective criteria defined in Chapter 4 of these Criteria, the risk level according to subjective criteria shall be calculated on a scale from 0 to 100 points.

      13. The risk assessment and management system shall be maintained using information systems that relate the subjects (objects) of control to specific degrees of risk and form schedules or lists of control measures.

      In the absence of an information system for assessing and managing risks, the minimum permissible threshold for the number of control subjects (objects) in respect of which preventive control shall be carried out with a visit to the control subject (object) and (or) verification of compliance with the requirements should not exceed five percent of the total number of such control subjects in a certain area of ​ ​ state control.

      The degrees of violations of the requirements for subjects in the field of television and radio broadcasting in relation to the activities of television and radio companies, television and radio broadcasting operators and distributors of individual satellite and terrestrial receiving devices shall be given in Annexes 1, 2, and 3 to these Criteria.

      The degree of violation of the requirements for subjects in the field of television and radio broadcasting for verification of compliance with the requirements of the activities of television and radio broadcasting operators shall be given in Annex 4 to these Criteria.

      14. Subjects (objects) of control shall be transferred with the use of an information system with a high degree of risk to a medium degree of risk or with a medium degree of risk to a low degree of risk in the field of broadcasting in cases of:

      1) if the laws of the Republic of Kazakhstan and the criteria for assessing the degree of risk of regulatory state bodies determine cases of exemption from preventive control with a visit to the subject (object) of control or inspections for compliance with the requirements.

      15. In order to exempt from preventive control with a visit to the subject (object) of control and checking for compliance with the requirements of regulatory government bodies, as well as government bodies, mitigating indicators shall be taken into account.

      Mitigating indicators shall include:

      1) the presence of audio and (or) video fixation, with data transmission in online mode.

      At the same time, exemption from preventive control with a visit to the subject (object) of control and (or) verification of compliance with the requirements by regulatory state bodies, as well as state bodies, shall be carried out in terms of the requirements, the data on which shall be obtained by the methods specified in the mitigating indicators.

 **Chapter 4. Procedure for calculating the total risk level according to subjective criteria**

      16. To classify the subject of control as a risk, the following procedure for calculating the risk indicator shall be used.

      Calculation of the risk degree according to subjective criteria (R) shall be carried out in an automated mode by summing the risk degree indicator for violations based on the results of previous inspections and preventive control with visits to subjects (objects) of control (SP) and the risk degree indicator according to subjective criteria (SC), with subsequent normalization of values ​of data in the range from 0 to 100 points.

      Rprom = SP + SC, where

      Rprom - an intermediate indicator of the degree of risk according to subjective criteria,

      SP - risk indicator for violations,

      SC - risk level according to subjective criteria determined in accordance with paragraph 12 of these Criteria.

      The calculation shall be made for each subject (object) of control of a homogeneous group of subjects (objects) of control of each sphere of state control. At the same time, the list of assessed control subjects (objects) belonging to a homogeneous group of control subjects (objects) of one sphere of state control forms a sample set (sample) for subsequent normalization of data.

      17. According to the data obtained from the results of previous inspections and preventive control with visits to the subjects (objects) of control, a risk indicator for violations shall be formed, estimated in points from 0 to 100.

      If one gross violation is detected according to any of the information sources specified in paragraph 9 of these Criteria, the control subject shall be equated with a risk level of 100 points and preventive control is carried out against him with a visit to the control subject (object).

      If gross violations are not detected, the risk indicator for violations is calculated by the total indicator for violations of a significant and minor degree.

      When determining the indicator of significant violations, a coefficient of 0.7 is used.

      This indicator shall be calculated using the following formula:

      SpЗ = (SP2 х 100/SP1) х 0.7, where:

      SPz - indicator of significant violations;

      SP1 - required number of significant violations;

      SP2 - number of detected significant violations;

      When determining the indicator of minor violations, a coefficient of 0.3 is used.

      This indicator shall be calculated using the following formula:

      SРн = (SP2 х 100/SP1) х 0.3, where:

      SРн - indicator of minor violations;

      SP1 - required number of minor violations;

      SP2 - number of detected minor violations;

      The Violation Risk Score (SP) shall be calculated on a scale of 0 to 100 points and shall be determined by summing the indicators of significant and minor violations according to the following formula:

      SP = SРз + SРн, where:

      SP - risk indicator for violations;

      SPz - indicator of significant violations;

      SРн - indicator of minor violations.

      The obtained value of the risk index for violations shall be included in the calculation of the risk index according to subjective criteria.

      18. Calculation of the risk level according to subjective criteria determined in accordance with paragraph 12 of these Criteria shall be carried out on a scale from 0 to 100 points and shall be carried out according to the following formula:



      xi - indicator of subjective criterion,

      wi - specific weight of the indicator of the subjective criterion xi,

      n - number of indicators.

      The obtained value of the risk score according to subjective criteria determined in accordance with paragraph 12 of these Criteria shall be included in the calculation of the risk score according to subjective criteria.

      19. The R values calculated by subjects (objects) shall be normalized in the range from 0 to 100 points. Data normalization shall be carried out for each sample set (sample) using the following formula:



      R - risk level indicator (final) according to subjective criteria of an individual subject (object) of control,

      Rmax - the maximum possible value on the risk scale according to subjective criteria for subjects (objects) included in one sample set (sample) (upper limit of the scale),

      Rmin - the minimum possible value on the risk scale according to subjective criteria for subjects (objects) included in one sample set (sample) (lower limit of the scale),

      Rprom - an intermediate risk level according to subjective criteria calculated in accordance with paragraph 16 of these Criteria.

 **Chapter 5. Final provisions**

      20. For the areas of activity of subjects (objects) of control classified as high risk, the frequency of verification for compliance with the requirements shall be determined by the criteria for assessing the degree of risk, but not more often than once a year.

      For the areas of activity of subjects (objects) of control classified as medium risk, the frequency of inspections for compliance with the requirements shall be determined by the criteria for assessing the degree of risk, but not more often than once every two years.

      For areas of activity of subjects (objects) of control classified as low risk, the frequency of inspections for compliance with the requirements shall be determined by the criteria for assessing the degree of risk, but not more often than once every three years.

      21. The frequency of preventive control with a visit to a subject (object) classified as high and medium risk cannot be more than twice a year.

      22. Preventive control with a visit to the subject (object) of control shall be carried out on the basis of semi-annual lists of preventive control with a visit to the subject (object) of control, formed in accordance with paragraph 4 of Article 144-2 of the Code.

      23. Lists of preventive control with visiting subjects (objects) of control shall be compiled taking into account the priority of the subject (object) of control with the highest risk score according to subjective criteria.

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|   | Annex 1 |
|   | to Evaluation Criteria |
|   | of risk degree  |
|   | for compliance with legislation |
|   | of Republic of Kazakhstan |
|   | on broadcasting |

 **The degree of violation of the requirements for subjects in the field of television and radio broadcasting in relation to the activities of television and radio companies**

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requirements |
Degree of violations |
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1. |
The number of domestic television programs, with the exception of advertising, shall less than fifty percent in the weekly volume of broadcasting of domestic television channels |
minor |
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2. |
The number of musical works of Kazakhstani authors or performers and domestic radio programs, with the exception of advertising, in the weekly volume of 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 |
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3. |
The size of additional information that shall be in the nature of commercial advertising that exceeds twenty-five percent of the frame area and violates text or informational material in television programs |
minor |
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4. |
Distribution of advertising on television and radio channels that shall not specialize in messages and materials of an advertising nature, exceeding twenty percent of the total broadcast volume per day, with the exception of the ticker, social advertising, information about their own products of television and radio channels (announcements), which shall not contain advertisements of third parties, announcements of events prepared and conducted by the TV, radio channel, as well as advertisements placed at the place of the event, broadcast live or recorded live replay |
minor |
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5. |
Distribution of television trade on TV channels that shall not specialize in messages and materials of an advertising nature, exceeding more than thirty percent of the total broadcast of advertising per day |
minor |
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6. |
Distribution of ads in the form of overlays, including the ticker method, more than seven and a half percent of the frame area and violating text or informational material in television programs |
minor |
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7. |
Broadcasting of television and radio channels without announcing their name, and with continuous broadcasting at least four times a day |
significant |
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8. |
Weekly volume of TV and radio programs in Kazakh in time shall less be than the total volume of TV and radio programs in other languages |
significant |
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9. |
The volume of television and radio programs in the Kazakh language in time intervals of six hours each, calculated from zero hours of local time, shall be less than the total volume of television and radio programs in other languages |
significant |
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10. |
The volume of advertising in the Kazakh language in time intervals every six hours, calculated from zero hours of local time, shall be less than the total volume of advertising distributed in other languages |
significant |
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11. |
Passing by the owner of the television and radio channel of the period of distribution of television and radio programs within six months from the date of receipt of the registration certificate |
significant |
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12. |
Failure to provide at least one TV news programme between sixteen and twenty-two hours of local time by sign or subtitle translation |
significant |
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13. |
Failure to provide mandatory messages posted on TV channels with sign translation or translation in the form of subtitles |
significant |
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14. |
Weekly retransmission by domestic television and radio channels of television and radio programs of foreign television and radio channels exceeding twenty per cent of the total volume of television and radio programs |
significant |
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15. |
Posting of job vacancies containing discriminatory labour requirements |
significant |
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16. |
Distribution thgross broadcasting from 6.00 o'clock to 22.00 o'clock local time of information products containing information prohibited for children:
encouraging children to commit actions that pose a threat to their life and (or) health, including suicide;
provoking children to antisocial and illegal actions; containing a special sexual-erotic character;
a description and/or image of the sexual assault;
containing profanity;
distribution of which among children is prohibited, assigned to the age category "from 18 years old" |
gross |
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17. |
Advertising of financial (investment) pyramid activities |
gross |
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18. |
Advertising of tobacco and tobacco products, including heated tobacco products, hookah tobacco, hookah mix, tobacco heating systems, electronic consumption systems and liquids for them |
gross |
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19. |
Advertising of ethyl alcohol and alcoholic products, products imitating alcoholic beverages |
gross |
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20. |
E-Casino and online casino advertising |
gross |
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21. |
Distribution in the mass media or telecommunication networks of personal and biometric data of a person, including information about his parents and other legal representatives, other information that allows to establish identity, about a child injured as a result of illegal actions (inaction) and about minors, suspects and (or) accused of committing administrative and (or) criminal offenses |
gross |
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22. |
Interruption of advertising, including by the ticker method, broadcasting of official messages, speeches of candidates for the Presidency of the Republic of Kazakhstan and deputies of representative bodies, educational and religious television programs, as well as demonstration of children's television programs, with the exception of advertising intended for children and adolescents |
gross |
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23. |
Distribution of advertising on television and radio channels during days of national mourning |
gross |
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24. |
Distribution thgross broadcasting of information products without indicating an age category sign or without reporting an age category at the beginning of a television or radio program, as well as at each resumption after its interruption |
gross |
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25. |
Distribution of advertising of a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan from twenty-two o'clock in the evening to six o'clock in the morning of local time on domestic television, radio channels (with the exception of children's and religious) during broadcasting and (or) relaying without warning about the dangers of excessive wine consumption at least ten percent of the advertising area (space); unaccompanied by two social advertisements to promote a healthy lifestyle; unaccompanied by a message warning about the dangers of excessive wine consumption on radio channels at the end of the broadcast of advertising |
significant |
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26. |
Distribution of advertising of a trademark and (or) the name of a wine produced in the territory of the Republic of Kazakhstan:
containing wine advertising;
related to labor activity and vehicle management;
with the participation of minors, including those performed using animation (animation);
addressed to minors;
asserting that wine has medicinal properties, encouraging its excessive use, condemning abstinence from drinking wine; claiming that drinking wine helps strengthen relationships |
gross |
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27. |
Distribution of advertising of the corresponding product (works, services), as well as the advertiser himself subject to licensing, without specifying the license number and the name of the authority that issued the license, except for advertising on the radio |
significant |
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28. |
Distribution of unfair and inaccurate advertising, except for cases of anticompetitive actions (inaction) of state, local executive bodies, organizations endowed by the state with the functions of regulating the activities of market entities, unfair competition |
significant |
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29. |
Distribution of unethical and hidden advertising |
significant |
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30. |
The use of advertising to promote or agitate a violent change in 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 of 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 |
significant |
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31. |
Distribution of advertising in the total volume of broadcast advertising per day lasting more than twenty percent during the period from eighteen to twenty-three hours of local time during the hour of broadcast time |
significant |
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32. |
Distribution of social advertising placed free of charge on mandatory television and radio channels, less than ten exits in the time interval of eighteen hours, calculated from six o'clock in the morning local time, with mandatory two exits in the time interval of six hours, calculated from eighteen o'clock local time daily |
minor |
|
33. |
Distribution of social advertising shall be uneven thgrossout its daily broadcast in the Republic of Kazakhstan in Kazakh and Russian, as well as at the discretion of the advertiser and in other languages |
minor |
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34. |
Visual or audible use of images of minors in advertising, with the exception of social advertising and advertising of goods (works, services) for minors, as well as goods (works, services) that shall not entail harmful effects on the physical, mental health and morality of minors |
significant |
|
35. |
Distribution in radio programs of social advertising with mention of sponsors lasting more than three seconds about each, in television programs of social advertising with mention of sponsors lasting more than three seconds about each, and such mention shall be allocated more than seven percent of the frame area, and in social advertising distributed by other means - more than five percent of the advertising area (space) |
minor |
|
36. |
Exceeding the sound when broadcasting advertisements louder than the sound of the broadcast program |
significant |
|
37. |
Distribution of social advertising with mention of means of individualization, individuals and legal entities, except for mention of state bodies, local governments, sponsors, individuals who find themselves in a difficult life situation or need treatment, in order to provide them with charitable assistance, as well as mention in social advertising of socially oriented non-profit organizations in cases if the content of this advertisement is directly related to information on the activities of such non-profit organizations aimed at achieving charitable or other socially useful goals |
minor |
|
38. |
Distribution of television and radio channels in telecommunication networks without a license to engage in activities for the distribution of television and radio channels |
significant |
|
39. |
Compliance with the requirements for ensuring the quality of TV, radio channels for TV and radio programs |
significant |
|
40. |
Compliance with the requirement to have a concluded contract for the distribution of free-access television and radio channels between the broadcasting operator and the television and radio company |
significant |
|
41. |
Compliance with the requirements of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, in notifying the population about the threat to life, health of people and the procedure for acting in the current situation in emergency situations of a natural and man-made nature, as well as in the interests of defense, national security and law enforcement |
gross |
|
42. |
Compliance with the requirement to prevent the retransmission of a television, radio channel, television, radio program without a contract concluded between a broadcasting operator and a television, radio company or a branch (representative office) of a foreign legal entity |
gross |

|  |  |
| --- | --- |
|   | Annex 2 |
|   | to Evaluation Criteria |
|   | of risk degree  |
|   | for compliance with legislation |
|   | Republic of Kazakhstan |
|   | on broadcasting |

 **The degree of violation of the requirements for subjects in the field of television and radio broadcasting in relation to the activities of television and radio broadcasting operators**

|  |  |  |
| --- | --- | --- |
|
№ r/n |
requirements |
Degree of violations |
|
1. |
Placement by the broadcasting operator of mandatory television and radio channels, not in priority in digital broadcasting of consecutive numbers, starting from the first and more, and in analog broadcasting by placing at the beginning of the channel separation grid |
minor |
|
2. |
Interference with other radio transmitting and (or) receiving means of communication thgross the use of radio electronic means of receiving and transmitting a broadcasting signal that do not correspond to the declared technical parameters |
significant |
|
3. |
Distribution of advertising during retransmission by broadcasting operators of foreign television and radio channels on the territory of the Republic of Kazakhstan, with the exception of:
1) social advertising;
2) advertisements placed at the event location, broadcast live or recorded live replay;
3) advertising distributed by foreign television and radio channels specializing exclusively in messages and materials of an advertising nature |
gross |
|
4. |
Distribution by TV and radio operators of foreign TV and radio channels not registered with the authorized body |
gross |
|
5. |
Compliance with the requirement for the written consent of the owners of the building and (or) buildings to organize a collective reception system that shall not provide for a commercial purpose |
significant |
|
6. |
Compliance with the requirement to have a concluded contract for the distribution of free-access television and radio channels between the broadcasting operator and the television and radio company |
significant |
|
7. |
Compliance with the requirement to prevent the use of television and radio channels of television and radio broadcasting equipment that have not passed the conformity confirmation procedure |
significant |
|
8. |
Compliance with the requirements of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, in notifying the population about the threat to life, health of people and the procedure for acting in the current situation in emergency situations of a natural and man-made nature, as well as in the interests of defense, national security and law enforcement |
gross |
|
9. |
Compliance with the requirement to prevent the retransmission of a television, radio channel, television, radio program without a contract concluded between a broadcasting operator and a television, radio company or a branch (representative office) of a foreign legal entity |
gross |

|  |  |
| --- | --- |
|   | Annex 3 |
|   | to Evaluation Criteria |
|   | of risk degree  |
|   | for compliance with legislation |
|   | Republic of Kazakhstan |
|   | on broadcasting |

 **The degree of violation of the requirements for subjects in the field of television and radio broadcasting in relation to the activities of distributors of individual satellite and terrestrial receiving devices**

|  |  |  |
| --- | --- | --- |
|
№ r/n |
requirements |
Degree of violations |
|
1. |
Distribution of conditional access cards to the services of broadcasting operators and equipment designed for individual reception of television and radio signals of broadcasting operators, without a license in the field of broadcasting and not having their own satellite broadcasting systems in the Republic of Kazakhstan |
gross |

|  |  |
| --- | --- |
|   | Annex 4 |
|   | to Evaluation Criteria |
|   | of risk degree  |
|   | for compliance with legislation |
|   | Republic of Kazakhstan |
|   | on broadcasting |

 **The degree of violation of the requirements for subjects in the field of television and radio broadcasting, for verification of compliance with the requirements of the activities of television and radio broadcasting operators**

|  |  |  |
| --- | --- | --- |
|
№ r/n |
requirements |
Degree of violations |
|
1. |
Availability of at least one third of the total number of engineering and technical specialists with specialized higher, technical or professional education in the field of telecommunications and practical experience in the specialty for at least one year |
minor |
|
2. |
Availability of technical capabilities to organize public warning in case of emergency (public warning organization scheme in case of emergency) |
significant |
|
3. |
Availability of preliminary contracts for retransmission of TV, radio channels with TV, radio companies-rightholders (for multi-program broadcasting) |
minor |
|
4. |
Availability of premises and space for placement and operation of technical means, administrative and managerial personnel, public service |
significant |
|
5. |
Availability of measuring instruments and test equipment for instrumentation and testing |
minor |
|
6. |
Distribution of radio channels by means of analog broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in radio channel distribution activities |
significant |
|
7. |
Distribution of TV and radio channels by TV and radio broadcasting operators by means of over-the-air digital broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in activities for the distribution of TV and radio channels |
significant |
|
8. |
Distribution of television and radio channels by television and radio broadcasting operators thgross satellite broadcasting, subject to permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in activities for the distribution of television and radio channels |
significant |
|
9. |
Distribution of television and radio channels by broadcasting operators thgross cable and terrestrial-cable broadcasting without a license to engage in activities for the distribution of television and radio channels |
significant |
|
10. |
Distribution of television and radio channels by broadcasting operators of terrestrial cable television and radio broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) |
significant |
|
11. |
Organization of a system of collective reception of television and radio channels, pursuing commercial goals without a license to engage in activities for the distribution of television and radio channels |
significant |
|
12. |
Distribution of television and radio channels in telecommunication networks without a license to engage in activities for the distribution of television and radio channels |
significant |

|  |  |
| --- | --- |
|   | Annex 2 |
|   | to joint order |
|   | of the Minister of Information and |
|   | Communications of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018 № 455 and |
|   | Minister of National |
|   | Economy of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018, № 39 |

 **Checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio companies**

      Footnote. Annex 2 – in the wording of the joint order of the Acting Minister of Information and Social Development of the Republic of Kazakhstan dated 02.12.2022 № 534 and Minister of National Economy of the Republic of Kazakhstan dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      The state body that ordered the inspection/preventive control with a visit to the subject (object) of control

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Certificate of appointment of inspection/preventive control with a visit to the entity (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      №, date

      Name of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (Individual identification number), business identification number of the control entity (object)

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Location address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
|
№ r/n |
data requirements list |
compliant |
non-compliant |
|
1 |
2 |
3 |
4 |
|
1. |
The number of domestic television programs, with the exception of advertising, shall be less than fifty percent in the weekly volume of broadcasting of domestic television channels |  |  |
|
2. |
The number of musical works of Kazakhstani authors or performers and domestic radio programs, with the exception of advertising, in the weekly volume of broadcasting of domestic radio channels:
1) dated January 1, 2018 - less than forty-five percent;
2) dated January 1, 2020 - less than fifty percent |  |  |
|
3.  |
The size of additional information that shall be in the nature of commercial advertising that exceeds twenty-five percent of the frame area and violates text or informational material in television programs |  |  |
|
4. |
Distribution of advertising on television and radio channels that shall not specialize in messages and materials of an advertising nature, exceeding twenty percent of the total broadcast volume per day, with the exception of the ticker, social advertising, information about their own products of television and radio channels (announcements), which shall not contain advertisements of third parties, announcements of events prepared and conducted by the TV, radio channel, as well as advertisements placed at the place of the event, broadcast live or recorded live replay |  |  |
|
5. |
Distribution of television trade on TV channels that shall not specialize in messages and materials of an advertising nature, exceeding more than thirty percent of the total broadcast of advertising per day |  |  |
|
6. |
Distribution of advertisements in the form of overlays, including the ticker method, more than seven and a half percent of the frame area and violating text or informational material in television programs |  |  |
|
7. |
Broadcasting of television and radio channels without announcing their name, and with continuous broadcasting at least four times a day |  |  |
|
8. |
Weekly volume of TV and radio programs in Kazakh in time shall be less than the total volume of TV and radio programs in other languages |  |  |
|
9. |
The volume of television and radio programs in the Kazakh language in time intervals of six hours each, calculated from zero hours of local time, shall be less than the total volume of television and radio programs in other languages |  |  |
|
10. |
The volume of advertising in the Kazakh language in time intervals every six hours, calculated from zero hours of local time, shall be less than the total volume of advertising distributed in other languages |  |  |
|
11. |
Passing by the owner of the television and radio channel of the period of distribution of television and radio programs within six months from the date of receipt of the registration certificate |  |  |
|
12. |
Failure to provide at least one TV news programme between sixteen and twenty-two hours of local time by sign or subtitle translation |  |  |
|
13. |
Failure to provide mandatory messages posted on TV channels with sign translation or translation in the form of subtitles |  |  |
|
14. |
Weekly retransmission by domestic television and radio channels of television and radio programs of foreign television and radio channels exceeding twenty per cent of the total volume of television and radio programs |  |  |
|
15. |
Posting of job vacancies containing discriminatory labour requirements |  |  |
|
16. |
Distribution thgross broadcasting from 6.00 o'clock to 22.00 o'clock local time of information products containing information prohibited for children:
encouraging children to commit actions that pose a threat to their life and (or) health, including suicide;
provoking children to antisocial and illegal actions; containing a special sexual-erotic character;
a description and/or image of the sexual assault;
containing profanity;
distribution of which among children shall be prohibited, assigned to the age category "from 18 years old" |  |  |
|
17. |
Advertising of financial (investment) pyramid activities |  |  |
|
18. |
Advertising of tobacco and tobacco products, including heated tobacco products, hookah tobacco, hookah tobacco, hookah mixture, systems for heating tobacco, electronic consumption systems and liquids therefor |  |  |
|
19. |
Advertising of ethyl alcohol and alcoholic products, products imitating alcoholic beverages |  |  |
|
20. |
E-casino and online casino advertising |  |  |
|
21. |
Distribution in the mass media or telecommunication networks of personal and biometric data of a person, including information about his parents and other legal representatives, other information that shall allow to establish identity, about a child injured as a result of illegal actions (inaction) and about minors, suspects and (or) accused of committing administrative and (or) criminal offenses |  |  |
|
22. |
Interruption of advertising, including by the ticker method, broadcasting of official messages, speeches of candidates for the Presidency of the Republic of Kazakhstan and deputies of representative bodies, educational and religious television programs, as well as demonstration of children's television programs, with the exception of advertising intended for children and adolescents |  |  |
|
23.  |
Distribution of advertising on television and radio channels during days of national mourning |  |  |
|
 24. |
Distribution thgross broadcasting of information products without indicating an age category sign or without reporting an age category at the beginning of a television or radio program, as well as at each resumption after its interruption |  |  |
|
25. |
Distribution of advertising of a trademark and (or) the name of wine produced on the territory of the Republic of Kazakhstan from twenty-two o'clock in the evening to six o'clock in the morning of local time on domestic television, radio channels (with the exception of children's and religious) during broadcasting and (or) relaying without warning about the dangers of excessive wine consumption at least ten percent of the advertising area (space); unaccompanied by two social advertisements to promote a healthy lifestyle; unaccompanied by a message warning about the dangers of excessive wine consumption on radio channels at the end of the broadcast of advertising |  |  |
|
26. |
Distribution of advertising of a trademark and (or) the name of a wine produced in the territory of the Republic of Kazakhstan:
containing wine advertising;
related to labor activity and vehicle management;
with the participation of minors, including those performed using animation (animation);
addressed to minors;
asserting that wine has medicinal properties, encouraging its excessive use, condemning abstinence from drinking wine; claiming that drinking wine helps strengthen relationships |  |  |
|
27. |
Distribution of advertising of the corresponding product (works, services), as well as the advertiser himself subject to licensing, without specifying the license number and the name of the authority that issued the license, except for advertising on the radio |  |  |
|
28. |
Distribution of unfair and inaccurate advertising, except for cases of anticompetitive actions (inaction) of state, local executive bodies, organizations endowed by the state with the functions of regulating the activities of market entities, unfair competition |  |  |
|
29. |
Distribution of unethical and hidden advertising |  |  |
|
30. |
The use of advertising to promote or agitate a violent change in 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 clan 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 the Law |  |  |
|
31. |
Distribution of advertising in the total volume of broadcast advertising per day lasting more than twenty percent during the period from eighteen to twenty-three hours of local time during the hour of broadcast time |  |  |
|
32. |
Distribution of social advertising placed free of charge on mandatory television and radio channels, less than ten exits in the time interval of eighteen hours, calculated from six o'clock in the morning local time, with mandatory two exits in the time interval of six hours, calculated from eighteen o'clock local time daily |  |  |
|
33. |
Distribution of social advertising shall be uneven thgrossout its daily broadcast in the Republic of Kazakhstan in Kazakh and Russian, as well as at the discretion of the advertiser and in other languages |  |  |
|
34. |
Visual or audible use of images of minors in advertising, with the exception of social advertising and advertising of goods (works, services) for minors, as well as goods (works, services) that shall not entail harmful effects on the physical, mental health and morality of minors |  |  |
|
35. |
Distribution in radio programs of social advertising with mention of sponsors lasting more than three seconds about each, in television programs of social advertising with mention of sponsors lasting more than three seconds about each, and such mention shall be allocated more than seven percent of the frame area, and in social advertising distributed by other means - more than five percent of the advertising area (space) |  |  |
|
36. |
Exceeding the sound when broadcasting advertising louder than the sound of the broadcast program |  |  |
|
37. |
Distribution of social advertising with mention of means of individualization, individuals and legal entities, except for mention of state bodies, local governments, sponsors, individuals who find themselves in a difficult life situation or need treatment, in order to provide them with charitable assistance, as well as mention in social advertising of socially oriented non-profit organizations in cases if the content of this advertisement is directly related to information on the activities of such non-profit organizations aimed at achieving charitable or other socially useful goals |  |  |
|
38. |
Compliance with the requirement to record and store broadcast and rebroadcast television and radio programmes for six months |  |  |
|
39. |
Compliance with the requirements for ensuring the quality of TV, radio channels for TV and radio programs |  |  |
|
40. |
Compliance with the requirement to have a concluded contract for the distribution of free-access television and radio channels between the broadcasting operator and the television and radio company |  |  |
|
41. |
Compliance with the requirements of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, in notifying the population about the threat to life, health of people and the procedure for acting in the current situation in emergency situations of a natural and man-made nature, as well as in the interests of defense, national security and law enforcement |  |  |
|
42. |
Compliance with the requirement to prevent the retransmission of a television, radio channel, television, radio program without a contract concluded between a broadcasting operator and a television, radio company or a branch (representative office) of a foreign legal entity |  |  |

      Officer (s)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *position*  *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *patronymic (if any)*

            Head of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *position*  *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *full name (if any)*

|  |  |
| --- | --- |
|   | Annex 3 |
|   | to joint order |
|   | of the Minister of Information and |
|   | Communications of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018 № 455 and |
|   | Minister of National |
|   | Economy of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018, № 39 |

 **Check list for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio broadcasting operators**

      Footnote. Annex 3 – in the wording of the joint order of the Acting Minister of Information and Social Development of the Republic of Kazakhstan dated 02.12.2022 № 534 and Minister of National Economy of the Republic of Kazakhstan dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      The state body that ordered the inspection/preventive control with a visit to the subject (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Certificate of appointment of inspection/preventive control with a visit to the subject (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      №, date

      Name of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

       *(Individual identification number), business identification number of the control entity (object)*

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            location address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| --- | --- | --- | --- |
|
№ r/n |
data requirements list |
compliant |
non-compliant |
|
1 |
2 |
3 |
4 |
|
1. |
Placement by the broadcasting operator of mandatory television and radio channels, not in priority in digital broadcasting of consecutive numbers, starting from the first and more, and in analog broadcasting by placing at the beginning of the channel separation grid |  |  |
|
2. |
Interference with other radio transmitting and (or) receiving means of communication thgross the use of radio electronic means of receiving and transmitting a broadcasting signal that shall not correspond to the declared technical parameters |  |  |
|
3. |
Distribution of advertising during retransmission by broadcasting operators of foreign television and radio channels on the territory of the Republic of Kazakhstan, with the exception of:
1) social advertising;
2) advertisements placed at the event location, broadcast live or recorded live replay;
3) advertising distributed by foreign television and radio channels specializing exclusively in messages and materials of an advertising nature |  |  |
|
4. |
Distribution by TV and radio operators of foreign TV and radio channels not registered with the authorized body |  |  |
|
5. |
Compliance with the requirement for the written consent of the owners of the building and (or) buildings to organize a collective reception system that shall not provide for a commercial purpose |  |  |
|
6.. |
Compliance with the requirement to have a concluded contract for the distribution of free-access television and radio channels between the broadcasting operator and the television and radio company |  |  |
|
7. |
Compliance with the requirement to prevent the use of television and radio channels of television and radio broadcasting equipment that have not passed the conformity confirmation procedure |  |  |
|
8. |
Compliance with the requirements of television, radio companies and television and radio broadcasting operators, regardless of their form of ownership, in notifying the population about the threat to life, health of people and the procedure for acting in the current situation in emergency situations of a natural and man-made nature, as well as in the interests of defense, national security and law enforcement |  |  |
|
9. |
Compliance with the requirement to prevent the retransmission of a television, radio channel, television, radio program without a contract concluded between a broadcasting operator and a television, radio company or a branch (representative office) of a foreign legal entity |  |  |

      Officer (s)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      position signature

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      patronymic (if any)

      Head of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *position*  *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *full name (if any)*

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|   | Annex 4 |
|   | to joint order |
|   | of the Minister of Information and |
|   | Communications of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018 № 455 and |
|   | Minister of National |
|   | Economy of the Republic |
|   | Kazakhstan |
|   | dated October 31, 2018, № 39 |

 **Checklist for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to distributors of individual satellite and terrestrial receiving devices**

      Footnote. The order as added by Annex 4 in accordance with the joint order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 17.02.2022 № 41 and the Minister of National Economy of the Republic of Kazakhstan dated 21.02.2022 № 16 (shall enter into force upon expiry of ten calendar days after the day of its first official publication); in the wording of the joint order of the acting Minister of Information and Social Development of the Republic of Kazakhstan dated 02.12.2022 № 534 and the Minister of National Economy of the Republic of Kazakhstan dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      The state body that ordered the inspection/preventive control with a visit to the entity (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Certificate of appointment of inspection/preventive control with a visit to the entity (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      №, date

      Name of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (Individual identification number), business identification number of the control entity (object)

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Location address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. |
Distribution of conditional access cards to the services of broadcasting operators and equipment designed for individual reception of television and radio signals of broadcasting operators, without a license in the field of broadcasting and not having their own satellite broadcasting systems in the Republic of Kazakhstan |  |  |

      Officer (s)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *Position* *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *patronymic (if any)*

            Head of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *position*  *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *full name (if any)*

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|   | Annex 5 |
|   | to joint order |
|   | of the Minister of Information |
|   | and Social Development |
|   | of the Republic of Kazakhstan |
|   | dated \_\_ \_\_\_\_ 2022, № \_\_ and |
|   | Minister |
|   | of National Economy |
|   | of the Republic of Kazakhstan |
|   | dated \_\_ \_\_\_\_\_\_ 2022, № \_\_\_ |

 **Check list for compliance with the legislation of the Republic of Kazakhstan on television and radio broadcasting in relation to television and radio broadcasting operators for compliance with qualification requirements**

      Footnote. The joint order as added by Annex 5 in accordance with the joint order of the Acting Minister of Information and Social Development of the Republic of Kazakhstan dated 02.12.2022 № 534 and the Minister of National Economy of the Republic of Kazakhstan dated 02.12.2022 № 118 (shall enter into force dated 01.01.2023).

      The state body that ordered the inspection/preventive control with a visit to the entity (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Certificate of appointment of inspection/preventive control with a visit to the entity (object) of control

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      №, date

      Name of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

       *(Individual identification number), business identification number of the control entity (object)*

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      location address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1 |
Availability of at least one third of the total number of engineering and technical specialists with specialized higher, technical or professional education in the field of telecommunications and practical experience in the specialty for at least one year |  |  |
|
2 |
Availability of technical capabilities to organize public warning in case of emergency (public warning organization scheme in case of emergency) |  |  |
|
3 |
Availability of preliminary contracts for retransmission of TV, radio channels with TV, radio companies-rightholders (for multi-program broadcasting) |  |  |
|
4 |
Availability of premises and space for placement and operation of technical means, administrative and managerial personnel, public service |  |  |
|
5 |
Availability of measuring instruments and test equipment for instrumentation and testing |  |  |
|
6 |
Distribution of radio channels by means of analog broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in radio channel distribution activities |  |  |
|
7 |
Distribution of TV and radio channels by TV and radio broadcasting operators by means of over-the-air digital broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in activities for the distribution of TV and radio channels |  |  |
|
8 |
Distribution of television and radio channels by television and radio broadcasting operators thgross satellite broadcasting, subject to permission to use frequency bands, radio frequencies (radio frequency channels) and a license to engage in activities for the distribution of television and radio channels |  |  |
|
9 |
Distribution of television and radio channels by broadcasting operators thgross cable and terrestrial-cable broadcasting without a license to engage in activities for the distribution of television and radio channels |  |  |
|
10 |
Distribution of television and radio channels by broadcasting operators of terrestrial cable television and radio broadcasting with permission to use frequency bands, radio frequencies (radio frequency channels) |  |  |
|
11 |
Organization of a system of collective reception of television and radio channels, pursuing commercial goals without a license to engage in activities for the distribution of television and radio channels |  |  |
|
12 |
Distribution of television and radio channels in telecommunication networks without a license to engage in activities for the distribution of television and radio channels |  |  |

      Officer (s)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      position signature

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      middle name (if any)

            Head of the entity (object) of control \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      *position*  *signature*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

      *full name (if any)*

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