



On approval of the Rules for monitoring the mass media distributed on the territory of the Republic of Kazakhstan, and the methodology for its calculation

Unofficial translation

Order of the Minister of Information and Social Development of the Republic of Kazakhstan dated April 29, 2019 no. 84. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 2, 2019 no. 18617.

Unofficial translation

Pursuant to subparagraph 13-2) of Article 4-3 of the Law of the Republic of Kazakhstan “On Mass Media”, **I hereby ORDER:**

Footnote. Preamble - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

1. To approve:

1) the Rules for monitoring the mass media distributed on the territory of the Republic of Kazakhstan, according to Annex 1 to this order;

2) Methodology for calculating the monitoring of media distributed in the territory of the Republic of Kazakhstan, in accordance with Annex 2 to this Order.

2. To declare to be no longer in force:

1) order of the Acting Minister of Investments and Development of the Republic of Kazakhstan dated January 26, 2016 no. 73 "On approval of the Rules for monitoring the media" (registered with the Register of State Register of Regulatory Legal Acts under no. 13132, published on February 24, 2016 in "Adilet" Information Legal System);

2) order of the Minister of Information and Communications of the Republic of Kazakhstan dated June 27, 2016 no. 13 "On amendments to the Order of the Acting Minister of Investments and Development of the Republic of Kazakhstan dated January 26, 2016 no. 73 "On approval of the Rules for monitoring the media" (registered with the Register of State Register of Regulatory Legal Acts under no.13989, published on July 26, 2016 in "Adilet" Information Legal System).

3. The Department of State Policy in Mass Media of the Ministry of Information and Social Development of the Republic of Kazakhstan in accordance with the procedure established by the law shall ensure:

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

2) within ten calendar days from the date of state registration of this order, direction of it to the Republican State Enterprise on the Right of Economic Management "Republican

Center of Legal Information" for official publication and placement in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) posting this order on the official Internet resource of the Ministry of Information and Social Development of the Republic of Kazakhstan after its publication;

4) within ten working days from the state registration of this order, submission to the Legal Department of the Ministry of Information and Social Development of the Republic of Kazakhstan of information about implementation of measures, stipulated by sub-clauses 1), 2) and 3) of this clause.

4. Control over implementation of this order shall be entrusted to the supervising vice-minister of Information and Social Development of the Republic of Kazakhstan.

5. This order shall be subject to official publication and shall come into force from April 11, 2019.

*Minister of Information and Social Development
of the Republic of Kazakhstan*

D. Abayev

"AGREED"

Ministry of National Economy
of the Republic of Kazakhstan

Annex 1
to the Order of the
Minister of Information and
Social Development
of the Republic of Kazakhstan
dated April 29, 2019
no. 84

Rules for monitoring the mass media distributed on the territory of the Republic of Kazakhstan Chapter 1. General provisions

1. These Rules have been developed pursuant to subparagraph 13-2) of Article 4-3 of the Law of the Republic of Kazakhstan "On Mass Media" (hereinafter referred to as the Law) and establish the procedure for monitoring mass media distributed on the territory of the Republic of Kazakhstan.

Footnote. Paragraph 1 - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

2. In these Rules, the following definitions shall be used:

1) mass media is printed periodical publication, television, radio, film documentary, audiovisual recording and other forms of periodic or continuous public distribution of the media, including Internet resources;

2) monitoring of the mass media is a process of collection and analysis of media products for compliance with the laws of the Republic of Kazakhstan;

3) media products are the print run or part of the print run of a separate issue of a printed periodical publication or audiovisual program, a separate issue of a radio, television, newsreel program, information posted on the Internet resource;

4) online media is an Internet resource passed the procedure of registration with the authorized body, information and communication infrastructure of which is located on the territory of the Republic of Kazakhstan;

5) Internet resource is an electronic information resource displayed in text, graphic, audiovisual or other form, placed on a hardware-software complex, having a unique network address and (or) domain name and functioning on the Internet;

6) printed periodical publication is a newspaper, magazine, almanac, newsletter, annexes to them, with a permanent name, current issue and published at least once every three months;

7) television and radio channel is mass media, which is a combination of television, radio programs and audiovisual works, stories and materials formed in accordance with the broadcasting network for subsequent broadcast and / or retransmitting.

3. Monitoring the mass media shall be carried out using the "Automated Monitoring of the National Information Space" Information System.

Chapter 2. Procedure for the monitoring of mass media distributed on the territory of the Republic of Kazakhstan

4. Monitoring the mass media, distributed on the territory of the Republic of Kazakhstan, shall be carried out by the authorized body in the field of mass media and broadcasting (hereinafter referred to as the authorized body) in order to identify and record violations of the laws of the Republic of Kazakhstan.

5. The objects of monitoring are:

- 1) television and radio channels;
- 2) printed periodical publication;
- 3) Internet resources and online publications;
- 4) documentary films;
- 5) audiovisual recording.

6. Conducting the monitoring of the mass media shall include the following stages:

- 1) viewing (listening) media products, identifying, recording and collecting violations;
- 2) legal analysis and synthesis of information about violations in the media;

3) additional analysis of the revealed facts of violations of the law carried out by the authorized body.

7. Based on the monitoring results, the following information shall be indicated:

1) main data about the recipient:

for periodical printed publications - the name of the owner of the media, legal address, official email address;

for television and radio channels - the name of the owner of the media, legal address, official email address;

for network publications, news agencies and Internet resources - the name of the owner of the network publication, news agency, Internet resource, legal address, IP address of the Internet resource, if available, the official email address. If it is impossible to establish information about the owner of the Internet resource, the authorized body shall send a notification to the address of the hosting provider on whose server it is located.

2) descriptive and motivation part:
analysis and data collection results.

3) annex (evidentiary materials):

for periodical printed publications - a scanned copy of a fragment of the publication from the analysis;

for television and radio channels - recording on electronic media, screen shots of material from the analysis results;

for network publications, news agencies and Internet resources - screen shots, recording on electronic media, depending on the method of disseminating information.

8. To carry out monitoring of the technical and methodological support for monitoring the media, the authorized body in accordance with budget legislation, on the basis of an agreement, shall engage an organization that performs work on the technical and methodological support of monitoring (hereinafter referred to as the organization).

9. The authorized body, with the help of methodological and technical support, including obtaining information from the organization, shall record and collect violations of the legislation of the Republic of Kazakhstan identified in the process of monitoring media products, as well as by notifications of state bodies, by physical and legal persons, requests of officials sent to the authorized body.

10. Based on the results of the monitoring of the media by viewing (listening), recording and collecting violations of the media, the authorized body shall take measures as part of the preventive control without visiting the subject (object) of control in accordance with article 4-5 of the Law.

11. When qualifying a violation of the law of the Republic of Kazakhstan, entailing criminal liability, the authorized body shall send to the state body, which competence includes the consideration of cases on this type of violation, materials with a revealed violation.

12. According to the results of the year, no later than the 30th day of the first month of the next year, the authorized body shall post on its Internet resource the final information on monitoring the mass media.

Methodology for calculation of the monitoring the mass media, distributed on the territory of the Republic of Kazakhstan Chapter 1. General provisions

1. This Methodology for estimating monitoring of mass media distributed on the territory of the Republic of Kazakhstan (hereinafter referred to as the Methodology) has been developed pursuant to subparagraph 13-2) of Article 4-3 of the Law of the Republic of Kazakhstan “On Mass Media” (hereinafter referred to as the Law) and defines approaches to rating the monitoring of mass media distributed on the territory of the Republic of Kazakhstan, as well as calculations of the television and radio broadcasting volume in the Kazakh language, balanced distribution of advertising in the Kazakh language on television and radio channels, volumes of television, radio programs and domestically produced musical works, retransmission volumes of television, radio programs of foreign television, radio channels, volumes of advertising on television, radio channels per day, total volume of advertising duration in the time span from 18.00 to 23.00 local time during an hour of broadcast time on television, radio channels, teleshopping volumes on television channels, not specializing in information and advertising materials.

Footnote. Paragraph 1 - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

2. The following concepts shall be used in this Methodology:

1) informational and analytical television program is a television program containing systematic information and analysis of events that have occurred over a certain period, which are of socially significant interest to the audience;

2) social advertising is the information addressed to an indefinite number of persons and aimed at achieving charitable and other socially useful goals of a non-commercial nature, as well as ensuring the interests of the state;

3) mass media are printed periodical publications, TV and radio channels, documentary films, audiovisual recordings and other forms of periodic or continuous public distribution of mass media, including Internet resources;

4) monitoring the mass media is the process of collection and analysis of media products for compliance of the legislation of the Republic of Kazakhstan;

5) mass media products means a print run or a part of the print run of a separate issue of a periodical print publication or an audiovisual program, a separate issue of a radio, television, newsreel program, information posted on the Internet resource;

6) news television program is a television program containing news about socially significant events;

7) advertising is the information distributed and posted in any form by any means, intended for an indefinite number of persons and designed to generate or maintain interest in an individual or legal entity, goods, trademarks, works, services and facilitate their implementation;

8) the mark of age category is a graphic and (or) text indication of the age category;

9) news ticker is a way of distributing advertisements placed on outdoor (visual) advertisements or transmitted on television channels, in film and video services, which is characterized by sequential alternation (movement) of combinations of letters, numbers, signs that together constitute certain information;

10) additional information is alphabetic, digital, graphic information broadcast simultaneously with the main television program using one frequency and (or) airtime, the content of which is not related to the content of the main television program transmitted as part of the broadcasting signal;

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

12) retransmitting is reception and simultaneous recording or distribution of television, radio programs, television and radio channels using telecommunication equipment and telecommunication networks;

13) television trade is a public offer on a TV channel for the purposes of sale of goods or provision of services;

14) transmission is the primary signal propagation of television and radio channels using telecommunication equipment and in telecommunication networks;

15) TV and radio program is a substantively completed part of the television and radio channel, which has the corresponding name, broadcasting volume and can be used independently of other parts of the television and radio channel;

16) television and radio channel is the mass media, which is a combination of television, radio programs and audiovisual works, stories and materials formed in accordance with the broadcasting network for subsequent broadcast and / or relay;

17) own information of a television and radio channel (announcement) is the information about own production of a television and radio channel (announcement) that does not contain third-party advertising;

18) TV viewing grid is a list, sequence, name, airtime of television and radio programs that reflect the main directions of the broadcasting program concept for a specific period;

19) broadcasting is the broadcasting television, radio programs, audiovisual recordings using analog and digital electromagnetic systems.

Footnote. Clause 3 as amended by the order of the acting Minister of Information and Social Development of the Republic of Kazakhstan dated 05.08.2019 no. 263 (to be enforced from the day of its first official publication).

Chapter 2. Methods for calculation of the monitoring the mass media, distributed on the territory of the Republic of Kazakhstan

3. In this Methodology, the following types of calculation have been provided:

- 1) volume of television and radio programs in Kazakh language;
- 2) balanced distribution of advertising in Kazakh language on television and radio channels;
- 3) volume of television and radio programs and musical works of domestic production;
- 4) volume of retransmitting of television and radio programs of foreign television and radio channels;
- 5) volume of advertising on television and radio channels in days;
- 6) volume of total duration of advertising from eighteen to twenty-three hours local time during the hour of broadcast time on television and radio channels;
- 7) volume of teletrade on TV channels, not specialized on commercials and advertising materials;
- 8) area of additional information that is in the nature of commercial advertising, of advertising in the form of an overlay and a running line from the screen area on TV channels.

4. Viewing (listening) recordings of television and radio channels is carried out by specialists on personal hardware and software systems with the ability to play video and sound using "Automated monitoring of the national information space" Information System.

Recording of the air of television and radio channels shall be carried out in a format transmitted by television and radio broadcasting operators.

5. When monitoring the production of television and radio channels, the following elements shall be recorded:

- 1) television and radio programs;
- 2) advertising;
- 3) on-air inserts (performance of the National Anthem, announcement by a television and radio channel of its name, personal information of a television and radio channel (announcement));
- 4) social advertising;
- 5) technical breaks;
- 6) additional information;
- 7) musical works;
- 8) television trade.

6. To ensure the completeness of monitoring of television and radio channels, the following parameters shall be fixed:

- 1) in relation to television and radio programs - duration, quantity, language, country of origin, presence of an age mark, retransmitting;
- 2) in relation to advertising – duration, language, presence of violations of the Law and the Law "On advertising";
- 3) in relation to social advertising– language, number of releases;
- 4) in relation to additional information – area of overlapping;
- 5) in relation to musical works – quantity, producing country;
- 6) in relation to teletrade – duration. language.

Technical breaks shall not be taken into account in the total daily airtime of television and radio channels.

Paragraph 1. Methodology for calculation of the volume of broadcasting the television and radio programs in Kazakh language

7. The calculation of the volume of broadcasting the television and radio programs in Kazakh language shall include two directions:

- 1) weekly volume of broadcasting the television and radio programs in Kazakh language;
- 2) volume of television and radio programs in Kazakh language in time intervals of six hours each, calculated from zero hours of local time.

8. When monitoring television and radio channels for compliance with the language balance requirements, the following criteria shall be taken into account:

1) the volume of television and radio programs in the Kazakh language includes television and radio programs, during the broadcast (retransmission) of which the Kazakh language is heard. The volume of television and radio programs in another language (Russian, English and others) is made up of television and radio programs with sound accompaniment in languages other than Kazakh;

2) multilingual television and radio programs - if during the broadcast of a television or radio program speech is heard in two or more languages, the broadcasting time of a television and radio program in Kazakh and other languages is recorded separately;

3) television and radio programs without speech support- the volume of television and radio programs without speech in any language, and information related to its main content, shall not be taken into account in monitoring for compliance with the legal requirements established by paragraph 1 and paragraph 2 of Article 10 of the Law of the Republic of Kazakhstan “On Television and Radio Broadcasting” (hereinafter referred to as the Law “On Television and Radio Broadcasting”);

4) the duration of foreign television and radio programs retransmitted by domestic television and radio channels is recorded, excluding advertising time, technical breaks and on-air inserts;

5) the translation of television programs in the form of subtitles when distributed on television channels shall not be taken into account in the total volume of television programs in the Kazakh language;

6) advertising, on-air inserts (performance of the State Anthem, announcement by a television or radio channel of its name, personal information of a television and radio channel (announcement), social advertising, additional information shall not be included in the total volume of television and radio programs in the Kazakh language;

7) when switching from one television and radio program to another, the language of the television and radio program shall be fixed, to which the transition is made.

The time in the interval between speech refers to the time of the last language.

Musical works distributed as an independent broadcast event and distributed in radio programs on radio channels or television programs on television channels specializing in messages and materials of a musical nature shall not be taken into account in monitoring for compliance with the requirements of the legislation established by paragraph 2 of Article 10 of the Law "On Television and Radio Broadcasting".

If a television channel uses a multichannel program with the main soundtrack in Kazakh, the monitoring of this television channel with audio tracks in other languages for compliance with the requirements of the legislation established by paragraph 2 of Article 10 of the Law "On Television and Radio Broadcasting" shall not be carried out.

Footnote. Paragraph 8 - is in the wording of the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 10.11.2020 No. 365 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

9. The margin of error is $\leq 1.38\%$ of 360 minutes of ether. Given this error, a violation shall be recorded in cases where the volume of television and radio programs in Kazakh language is $\leq 48.6\%$. The same approach shall apply when calculating the language balance in a weekly volume.

10. If the broadcast does not take as long as six hours, then the language balance requirements shall apply to the broadcast time.

In the event that technical failures are detected in the time interval, the calculation of volume of television and radio programs in Kazakh language shall not be performed in this interval.

The volume of television and radio programs in Kazakh language shall be calculated using the following formula:

$$\frac{T_{kz}}{T_{kz} + T_{fl}} * 100\% = T_{kz}\%,$$

where:

T_{kz} - duration of television and radio programs in Kazakh language in minutes;

T_{fl} - duration of television and radio programs in other languages in minutes;

T_{kz}% - volume of television and radio programs in Kazakh language.

Paragraph 2. Methodology for calculation of balanced distribution of advertising in Kazakh language on television and radio channels

11. When monitoring television and radio channels for compliance with the requirements of the Law of the Republic of Kazakhstan “On Advertising” (hereinafter referred to as the Law “On Advertising”), social commercial clips, creeping lines, and the television and radio channel’s own information (announcement) shall not be taken into account when calculating the advertising volume.

Footnote. Paragraph 11 - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

12. When calculating the uniform distribution of advertising in Kazakh language on television and radio channels, the following criteria shall be used:

1) volume of advertising in Kazakh language on television and radio channels shall include an advertisement during the broadcast of which the Kazakh language sounds;

2) the calculation of the uniform distribution of advertising in Kazakh language consists in analyzing the uniform ratio of the total timing of advertising time in Kazakh language relative to the total timing of advertising time in other languages in each time interval of six hours each, calculated from zero hours of local time. Moreover, in each time interval of six hours, the total timing of advertising time may not coincide with other intervals, which is not a violation of the norm on the balanced distribution of advertising in Kazakh language. In order to analyze the implementation of this norm, each six-hour interval shall be considered as an independent time interval.

3) time intervals, in which the advertising is not placed, shall not be registered;

4) in the event that technical failures are detected in a time interval of six hours each, calculated from zero hours of local time, the calculation of volume of advertising in this interval shall not be carried out.

13. When monitoring the production of television channels for compliance with the requirements of the Law "On Advertising", the following advertisements shall be taken into account:

1) fully voiced or accompanied by the text in Kazakh language;

2) containing captions and / or musical works with text in foreign languages, but voiced in Kazakh language;

3) in which the original names of merchandise marks (trademarks, brands) and / or names of legal entities, and / or names of goods in foreign languages, but accompanied by a text advertisement in Kazakh language are voiced;

4) not containing voiced text but captions in Kazakh language.

14. The following formula shall be used to calculate the volume of balanced distribution of advertising in Kazakh language:

$$\frac{TA_{kz}}{TA_{kz} + TA_{fl}} * 100\% = TA_{kz}\%,$$

where:

TA_{kz} - duration of advertising in Kazakh language in minutes;

TA_{fl} - duration of advertising in other languages in minutes;

TA_{kz}% - volume of advertising in Kazakh language.

15. In connection with the technology for recording and recording the airtime of a television and radio channel, the size of the permissible error is 3 minutes of airtime in each time interval of six hours each, calculated from zero hours of local time. Subject to this error, a violation shall be recorded in cases where the ratio of volume of advertising on television and radio channels in Kazakh and Russian is > 3 minutes.

If it is technically possible to provide continuous recording of the television and radio channels using the “Automated Monitoring of the National Information Space” information system, the error in fixing the violation > 3 minutes shall not be taken into account.

Paragraph 3. Methodology for calculation of the volume of television and radio programs and musical works of domestic production

16. The object of monitoring for compliance with the requirements of the legislation of the Republic of Kazakhstan to the volume of television and radio programs of domestic production shall be television and radio programs, created by television and radio companies or individuals and legal entities, registered in the territory of the Republic of Kazakhstan and carrying out their activities on the territory of the Republic of Kazakhstan and beyond its borders.

17. The country of production of television and radio programs shall be determined on the basis of accompanying information and information from open sources, including on the Internet.

18. The television and radio programs of domestic production shall include:

1) television and radio programs, produced jointly by television, radio companies or individuals and legal entities registered in the territory of the Republic of Kazakhstan with foreign companies;

2) television and radio programs, created by order of domestic television and radio channels (equally at their expenses), with the transfer of copyright rights to the latter;

3) television and radio programs, created by domestic television, radio channels, individuals and legal entities registered in the Republic of Kazakhstan under a franchise;

4) television and radio programs with the participation of Kazakhstani commentators and announcers.

19. Musical works distributed as an independent broadcasting event on television channels, as well as musical works within the framework of one television program, shall not be taken into account when calculating the volume of domestic production.

20. Musical works distributed within the framework of one radio program shall not be counted as an independent broadcasting event and are not counted in the number of domestic production radio programs in the weekly broadcasting volume. In the case when musical works are broadcast independently and not within the framework of any radio program, they shall be counted in the number of radio programs of musical works as independent broadcast events of domestic production.

21. When monitoring television and radio channels for compliance with the requirements of the legislation of the Republic of Kazakhstan to the volume of television and radio programs of domestic production, the following shall be taken into account:

1) each release of television and radio program and its further repeat in air shall be considered a separate television and radio program in a weekly volume of TV and radio broadcasting;

2) separate parts of the television and radio program that are interrupted by an advertisement or another of television and radio program shall be considered one of the television and radio program;

3) foreign television and radio programs translated into Kazakh and other languages by domestic television companies shall not belong to television and radio programs of domestic production;

4) advertising, on-air insertions (performance of the National Anthem, announcement of its name by a television and radio channel, personal information of a television and radio channel (announcement), social advertising shall not be included in the total volume of television and radio programs of domestic production.

22. Volume of television programs of domestic production on TV channels shall be determined according to the following formula:

$$\frac{N_{tvrkz}}{N_{tvr}} * 100\% = N_{tvrkz}\%,$$

where:

N_{tvrkz} - the number of television programs of domestic production per week;

N_{tvr} – the total number of TV programs per week;

$N_{tvrkz}\%$ - the volume of television programs of domestic production.

23. The volume of radio programs and musical works of domestic production shall be determined by the following formula:

$$\frac{N_{tvrkz} + N_{mkz}}{N_{tvr} + N_m} * 100\% = N_{tvrkz}\%,$$

where:

N_{tvrkz} – the number of domestic radio programs per week;

N_{mkz} - the number of independent musical works of domestic production per week;

N_{tvr} - the total volume of radio programs per week;

N_m - the total volume of independent music per week;

$N_{tvrkz}\%$ - the volume of radio programs and musical works of domestic production.

Paragraph 4. Methodology for calculation of the volume of retransmitting of television and radio programs of foreign television and radio channels

24. When calculating the volume of retransmitting of television and radio programs of foreign television and radio channels duration of retransmitted television and radio programs shall be recorded without consideration of advertising time, technical break and broadcasting inserts of TV, radio channel, and the following formula shall be used:

$$\frac{T_{rtfl}}{T_{tvr}} * 100\% = T_{rtfl}\%,$$

where:

T_{rtfl} - retransmitting of television and radio programs of foreign television and radio channels in minutes;

T_{tvr} - total broadcasting volume of television and radio programs for a week in minutes;

$T_{rtfl}\%$ - volume of retransmitting.

Paragraph 5. Methodology for calculation of the volume of advertising on television and radio channels in days

25. The calculation of the advertising volume on television and radio channels, not specialized on commercials and advertising materials in days, with the exception of a news ticker, social advertising, information about own production of television and radio channels (announcements) that does not contain third-party advertising, announcements of events prepared and carried out by television and radio channels, as well as advertising placed in the place of the event, in case live broadcast or replay recording shall be performed using the following formula:

$$\frac{TaD}{TbgD} * 100\% = TaD\%,$$

where:

TaD - advertising in days in minutes;

TbgD - total volume of broadcasting in days;

TaD% - volume of advertising in days.

Paragraph 6. Methodology for calculation of the volume of total duration of advertising in the period from eighteen to twenty-three hours local time for an hour of broadcasting time on television and radio channels

26. The volume of duration of advertising of each hour in the period from eighteen to twenty-three hours of local time shall be determined by the following formula:

$$\frac{TaDp}{TaD} * 100\% = TaDp\%,$$

where:

TaDp - volume of duration of advertising of each hour in the period from 18.00 to 23.00 hours;

TaD - total volume of broadcasting for an hour from 18.00 to 23.00 hours;

TaDp % - volume of advertising of each hour in the period from 18.00 to 23.00 hours from the total volume of broadcasting during the hour.

In the event that technical failures are detected in the time interval, the calculation of the volume duration of advertising of each hour in the period from eighteen to twenty-three hours of local time shall not be carried out.

Paragraph 7. Methodology for calculation of the volume of teletrade on TV channels, not specialized on commercials and advertising materials

27. The calculation of volume of teletrade on TV channels, not specialized on commercials and advertising materials, shall be carried out using the following formula:

$$\frac{T_{comg}}{VaDinD} * 100\% = PT_{comg}\%,$$

where:

Tcomg – television trade in minutes;

VaDinD – total volume of broadcasting of advertising и teletrade in days;

PTcomg% – volume of teletrade in days.

Footnote. Clause 27 as amended by the order of the acting Minister of Information and Social Development of the Republic of Kazakhstan dated 05.08.2019 no. 263 (shall come into force from the day of its first official publication).

Paragraph 8. Methodology of calculating the area of additional information that is in the nature of commercial advertising, of advertising in the form of an overlay and a scrolling line from the screen area on TV channels

28. The size of overlay of advertisement, news ticker, additional information that is commercial advertising shall be determined by the number of dots of overlaid graphics in relation to the number of dots of the total screen area.

29. When monitoring television and radio channels for compliance with the requirements of the Laws of the Republic of Kazakhstan "On television and radio broadcasting" and "On advertising" the following criteria shall be taken into account regarding the frame area:

1) additional information is considered any overlay regardless of the degree of transparency;

2) while showing two television programs simultaneously (switching from one program to another), the additional information factor is not taken into account.

30. The area of the frame is the image of the screen with a picture. If the TV channel signal broadcasts in 16: 9 format, then the area of the screen porridge (empty black space at the top and bottom of the image) is not counted in the screen area. If the screen porridge is involved in the application of advertising, additional information, then its area is counted in the area of the screen.

31. If additional information, which is in the nature of commercial advertising, or advertising is used as an animated overlay, then its area is calculated by frames with a maximum area.

32. The calculation of the area of additional information, which is in the nature of commercial advertising, of advertising in the form of an animated overlay of the screen area shall be carried out using the following formula:

$$\frac{S_i}{S_{sc}} * 100\% = S_i\%,$$

where:

S_i - area of additional information that is in the nature of commercial advertising, of advertising in the form of an animated overlay;

S_{sc} - area of display;

$S_i\%$ - area of additional information.

33. Formula for calculating the area of advertising broadcast by the creeping line method from the screen area:

$$\frac{S_{acm}}{S_{sc}} * 100\% = S_{acm}\%,$$

where:

S_{acm} - area of advertising by means of news ticker;

S_{sc} - area of display;

$S_{acm}\%$ - area of advertising in kind of overlay.

Paragraph 9. Methodology specifics of estimating the monitoring of TV and radio channels for compliance with the requirements of the legislation of the Republic of Kazakhstan for the performance of the National Anthem, protection of the rights of persons with disabilities in the distribution of television programs

Footnote. The heading of Paragraph 9 - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

34. When monitoring television and radio channels for compliance with the requirements established by subparagraph 4) of paragraph 1 of Article 8 of the Constitutional Law of the Republic of Kazakhstan “On State Symbols of the Republic of Kazakhstan,” a violation shall be recorded in the absence of the playing of the National Anthem of the Republic of Kazakhstan when television and radio channels go on air daily at the beginning and at the end of their broadcast.

For television and radio channels broadcasting continuously, the playing of the National Anthem of the Republic of Kazakhstan once a day shall be mandatory. The duration of the playing of the National Anthem of the Republic of Kazakhstan shall not be taken into account in the total volume of daily broadcast of television and radio channels.

Footnote. Paragraph 34 - as amended by the order of the Minister of Information and Social Development of the Republic of Kazakhstan dated 05.10.2022 No. 419 (shall be enforced ten calendar days after the date of its first official publication).

35. Requirement on compliance with clause 1 of article 30 of the Law "On television and radio broadcasting", shall be applicable to the days when the TV viewing grid of the channel includes the output of at least one news television program from sixteen to twenty-two hours local time, with the exception of the information and analytical television program.

Footnote. Clause 35 as amended by the order of the acting Minister of Information and Social Development of the Republic of Kazakhstan dated 05.08.2019 no. 263 (shall come into force from the day of its first official publication).