



Detector Media

# **Activities of public authorities in the field of information policy and media regulation**

**Monitoring report based on the  
results of the second half of 2018**

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Monitoring report

## **Activities of public authorities in the field of information policy and media regulation” based on the results of the second half of 2018**

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Monitoring report contains review and evaluation of the activities carried out by the Verkhovna Rada Committee on the Freedom of Speech and Information Policy, State Committee on Television and Radio Broadcasting, National Television and Radio Broadcasting Council, and the Ministry of Information Policy in the first half of 2018. The report gives comprehensive insight into the state, achievements, and challenges of the state information policy in Ukraine against the backdrop of war and democratic media reforms. It will be of interest to civil servants,

media analysts, representatives of non-governmental media organizations, persons who study the state policy, representatives of technical assistance programs, journalists, and all interested citizens.



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# Ukraine switched to digital broadcasting

## Monitoring of the activities of the Committee on Freedom of Speech carried out in the second half of 2018

The Parliamentary Committee on Freedom of Speech and Information Policy has focused on protecting the information space and on the legal counteraction of fakes. At the same time, the Committee failed to get amendments to the law on reforming state and municipal printed media, the law on audiovisual services, and the resolution on monitoring the media during the election approved, failing to fulfill their own work plan. The Committee became a platform for discussing the introduction of digital broadcasting in Ukraine. The chair of the Committee, who had faced a lawsuit for protecting journalists' rights in spring, won the appeal.

Earlier, Detector Media published monitorings of work performed by the Committee on Freedom of Speech during the [first half of 2018](#), [second](#) and [first half](#) of 2017, [second](#) and [first half](#) of 2016.



Svitlana  
Ostapa

### Key areas of work of the Committee in the second half of 2018:

- counteraction of enemy propaganda and information space protection;
- control over the introduction of digital broadcasting in Ukraine;
- control over the implementation of a number of media reforms, in particular denationalization of printed media and public broadcasting, media ownership transparency;
- protection of journalists and the media;
- work on the bill on social advertising;
- development of a basic sector-specific law "On Audiovisual Services".

### Meetings

During the ninth session of the eighth convocation (September 2018 - January 2019), as at the end of December, the Committee on Freedom of Speech and Information Policy held 10 meetings, during which several dozens of issues were considered, a number of which were related to the monitoring of the implementation of laws and resolutions. The Committee's activities did not always correspond to the plan of its work for this period. According to the chair of the committee Viktoria Siumar, the committee has always responded promptly to the existing challenges: both to the violations of journalists' rights and dangerous laws. Her deputy in the committee and colleague from the People's Front faction Serhiy Vysotskyi also believes that the work performed by the committee should be considered to be effective. In support of his words, he cites the results of the public monitoring of the work performed by the parliamentary committees, where the Committee on Freedom of Speech was recognized as the best agency in terms of transparency and openness. When analyzing the work performed by the committee,

committee member Yuriy Pavlenko noted that it was not possible to hold an off-site meeting in the Donbas. "It was not just a formality, this would stimulate our authorities, which, unfortunately, are often still irresponsible, to take active actions," he complained.

Committee members were traditionally actively participating in the meetings: during the ninth session, Fedir Bendiuzhenko, Bohdan Onufryk, Oleksandr Sochka, Viktoria Siumar, Olha Chervakova, and Hryhorii Shverk did not miss any meeting, whereas Olena Kondratiuk attended only two meetings, and Oleksandr Abdullin attended none, which once again changed the statistics of the committee for the worse.

We would like to remind you that there are thirteenth members in the Committee on Freedom of Speech, and the ratio of political forces is still in favor of the "People's Front" (five members).

### **Law-making activities: strengthening information security**

As at December 22, 2018, 233 bills were under the Committee's consideration, 95 of which the agency has to prepare as the main committee.

As for industry-specific bills prepared by the committee, on October 2, 2018, in the second reading Verkhovna Rada adopted amendments to the law "On the Improvement of Health and Recreation of Children" regarding broadening of the category of children who need special social attention and support. From now on, children of journalists who died when performing their professional duties fall into this category. 238 people's deputies voted for the corresponding bill No. 7537. The bill also provided for special social support for children of journalists who got severe disabilities as a result of performing their professional duties. However, as a result of amendments made in the second reading, all children whose mother of father got a severe or moderate disability from now on fall into a special category.

According to the work plan, on September 5, at the first meeting of the ninth session of the Verkhovna Rada of the eighth convocation, members of the Committee on Freedom of Speech and Information Policy backed the bill No. 8114 "On the State Support of the Media and Social Protection of Journalists" (concerning counteraction of enemy propaganda and improvement of information support of citizens of Ukraine who have

been affected by the hostilities and reside in the Donetsk and Luhansk regions in which Ukrainian public authorities exercise their powers). The Committee recommended that the Verkhovna Rada adopt this bill as a priority one in the second reading and in general. The bill is aimed at countering enemy propaganda by increasing the level of population's access to the Ukrainian information space which is formed by domestic printed periodicals.

On September 18, the Verkhovna Rada adopted the law on separate tariffs for the receipt and delivery of press to the Donetsk and Luhansk regions in the second reading and in general.

At the first meeting of the ninth session committee members also considered and backed the bill No. 8600 "On Amendments to Certain Laws of Ukraine Regarding Territories With a Special Broadcasting Mode", which had been introduced by people's deputies Viktoria Siumar, Oleksandr Danchenko, and Vladyslav Sevriukov. The Committee on Freedom of Speech recommended that the parliament take it as the basis in the first reading and in general.

On October 2, at an extraordinary meeting, the Committee on Freedom of Speech backed the bill No. 9068 "On Amendments to the Law of Ukraine "On Television and Radio Broadcasting" regarding strengthening of information security and counteracting the aggressor state in the information sphere. The Committee backed the bill on the imposition of fines on broadcasters which justify occupation. Committee members recommended that the Verkhovna Rada adopt the bill as the basis according to the results of the consideration in the first reading.

Authors of this bill suggested that the parliament fine television channels for broadcasting statements that justify occupation of the territory of Ukraine or believe that this occupation is lawful, if such broadcasting is aimed at inciting hostility and hatred. The bill also suggested that television and radio companies should not be allowed to disseminate terms that contradict the law "On the Peculiarities of State Policy on the Protection of the State Sovereignty of Ukraine in the Temporarily Occupied Territories of the Donetsk and Luhansk Regions". At the same time, it stipulates that if statements justifying the occupation of the territories of Ukraine are not pre-recorded and are a part of a speech

given by a person who is not employed at the TV channel, then, such a television and radio company shall not be liable for these violations. In addition, the bill provides for the increase of broadcasters' liability (a fine of up to 25% of the license fee without the imposition of sanctions in the form of a warning) for broadcasting television programs which contain promotion or propaganda of the aggressor's authorities, which were produced after August 1, 1991.

At the same extraordinary meeting on the initiative of the first deputy chair Olha Chervakova, the committee considered the issue of amending the bills on language, which provide for at least 90% of the Ukrainian language on television and radio. The Committee decided to suggest that the specialized committee on culture and religion adopt the norms under the bills on language concerning television and radio broadcasting, so that they are the same as in the current law on television and radio broadcasting. Viktoriya Siumar noted that the Committee on Freedom of Speech would insist that language norms for television and radio were adopted in such a way so as to correspond with the law on television and radio broadcasting, and if the requirement for 90% of the Ukrainian language remains in force, its enforcement should be delayed for a while.

The thing is that on October 13, 2018, the rules of the law on language quotas on television took full effect. We are talking about 75% of the state language for national and regional TV channels, 60% of the state language for local TV channels, and 75% of the state language for news programs on television. A fine of 5% of the total license fee is provided for broadcasters for failure to comply with language quotas. During the first year (until October 13, 2018), there was a transition period: programs produced by the companies themselves and national audiovisual products were regarded as programs produced in the state language, regardless of the actual language used in these programs. Within the quotas, films and programs that were not national audiovisual products were supposed to be dubbed in the Ukrainian language.

The Committee on Freedom of Speech backed the project on social advertising. On October 3, 2018, the committee decided to recommend that the Verkhovna Rada take the bill No. 8616 "On Amendments to Certain Laws of Ukraine on Social Advertising on Television

and Radio", which had been initiated by the people's deputy Viktoriya Siumar, as the basis in the first reading. "We need to finally resolve the issue of social advertising. Especially before the elections. Because in our country every agency whose name contains the word "social" is already issuing permits for the broadcast of social advertising. For example, the Ministry of Social Policy. What do they have to do with television?" noted Viktoriya Siumar. If this law is adopted before July 15, 2019, it will be put into effect not earlier than on January 1, 2020, and if this happens after July 15, 2019, it will be put into effect not earlier than on January 1, 2021.

There is serious doubt as to whether global changes will be made to the laws on advertising and outdoor advertising by the end of the tenure. As for the bill on social advertising, there is still a small chance that parliamentarians will want to resolve the issue of social advertising before the elections.

In addition, the Committee on Freedom of Speech recommended that the Parliament adopt a bill on the harmonization of legislation in the field of comparative advertising, since Ukraine needs to harmonize domestic legislation in the field of comparative advertising with the legislation of the European Union. Committee members recommended that the Verkhovna Rada take the bill No. 8515 on amendments to certain laws of Ukraine (on the harmonization of legislation in the field of comparative advertising with the legislation of the European Union) as the basis in the first reading.

In November, the Committee considered the bill No. 9161 "On Amendments to Certain Laws of Ukraine on Ensuring Transparency of the Ownership of Providers who Offer Program Services within Multi-Channel Digital Terrestrial Broadcasting Networks with Nation-wide Coverage", which had been introduced by people's deputies Yuriy Bereza and Oleksandr Shevchenko. By a majority vote (Yuriy Pavlenko, representative of the "Opposition Bloc" faction, voted against), committee members recommended that the parliament adopt this bill in the first reading. The bill, which the experts also call the "Zeonbud" ownership transparency project, stipulates that a number of requirements are imposed on founders, participants, and owners of providers who offer program services in general, and providers who offer program



services within multi-channel digital terrestrial broadcasting networks with nation-wide coverage in particular.

According to Victoria Siumar, this is an extremely important initiative:



“We have talked so much with the committee members about the non-transparency of this agency’s ownership and about the fact that this creates many problems for the state information security. We know perfectly well that somebody wants to enter this agency and to buy something in order to control the digital television market in Ukraine. We understand that there is such a problem. If we adopted a law on ownership transparency for TV channels and radio channels, then why don’t we adopt a law on the provider which is actually a key figure in digital broadcasting. We understand perfectly well what the chances that this project will be backed are, but nevertheless. It is important that the committee has a consistent political stance”.

**Viktoria Siumar**

The Committee on Freedom of Speech gave an order to rework a bill on limiting the amount of paid advertising in the media, since parliamentarians believe that it will not be possible to enforce such a law. The bill No. 9029 “On amendments to Article 13 of the Law of Ukraine “On Advertising” regarding restrictions on the amount of paid advertising in the media had been introduced by the people’s deputy of Ukraine Boryslav Bereza. According to the committee member Hryhorii Shverk, there is a problem with regard to the resolution of the issue of political advertising in the legislation. “In accordance with the legislation, political advertising may only exist during the election period, whereas in a different time there is no such a concept. But de facto it exists. Therefore, we need to regulate this,” he said.

Committee members noted that no television and radio airtime would be enough to accommodate all candidates, if they are given 2.5 minutes each for their speeches, as it is suggested in the bill.

In November, a legislative initiative to impose liability for slander was introduced once again. Members of the Committee on Freedom of Speech were adamantly opposed to this initiative and unanimously decided to send

the specialized Committee on Legislative Support of Law Enforcement a conclusion regarding the subject of the competence of the Committee on Freedom of Speech, with a proposal to recommend that the Parliament reject the bill No. 9306 on making amendments to the Criminal Code of Ukraine and Criminal Procedural Code of Ukraine with regard to imposition of liability for slander.

Despite the incredible efforts of the committee and public organizations taken to once again make amendments to the law on reforming state and municipal printed media, the parliament once again did not approve them. The bill No. 8441 was introduced to the Verkhovna Rada by the members of the Committee on Freedom of Speech and Information Policy. Authors of this bill include experts from the Center for Democracy and Rule of Law (CEDEM), the Ukrainian Media Business Association, the Human Rights Platform, the State Committee on Television and Radio Broadcasting, and the Committee on Freedom of Speech. The bill was intended to address systemic problems faced by printed media during the reform process.

On October 2, the Verkhovna Rada failed to adopt at least one of the two bills “On Amendments to the Law of Ukraine “On Reforming State and Municipal Printed Media”. As a result of the vote, both bills were rejected. At the same time, on the same day, the parliament adopted a law that allows one not to denationalize “Holos Ukrayiny” and “Uryadovi Kurier” newspapers. 235 people’s deputies voted for the relevant bill No. 6518 “On Amendments to Certain Laws of Ukraine on Ensuring Official Publication of the Laws of Ukraine and Other Regulations.” The bill introduces a number of changes to the laws, in particular stipulates that the law “On Amendments to the Law of Ukraine “On Reforming State and Municipal Printed Media” does not apply to “Holos Ukrayiny” and “Uryadovi Kurier” newspapers, which carry out official publication of the laws of Ukraine and other regulations.

“As we can see, reforms are not so easy to carry out,” said people’s deputy Viktoria Siumar, co-author of the bill, to the deputies. “Local authorities do not always want to cease to be founding members. Teams are blackmailed with regard to the property of editorial offices and lease of premises. Chief editors are dismissed. It is possible to register newspapers with names that people are used to. This bill allows a labor collective to register a periodical with the same name, if a local authority does not comply with

the law and does not cease to be a founding member. The law also allows the media to retain preferential lease of property, land, premises, so that the media that have undergone a difficult reform process could continue to operate. In December, the reform is supposed to end, and then the unreformed media will be outside the law.”

When evaluating the work performed by the committee during the last six months, Ms. Siumar noted that, in her opinion, the bill on the limitation of the language of hostility on television, developed by the committee, was the most important of all. “I consider it to be of a European standard and believe that it could change the situation on television. On the other hand, failure to make amendments to the law on denationalization is the biggest disappointment. From the New Year on, we will be in a legal vacuum thanks to the people’s deputy Kaplin,” she said, hinting at Mr. Kaplin’s speech during the discussion of the bill No. 8441, when he had been criticizing the reform.

Committee member Hryhorii Shverk considers failure to adopt the law on audiovisual services to be the biggest shortcoming. In the opinion of Serhiy Vysotskyi, since the Parliament was engaged in the consideration of issues related to priority areas, important issues related to the ongoing reform of state and municipal printed media, a number of legislative initiatives in the field of access to public information, legislative initiatives on outdoor advertising, online regulation, media ownership transparency, and adoption of the sector-specific Law “On Audiovisual Services” were not properly resolved at the legislative level. “Unfortunately, so far it was not possible to consider fundamental bills on counteracting the aggressor in the information sphere and on the transparency of media financing,” he said.

## Protection of journalists’ rights and sanctions

During the ninth session, the Committee on Freedom of Speech and Information Policy has repeatedly considered complaints from both the media and individual journalists about interference in their professional activities, pressure, and even threats to close TV channels. In addition, the committee was approving applications and appeals to domestic and international organizations. For example, before the opening of the 9th session in August, the Committee on Freedom of Speech appealed to

international organizations in connection with the murder of journalist Orhan Jemal, urging them to take the situation under special control and ensure an independent international investigation of this flagrant crime. The Committee appealed to the United Nations, the Council of Europe, the Organization for Security and Cooperation in Europe, the Reporters without Borders, the International Media Support (IMS), the Freedom House, and the Committee for the Protection of Journalists (CPJ) in connection with the brutal murder of Orhan Jemal and two Russian journalists.

On September 5, the committee considered the issue related to the ruling of the Pechersk Court regarding access of the Prosecutor General’s Office of Ukraine to the telephone data of Natalia Sedletska, journalist and chief editor of the “Schemes” program (project by Radio Liberty). Viktoriya Siumar promised her colleagues to talk to the prosecutor general Yuriy Lutsenko and find out whether this court order was excessive. We would like to remind you that on August 27, 2018, the Pechersk District Court of Kyiv gave the Prosecutor General’s Office of Ukraine access to the telephone data of Natalia Sedletska, journalist of the “Schemes” program (project by Radio Liberty) in connection with a case concerning possible disclosure of a state secret and pre-trial investigation data by the Director of the National Anti-Corruption Bureau of Ukraine (NABU) Artem Sytnyk.

In September, the Committee on Freedom of Speech also condemned the assault on the journalist of the NewsOne TV channel Daryna Biler, who was attacked by protesters during a rally near the General Prosecutor’s Office of Ukraine. Kyiv police officers arrested a woman who hit the journalist. When considering this issue, the parliamentary committee had a discussion with the NewsOne representatives about the channel’s editorial policy, which was not approved by all parliamentarians. On October 3, the Committee considered more thoroughly the assault on the correspondent of the NewsOne channel, as well as other cases of the prevention of journalistic activities recorded in 2018. Representatives of law enforcement agencies and mass media were invited to the meeting. Several cases of attacks on media representatives during which police representatives did not provide assistance to the victims were discussed. Therefore, Yuriy Pavlenko suggested that they discuss the cases of inaction during the attacks on journalists together with law enforcement officers.

Attempts of the officer of the Security Service of Ukraine to pressure and recruit a journalist from the “Strana.ua” online media was considered by the Committee on Freedom of Speech behind closed doors.

The opinions of the members of the Committee on Freedom of Speech regarding the so-called sanctions against 112 Ukraine and NewsOne TV channels differed. Some of them thought that this decision was unnecessary, while others called these channels Moscow agents out loud. We would like to remind you that on October 4, the Verkhovna Rada adopted a resolution approving sanctions proposals with respect to “Ariadna TV” LLC, “Novyi Format TV” LLC, “TV Vybir” LLC, “Television and Radio Company “112 TV” LLC, “Leader TV” LLC, “Partner TV” LLC (legal entities for which the licenses of 112 Ukraine TV channel are registered) and “Novyny 24 Hodyny” (legal entity of the NewsOne TV channel). The parliament was supposed to submit their proposals to the National Security and Defense Council of Ukraine, which might consider them and make its decision on sanctions, which would then be put into effect by the decree of the President of Ukraine. TV channels are currently continuing the campaign for their protection: both on air and at the international level. The National Security and Defense Council has not made any decisions yet.

However, soon sanctions were imposed on the committee members themselves. On November 1, the authorities of the Russian Federation made public a resolution on “Measures to implement Presidential Executive Order dated October 22, 2018 On Special Economic Measures in Connection with Ukraine’s Unfriendly Actions towards Citizens and Legal Entities of the Russian Federation”, which is related to the “freezing” of accounts, securities, and property of these individuals and companies in the territory of the Russian Federation, as well as a ban on transferring funds outside the Russian Federation.

The list of individuals on whom special economic sanctions were imposed includes: chair of the Committee on Freedom of Speech and Information Policy Viktoriya Siumar, committee members Serhii Vysotskyi, Olena Kondratiuk, Bohdan Onufryk, Vladyslav Sevriukov, Olha Chervakova, and Hryhorii Shverk, as well as several heads of national TV channels: general director of 112 Ukraine Yehor Benkendorf, director and president of the ICTV channel Oleksandr Bohutskyi, head of the STB TV channel and StarLightMedia group

Volodymyr Borodianskyi, general director of the Novyi Kanal Volodymyr Lokotko, general director of the “1 + 1 media” group Oleksandr Tkachenko, as well as the owner of the StarLightMedia group Viktor Pinchuk, Minister of Information Policy of Ukraine Yuriy Stets, journalist and TV presenter Vitaliy Portnykov and others.

Members of the Committee on Freedom of Speech have repeatedly stated both in social networks and during committee meetings that they consider such sanctions to be honorable. At the same time, they noticed that Russia’s so-called sanctions against Vitaliy Portnykov are unfounded and violate the right to express one’s opinion. On December 5, 2018, members of the Committee on Freedom of Speech decided to send an appeal to international organizations regarding imposition of the so-called sanctions by the Russian Federation on the Ukrainian journalist Vitaliy Portnykov. According to people’s deputies, these sanctions have nothing to do with international law. “The above actions of the Russian Federation can be considered, in particular, as the violation of the freedom of speech and the right to express one’s point of view,” they believe. The Committee has sent a relevant appeal to the UN, the Council of Europe, the EU, Amnesty International, and other international organizations.

When assessing the committee’s work related to the protection of journalists’ rights, Yuriy Pavlenko noted that the committee did not adopt a rigorous policy regarding the parliament’s decision about the imposition of sanction on two TV channels and failed to hold parliamentary hearings on the interference with journalistic activities. “As for the safety of journalists, due to the committee’s unclear stance, despite the fact that it considered individual cases, the committee did not propose any systemic solution that would protect journalists. These issues, as well as the approval of the bill No. 9329 on the moratorium on media checks during the elections, will not be resolved until the next year,” he told.

On December 19, chair of the committee Viktoriya Siumar won the appeal against the ruling of the District Administrative Court of Kyiv under the lawsuit filed by the people’s deputy from the “Opposition Bloc” faction Vasyl Nimchenko in the case related to interference with the activities of journalists working on the “Scheme” program. We would like to remind you that on April 7, 2018, the committee heard interim results of the consideration of

the assault committed by the guards of Viktor Medvedchuk, the leader of the “Ukrainian choice” organization, on the journalists of the “Scheme” program near the VIP terminal of the Kyiv airport on November 7, 2017. At that time, Viktor Siumar said that the course of investigation into the interference with the professional activities of journalists is alarming. After that, in April 2018, Vasyl Nimchenko filed a lawsuit against Ms. Siumar to the District Administrative Court of Kyiv. Mr. Nimchenko was asking the court to consider illegal actions of the chair of the committee with regard to interference with the activities of the prosecutor’s office and pre-trial investigation bodies under the National Police of Ukraine, which conduct a pre-trial investigation in a criminal proceeding regarding interference with the legitimate professional activities of the journalists of the “Scheme” program.

### **Transition to digital broadcasting: long and tiresome start**

On September 1, 2018, analogue television was switched off in Ukraine. On September 5, 2018, in response to the citizens’ requests, at its next meeting the Committee on Freedom of Speech considered analogue terrestrial television switch-off and the transition to digital broadcasting in Ukraine. However, there were so many questions that people’s deputies decided to consider transition to digital broadcasting comprehensively, at a separate committee meeting; but first they decided to request the Cabinet of Ministers, the National Council on Television and Radio Broadcasting, the Concern of Radio Broadcasting, Radio Communications, and Television, and the State Committee on Television and Radio Broadcasting to provide the relevant information about the quality of coverage of the territory of Ukraine by the digital signal given out by the provider “Zeonbud” LLC and about the provision of set-top boxes for low-income citizens.

At a separate meeting devoted to Ukraine’s transition to digital broadcasting, the Committee reached disappointing conclusions: Ukraine did switch to digital broadcasting, but we are losing Ukrainian audience, especially in the border territories. At the same time, all participants of the meeting were aware that there would be no comeback to analogue broadcasting.

Viktoria Siumar said they needed to do everything necessary to ensure transparent and clear rules of the work in the television

market, so that the Ukrainian audience would be provided with Ukrainian television. The Committee prepared recommendations and sent them to the Cabinet of Ministers and other agencies and promised to request information about the work performed. In the opinion of people’s deputies, first of all, the following problems must be resolved: provision of set-top boxes at the expense of the state at least for those people who receive subsidies, creation of competition for the monopolist “Zeonbud”, issuance of licenses for digital broadcasting to regional broadcasters.

### **Information security. The National Council. On the threshold of the elections**

The Russian Federation has intensified propaganda from the Crimea to the controlled territory of Ukraine. On September 19, 2018, the Committee on Freedom of Speech heard information presented by the permanent representative of the President of Ukraine in the Autonomous Republic of Crimea, Borys Babin. According to him, Ukraine is going to muffle the signal of the new Russian TV channel “Solonoe Ozero” [Salt Lake], which started broadcasting in Dzhankoy, both in the controlled and temporarily occupied territory. The deputies promised to promote information security, but at the same time, they stated that not everything depends on them. Earlier, after the off-site meetings, both the entire committee and certain members (in particular, Yuriy Pavlenko) had appealed to the National Security and Defense Council of Ukraine with regard to information threats in the occupied and annexed territories. The National Security and Defense Council of Ukraine replied that they would consider these suggestions when making the appropriate decision.

In November, the Committee on Freedom of Speech considered the appeal made by the Luhansk Regional Military-Civil Administration regarding provision of financial support for regional television and radio companies, in particular, to the branches of the National Public Television Broadcasting Company “UA:Donbas”, “STV” television and radio company (Sievierodonetsk), and “IRTA” national television and radio company, which broadcast in the territory of the United Forces Operation in the territory of the Luhansk region which is controlled by Ukraine. Committee members decided to appeal to the Cabinet of Ministers regarding the need for redistribution of budget



funds allocated to the Ministry of Information Policy under the program “Implementation of Measures Aimed at Protecting the National Information Space” in the amount of 362.5 million UAH. The Committee also sent the appeal regarding provision of support for the branches of the National Public Television Broadcasting Company “UA:Donbas”, “STV” and “IRTA” television and radio companies to the National Security and Defense Council of Ukraine, the National Council on Television and Radio Broadcasting, and the Concern of Radio Broadcasting, Radio Communications, and Television.

By the way, the concept of information security, which has been repeatedly used in the legislation, has not yet been defined in the law. People’s deputies from the “People’s Front” faction Ihor Kotvitskyi and Andriy Teteruk suggested that the concept “information security” should be defined in the legislation and registered the corresponding bill No. 9340 “On Amendments to the Law of Ukraine “On Information Security” on November 26, 2018. In particular, they suggested that the following notion should be added to the Article 1 of the Law “On the National Security of Ukraine”: “information security is a state of protection of the vital interests of a person and a citizen, the society and the state, which prevents damage caused by the dissemination of incomplete, untimely, and unreliable information, violation of integrity and availability of information, unauthorized circulation of restricted information, as well as damage caused by the negative informational and psychological influence and deliberate infliction of negative consequences of the use of information technologies.” It was also suggested that insurance of the information security of Ukraine should be included in the main areas of state information policy in the law “On Information”.

On November 21, members of the Committee on Freedom of Speech considered candidacies for a vacant post of a member of the National Council on Television and Radio Broadcasting. Having heard all the applicants, the Committee on Freedom of Speech decided that only six of the 10 candidates met qualification requirements. Therefore, the Committee recommended that the parliament first consider six candidates for the vacant post in the National Council. There were some issues with the documents submitted by four candidates. The Committee encouraged them, noting that their candidacies will be re-considered at the next meeting. However,

on December 5, 2018, at the next meeting, members of the Committee on Freedom of Speech and Information Policy rejected these candidates for the vacant post at the National Council.

“There were a number of problems with the documents submitted by some candidates, so we consulted lawyers, and they believe that untimely submission of documents and submission of documents by public organizations that do not have the status of all-Ukrainian organizations are violations. We cannot tell the parliament that these candidates meet qualification requirements. Therefore, there is a suggestion that the rest of the candidates, except for those whom we approved last time, should be rejected,” said the chair of the Committee Viktoriya Siumar.

As it always happens before all presidential and parliamentary elections in Ukraine, the Committee on Freedom of Speech suggested that the parliament adopt a resolution on the unhindered work of the media during the elections. On December 5, the Committee recommended that the Verkhovna Rada take the resolution “On Ensuring Unhindered Work of the Media During the 2019 Elections” as the basis and in general. People’s deputy Vladyslav Sevriukov added the words “planned checks shall be conducted only on the initiative of the broadcaster itself” to the paragraph 3 of the resolution. On December 18, the parliament was supposed to consider (but did not have enough time) this resolution, which, by the way, caused arguments among the Committee members. In particular, some members believed that the adoption of such a resolution would promote impunity of the media for promoted stories and gore.

What can the committee do to prevent Russia from the information aggression, especially during the elections? According to Viktoriya Siumar, they should draft the bill taking the French one as the basis, promote the adoption of laws regarding the language of hostility, and make amendments regarding political advertising. “In principle, I am the author such amendments. But there will be a window of opportunity for their adoption only after the election,” the chair of the committee said.

Serhiy Vysotskyi believes that the committee should exercise more active control over the activities of central executive authorities. Namely, push forward with the infrastructure support of access of Ukrainian citizens to the

information provided by the Ukrainian media after the analogue television signal switch-off; petition the Cabinet of Ministers and the National Security and Defense Council of Ukraine to provide financial support in order to ensure operation of the available resources which muffle the signal of Russian television and radio channels (mufflers that have been turned off due to electricity debts) and install muffling systems along the border with the Russian Federation; initiate creation of a national information security center under the National Security and Defense Council of Ukraine; analyze together with the Ukrainian State Center for Radio Frequencies, the National Council of Ukraine on Television and Radio Broadcasting, and the National Public Television Broadcasting Company the state of the provision of the FM-band radio frequency resource of the “Ukrainian Radio” and initiate changes to the National Television and Radio Broadcasting Development Plan regarding the development of FM broadcasting provided by the “Ukrainian Radio”; react to the cases of the re-broadcast of Russian propaganda messages on domestic information resources promptly and within the limits of powers.

According to Yuriy Pavlenko, the committee has prepared enough decisions, so that the authorities could protect the information space. “The authorities are currently trying

to speculate on this issue and initiate projects which are allegedly aimed at protecting the information space, whereas they are actually aimed at protecting themselves,” he said.

Hryhorii Shverk believes that the committee should make efforts to adopt the bill on increasing the powers of the National Council to impose sanctions on the media which deny the aggression of the Russian Federation and spread the language of hostility. This bill is also not put to vote during sessions.

### This too can happen

People’s deputy from the Petro Poroshenko Bloc Oleh Barna sent an appeal to the members of the Committee on Freedom of Speech, demanding that accreditation of Ihor Koltunov – a journalist working on the “Money” program at the 1+1 TV channel, who Oleh Barna swore at in the parliament on October 2 – in the Verkhovna Rada of Ukraine is canceled. The first deputy chair of the Committee on Freedom of Speech Olha Chervakova regards this as a conflict of interests, because a people’s deputy cannot demand punishment of the journalist who he swore at. According to her, the legislation does not contain mechanisms for canceling journalist’s accreditation. Members of the Committee on Freedom of Speech did not support their colleague Oleh Barna, because, in their opinion, his behavior was unworthy.

## Conclusions

In the second half of 2018, never did the Committee on Freedom of Speech and Information Policy fail to hold a meeting because of the fact that there was no quorum. But they still have not hold an off-site meeting in the Donbas. The committee was working openly. At the same time, representatives of opposition factions started missing sessions more often, and some of them do not participate in their work at all. As it always happens before the elections, populist rhetoric has become more widespread.

The Committee failed to protect the reform of state and communal printed media. It failed to get amendments to the law on the reform approved, which would allow the willing periodicals to complete the reform. Now, from January 1, 2019, they may lose their certificates of state registration.

The Committee was paying more attention to the issues of information security and was supervising Ukraine’s transition to digital broadcasting. For the first time the agency tried to standardize the issue of social advertising comprehensively.

The chair of the committee managed to win the appeal against the decision of the District Administrative Court of Kyiv under the lawsuit filed by her parliamentary colleague, who had brought legal action against her for the fact that she had been performing her core duties (consideration by the committee of the case related to interference with the activities of journalists working on the “Scheme” program).

# Completion of the reform of printed media

## Monitoring of the State Committee on Television and Radio Broadcasting in the second half of 2018

In the second half of 2018, the State Committee on Television and Radio Broadcasting was completing the reform of state and municipal printed media. They continued to work actively with restrictions on the import of Russian books to Ukraine, to seize Russian publications imported without permission, and to penalize those who import them. The Committee failed to obtain proper funding for Public Broadcasting in 2018 and 2019.

Earlier, Detector Media published monitoring of the State Committee on Television and Radio Broadcasting for the [first half](#) of 2018, the [first](#) and the [second](#) halves of 2017, the [first](#) and the [second](#) halves of 2016.



Svitlana  
Ostapa

### Completion of the reform of the state and municipal press

One of the most large-scale media reforms in Ukraine — the reform of state and municipal media — will be completed on December 31, 2018. In 2005, the Parliamentary Assembly of the Council of Europe called on the Ukrainian authorities to start denationalizing the printed media established by the state authorities and local self-government bodies. The main purpose of the Law of Ukraine “On Reforming State and Municipal Printed Media” is the dissemination of objective information in the interests of Ukrainian citizens. The implementation of the law has to establish new rules for cooperation between public authorities and local self-government bodies with the printed media established by them. This should be equal relationships, not “owner-subordinate” one.

According to the law that came into force on January 1, 2016, implementation of this reform was scheduled for three years. During the first year, the State Committee on Television and Radio Broadcasting did not manage to carry out

the first stage of the reform of printed media in time. First of all, this happened because of the sabotage of local authorities. At the end of the second year of the reform, it became clear that some editors (and editorial teams) of municipal newspapers did not approve of this reform, because they were afraid to lose their jobs as the result of changes.

The State Committee on Television and Radio Broadcasting continued to carry out measures to implement the reform. In accordance with the law, all information provided to the State Committee on Television and Radio Broadcasting by the founders of state and municipal media was presented in the Consolidated List of Reformation Objects. The Committee also monitored the process of reforming the printed media and the editorial boards, ensuring that reformed media keep their names, intended purpose, language, and thematic scope.

According to the statistics of the State Committee on Television and Radio Broadcasting, it was possible to reform slightly more than half of the media. As of December 11, 2018, 336 printed media and editorial boards were reformed, namely: 316 municipal media (which make up about 52% of the total number of actually published) and 20 state media (which make up 25% of the total number of actually published). It should be reminded that 760 state and municipal printed media (663 municipal and 97 state media) were included into the

Consolidated List, of which 67 media stopped being published before the end of the reform process. It is obvious that by the end of the year, more media will manage to reform by the skin of their teeth.

Only about 6.7% of the total number of working editor boards did not change their state status due to the co-founders who - for various reasons - did not make decisions and thereby hindered the process of the reform. In most cases, the editorial staff themselves hampered the reform process, as they were hoping, in particular, to extend the process of denationalization, and counting on financial support from the local authorities. Also, there were those who did not take the reform seriously.

The leaders of the reform process are Vinnytsia, Mykolayiv, Rivne, Sumy, Ternopil, Cherkasy and Chernihiv regions. Accordingly, the outsiders are Kyiv, Lviv, Dnipropetrovsk and Ivano-Frankivsk regions. Only one printed media has been reformed in Zakarpattia region and in the city of Kyiv. Unfortunately, not everywhere all subjects of the reform have acted in accordance with the law.

Previously, media experts criticized the State Committee for not emphasizing the importance of this reform to local authorities. In the second half of 2018, at the last stage of the reform, the State Committee on Television and Radio Broadcasting repeatedly addressed the local authorities and the local self-government with the request to intensify their participation in the process of reforming municipal printed media and to take measures to eliminate obstacles to the reform. According to Oleh Nalyvaiko, the chairman of the State Committee on Television and Radio Broadcasting of Ukraine, in monthly meetings of the Committee's Board which were held regularly, the problematic issues that arose during the implementation of the law were discussed, reports which are usually represented by heads of information departments and sometimes deputy heads of regional state administrations on the state of the reform in the regions were heard systematically. In particular, in the second half of the year, Zaporizhzhia, Dnipropetrovsk, Zakarpattia and Kyiv regions reported. "Following the results of these discussions, local authorities were recommended to find ways together with local self-government heads to solve problematic issues of reforming municipal printed media and to strictly adhere to the requirements of the law," Oleh Nalyvaiko said.

In parallel with this activity, the State Committee on Television and Radio Broadcasting continued to provide methodological and legal assistance to the editorial staff of newspapers that were reformed. In particular, the State Committee participated in the implementation of the "Freedom of Media in Ukraine" project, which was implemented with the assistance of the Council of Europe and the European Union. Within the framework of this project during 2017-2018, trainings were conducted in Kharkiv, Dnipro, Lviv, Chernivtsi and Chernihiv on topic: "Legal and practical aspects of reforming state and municipal printed media" with the participation of experts of the Platform for Human Rights NGO.

Oleh Nalyvaiko approves of the reform and thinks that three years is quite enough to carry out all the necessary procedures. "The reform has taken place. We have fulfilled our commitment to the Council of Europe, which we took over 10 years ago when Ukraine was accepted into a European family. We have abolished the Soviet system of publishing news bulletins of local and state authorities. The media which have been reformed change their editorial policy in full view: they refuse from advertorials and full dependence on the telephone law of those in power. Of course, this reform had to be implemented in 2005-2008, when the commitments were made. There were other circulations, revenues from advertising, consumer sentiments... Nevertheless, even now, there are many examples of media outlets that have successfully undergone reform, and their number is growing despite economic problems. Among them, I want to highlight "Obriyi Izyumshchyny", "Dialog" from Kremenchuk, "Nadrossia" from Korsun-Shevchenkivskiy, "Polohivvski Visti", "Kray" from Horodenka, "Holos Posullia" and "Vpered" from Bakhmut.

In the State Committee, they consider as the main enemy of the reform the complex economic situation of the industry: the increase in the price of paper, the discriminatory tariff policy of Ukrposhta, low income of the population and the objective transition of many readers to electronic media.

The Committee, like all those who supported the reform, was hoping for the adoption of the bill No. 8441 which would have allowed the media outlets which were put a little grit in the bearings by local governments (about 50 of them) to be re-registered during the first half of 2019. According to the bill, media teams should have been given priority right to use the name



of the printed media and to rent its property. It also would have made it possible to leave a preferential rent for property, land, premises, so that the media that were reformed could continue to function. However, the parliament failed on October 2 to pass this law.

How to help the media outlets the reforming of which was blocked by local authorities without the amendments to the law, remains unknown. According to Nalyvaiko, the failure of the founder of the printed media to submit the application for re-registration to the Ministry of Justice of Ukraine by December 31, 2018, is not grounds for the invalidation of the certificate of state registration of the printed media. The state is working out an algorithm of joint actions with the Ministry of Justice in order to minimize the possible negative consequences for the editorial offices.

At the last State Committee collegium meeting of 2018, which took place on December 18, the participants called for the Ministry of Justice to urgently prepare and publish on the Ministry's website an official explanation for those media outlets that may lose their registration on January 1, 2019. Yuriy Yurchuk, head of the department for registration of public structures, printed media and news agencies, assured that the Ministry of Justice would be very careful at discontinuing registration by considering the individual causes of each media. The most important thing for all editorial offices that want to complete the reform is to apply to the Ministry of Justice until December 31, 2018. According to representatives of the Ministry of Justice, a part of mass media which did not have time to reform but want to continue to publish a newspaper have the right to register a new media outlet under the same name.

Nevertheless, it is already clear that some newspapers will lose their registration and will close. As mentioned above, 67 media outlets have already been closed over the past three years.

However, for those media outlets which the local authorities do not want to let go and the editorial teams of which do not welcome the reform themselves, there are other ways of survival. Somewhere, in order not to lose their "own" media on the threshold of the elections, the authorities re-register them as news agencies that are not regulated by the law on denationalization, or leave them in the form of websites that are not mass media at all from the legal point of view. Alternatively, they

create municipal companies, which become the founders of newspapers. The authorities of Kyiv went this way. Some other government bodies create so-called newsletters that have formal features of mass media. It means that they print not only drafts of documents/documents, but also PR articles about heads of the local authorities.

In 2018, the Committee did not manage to obtain state financial support for the reformed local printed media.

State Committee on Television and Radio Broadcasting should now more actively work with the government in general and the Ministry of Justice in particular on maximal preservation of local newspapers that could not be reformed but not because of their own fault.

### **Public Broadcasting Reform: underfunding of the National Public Television Broadcasting Company and the "bewitched" Ukrtefilm**

We would like to remind you that on January 16, 2017, the Cabinet of Ministers of Ukraine determined that the State Committee on Television and Radio Broadcasting would be managing the property of the "National Public Television Broadcasting Company of Ukraine" PJSC. The scope of the Committee's responsibility included approval of the financial plans of the National Public Television Broadcasting Company of Ukraine and approval of reports on their compliance (legal entity "National Public Television Broadcasting Company of Ukraine" PJSC had been established on January 19, 2017).

During the second half of 2018, the State Committee on Television and Radio Broadcasting - as a shareholder - along with the board and the Supervisory Board of the Public Broadcasting Company, was involved in issues of financial planning and reporting, as well as in property issues.

The Supervisory Board and the Board of the Public Broadcasting Company was preparing in the second half of the year Amendments to the Charter of NPBC PJSC, partly related to the amendment of the law on joint-stock companies. The State Committee also worked out a draft of the Charter that should be submitted for approval to the Cabinet of Ministers.

The shareholder of the National Public Television Broadcasting Company did not



“Preparation of amendments to the Charter of NPBC PJSC and submission of the relevant draft of the regulatory document to the Government is a priority task for the State Committee on Television and Radio Broadcasting. Moreover, among the five proposals submitted by the State Committee on Television and Radio Broadcasting to the draft of the Government Priority Action Plan for 2019, we also stated the drafting and submission to the Cabinet of Ministers of Ukraine of a draft resolution, which would approve the new charter of the NPBC PJSC. Now the State Committee on Television and Radio Broadcasting is working on the adaptation of the charter to the amended law on joint-stock companies. The aim of these changes is to create the necessary conditions for ensuring more effective activity of the NPBC and attracting additional investments,”

**Oleh Nalyvaiko**

manage to obtain proper funding for the Public Broadcasting Company once again. The Law of Ukraine “On Public Television and Radio Broadcasting of Ukraine” stipulates that the state should provide proper financing to NPBC PJSC, which is envisaged by a separate line in the State Budget and should amount to not less than 0.2% of the state budget general fund’s expenditures for the previous year.

The Ministry of Finance of Ukraine during the preparation of budget requests for the state budget project for 2019 and the draft state budget forecast for 2020-2021 informed the State Committee on Television and Radio Broadcasting about the maximum amount of expenditures of the general fund of the State Budget project, according to which the financial support of the NPBC for 2019 was determined in the amount of 1,816,933.1 thousand UAH, including: consumption expenditures – 1,560,104.6 thousand UAH, development expenditures – 256,828.5 thousand UAH, which corresponded to the requirements of Article 14 of the Law of Ukraine on Public Broadcasting. The State Committee on Television and Radio Broadcasting prepared and sent to the Ministry of Finance an appropriate budget request.

In the Draft Law of Ukraine “On the State Budget of Ukraine for 2019”, submitted to the Verkhovna Rada of Ukraine on September 15, 2018, for the State Committee on Television and Radio Broadcasting according to the

budget program 1701080 “Financial support of the National Public Broadcasting Company of Ukraine” funds for financing NPBC PJSC in the amount 1,816,933.1 thousand UAH were foreseen. But after considering in the Verkhovna Rada the draft law in the first reading, expenditures planned for NPBC PJSC were reduced by 816,933 thousand UAH.

After reviewing and elaborating the budget conclusions of the Parliament, the State Committee on Television and Radio Broadcasting wrote a letter to the Ministry of Finance requesting to revise the draft law on the state budget for 2019 until the second reading in order to provide 1,816,933.1 thousand UAH to NPBC PJSC. However, the proposal of the Committee was not taken into account

On November 23, 2018, the Verkhovna Rada approved the Law “On the State Budget of Ukraine for 2019”, according to which the State Committee on Television and Radio Broadcasting as the main budget holder of the budget program for financing the NPBC has received budget allocations within the general fund in the amount of 1,005,000.1 thousand UAH.

Regarding the reform of the Public Broadcasting, the State Committee on Television and Radio Broadcasting has one another commitment that is the transformation of the state-owned enterprise “Ukrtefilm Studio” into a public joint-stock company and further affiliation to NPBC PJSC.

At the end of 2017, by decree of the head of the State Committee, the composition of the commission on transformation of the company was approved and Taras Avrakhov was appointed as chairman of the transformation commission. In 2018, the plan for transforming the state enterprise into a public joint stock company was approved, as well as the personal composition of the inventory commission from the representatives of Ukrtefilm. Taras Avrakhov managed to reduce even the small team of the studio, which did not produce anything for many years, but failed to conduct an audit and an independent appraisal of the property, since the studio does not have the funds for them. The financial situation that has arisen because of unsatisfactory activity of the enterprise in the recent years, and huge debts (only salary debt reaches about 5 million USD) slow down the transformation. In addition, litigations involving the State Enterprise Ukrtefilm, as well as the lack of title

documents on property rights to real estate and land hampered the transformation.

In September of this year, the State Committee on Television and Radio Broadcasting sent to Ukrtefilm the approved Consolidated Report on inventory of its property, as well as the approved list of its capital assets that are subject to independent evaluation.

The transformation of the SE into the PJSC was determined by the plan of the Government's priority actions for 2018. However, due to the non-compliance with the schedule of transformation of the SE into the PJSC, the State Committee on Television and Radio Broadcasting approved three times during 2018 a new version of the transformation plan and delayed its implementation. As of December, the plan has been partially implemented.

According to Oleh Nalyvaiko, the State Committee on Television and Radio Broadcasting addressed the Cabinet of Ministers in order they agree on the extension of the term for the transformation process until December 2019.

The epic with Ukrtefilm, due to the sabotage of which the public broadcasting reform in 2015-2016 has been delayed for a year, lasts for many years. The state has replaced several executives in the recent years, but none of them managed to cope with the team that gave consent for construction of residential houses in the studio premises and expect to get profit from them. Until now, nobody has managed to get the studio out of the debt and to set up film production there.

## **Restrictions on Russian books. There are positive changes**

In the second half of 2018, the State Committee on Television and Radio Broadcasting continued to actively implement the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Limiting Access of Foreign Anti-Ukrainian Printed Materials to the Ukrainian Market".

According to the management of the Committee, the law on limiting access to the Ukrainian market of foreign books with "anti-Ukrainian content" has positively influenced the state of information security of the country.

Previously, importers of publishing products from the aggressor state literally imported everything into the country. Now the need to pass the permit procedure made them treat the

selection of assortment of products imported into Ukraine meticulously. As a result, the absolute majority of publications for which applications for import permits were filed, do not violate the prohibitions.

"Thus, the aggressor state - in the framework of its hybrid war against Ukraine - was deprived of the possibility to expand the informational presence in Ukraine, to increase its influence on the public sentiment of Ukrainians and to carry out propaganda campaigns aimed at undermining Ukraine's national security and promoting its own interests", Oleh Nalivaiko said.

From May 20, 2017 (the date of entry into force of the Resolution of the Cabinet of Ministers of Ukraine No. 262 "Certain issues of issuance (refusal to issue, cancellation) of permits for import of printed products which originate from the territory of the aggressor state, temporarily occupied territory of Ukraine or were made there and/or are imported from there"), State Committee on Television and Radio Broadcasting within the framework of conducting the permitting procedure, issued 1,615 refusals to provide permits to economic entities, 1,391 of which were issued in 2018.

In 2018, 71 refusals were submitted based on negative conclusions of the Expert Council of the State Committee on Television and Radio Broadcasting and in connection with the non-compliance with the Criteria for the Assessment of Publishing Products allowed to be distributed on the territory of Ukraine. In addition, this year, 1,320 refusals were issued because the business entities submitted not all documents required for obtaining a permit or false information was detected in the submitted documents.

Cancellations of previously issued by the Committee permits for import of books into Ukraine from the territory of the aggressor state also happened this year because the authors were included in the List of Persons Posing Threat to National Security.

In order to inform a wide range of interested persons about publishing products, the distribution of which may include signs of crimes provided by the Criminal Code of Ukraine, the State Committee on Television and Radio Broadcasting - on its own initiative and on the basis of proposals of law enforcement agencies - continues to form the List of publications, the content of which is aimed at eliminating Ukraine's independence, promoting violence, stirring up inter-ethnic, racial, and religious

hatred, terrorist attacks, and infringement of human rights and freedoms, and to publish it on its own official website. Currently, 202 titles of printed products have been added to the List.

Based on this List, the State Committee on Television and Radio Broadcasting prepared proposals for the application of personal special economic and other restrictive measures (sanctions) against legal entities of the Russian Federation, which regularly distribute publishing products of anti-Ukrainian content. The Cabinet of Ministers of Ukraine approved the proposal by the State Committee and issued the Order No. 666-p dated September 19, 2018. According to the document, sanctions are planned to be imposed on up to 12 legal entities of the Russian Federation (9 publishing houses and three owners of websites that offer anti-Ukrainian content in paper or electronic form for sale, and provide an opportunity to read it on the Internet).

In October 2018, the proposals were submitted to the National Security and Defense Council of Ukraine.

Within the framework of the implementation of the law on restricting access of foreign books with “anti-Ukrainian content” to the Ukrainian market, the State Committee on Television and Radio Broadcasting received the authority to remove from circulation illicitly imported publishing products and impose administrative and economic fines on offenders. The authorized representatives of the State Committee on Television and Radio Broadcasting have already drawn up 27 protocols on business entities in Kyiv, Kharkiv, Odesa, Lviv and Dnipro. The total amount of fines charged is 1,005,210 UAH.

The mechanism for restricting the book market was planned to be improved by adopting the Bill No. 7292 on amending the Tax Code of Ukraine with regard to the tax on publishing products that have an exclusive origin from the territory of the aggressor state and/or temporarily occupied territory and are being transported (sent) from the territory of the aggressor state and/or temporarily occupied territory of Ukraine. However, for now, the project has gotten “hung up” in the parliament.

## Book Awards

After the State Committee on Television and Radio Broadcasting has passed the Ukrainian Book state program to the Ministry of Culture, the Committee continues to deal with several book and information awards: Ukrainian Book

of the Year, Lesya Ukrainka award for literary and artistic works for children and youth, Maksym Rylskyi award for translated literature, Vyacheslav Chornovil award for the best journalistic work and Ivan Franko award in the field of information activities.

In August 2018, the State Committee on Television and Radio Broadcasting held a meeting of the Ivan Franko Award Committee in the field of information activity that determined these year’s winners.

In late November, the State Committee on Television and Radio Broadcasting determined The Best Ukrainian Book of 2018.

This year, 122 works from 44 publishers have been proposed for participation in 10 nominations of the All-Ukrainian contest The Best Ukrainian Book.

Revitalization of the activity of Ukrainian Institute for Advanced Training of Television, Radio Broadcasting and Press Workers

Ukrainian Institute for Advanced Training of Television, Radio Broadcasting and Press Workers as well as Ukrtelefilm Studio belong to the management sphere of the State Committee on Television and Radio Broadcasting. However, unlike the studio, the recently resurrected institute has revived its activity in the last year, and not only in its main objective that is the organization and conducting of professional development of media workers. During 2018, 912 media workers passed off-job training here: anchors of television and radio programs, television camera operators, audio operator, producers, directors, video editors and sports journalists.

The institute also organized professional “on-job” training for employees of the State Enterprise “Multimedia platform of international broadcasting of Ukraine”, Municipal Enterprise of Kyiv City Council “Television Company “Kyiv”, State Enterprise “Parliamentary TV-channel “Rada”. That is, two state and one municipal TV channels.

According to Oleh Nalyvaiko, the Ukrainian Institute for Advanced Training of Television, Radio Broadcasting and Press Workers has become one of the venues where events concerning the Strategy of Communication in the field of European integration for 2018-2021 and the Concept on Improving Public Information on Euro-Atlantic Integration of Ukraine for 2017-2020 are being implemented. The Institute has also helped



the State Committee on Television and Radio Broadcasting in implementing the law on reforming state and municipal printed media by conducting educational events in Kyiv and visiting seminars in Zaporizhzhia, Lviv and Lutsk for municipal and state printed media that are being reformed. Ukrainian Institute for Advanced Training of Television, Radio Broadcasting and Press Workers has developed and conducted a special course of educational seminars that clarified the rights of editorial teams to editors of municipal media. Within the framework of the project “Support to the Sustainable Reform of State and Municipal Media” which the State Committee on Television and Radio Broadcasting together with the National Academy of Sciences of Ukraine and other journalistic organizations implemented with the support of the OSCE Project Coordinator in Ukraine, five editorial offices were provided with methodological and practical assistance. The aim of the project was to increase the level of professionalism of journalists in reformed printed media, to promote the application of world media standards, to promote production of quality and interesting content, and to implement multimedia products.

In addition, in 2018, the Institute launched an educational course called “Basics of Gender Policy” for central executive authorities, media and state bodies that will continue next year.

## **Millions for European and Euro-Atlantic integration**

According to the separate state program “Implementation of measures related to the European and Euro-Atlantic integration in the information sphere”, for implementation of which the state budget foresees 20 million UAH, the State Committee on Television and Radio Broadcasting conducted eight open tender procedures in 2018 using the ProZorro system.

In total, six contracts were signed and services for organizing and conducting a nationwide sociological survey on public awareness of state policy in the field of European and Euro-Atlantic integration, a seminar for journalists and representatives of public associations on the benefits of cooperation with the Alliance, an all-Ukrainian competition for the best publication and television and radio program about NATO, as well as several information campaigns on Ukraine’s integration into the EU and NATO were ordered.

In particular, on September 3, 2018, the State Committee on Television and Radio Broadcasting ordered information services for over 4 million UAH, announcing a tender for advertising and marketing services for organizing and conducting information and education campaigns on European and Euro-Atlantic integration of Ukraine.

On September 21, the State Committee on Television and Radio Broadcasting announced a tender for provision of information services for 7 million UAH for organization and conduction of two information campaigns and of an all-Ukrainian competition. On ProZorro a tender on advertising and marketing services for organizing and holding two campaigns on European and Euro-Atlantic integration of Ukraine was announced. Through open bidding, they must procure a service for the organization and holding of the All-Ukrainian competition for the best publication in printed media, the best TV and radio program about NATO and state policy in the field of Euro-Atlantic integration.

In particular, through open bidding, an executor will be designated to conduct an awareness raising campaign on “Ukraine-NATO Cooperation as a Catalyst for Reforms”. Expected cost of procurement is 2 million 619 thousand UAH.

The purpose of the second information campaign, the executor of which will be determined through open tenders, is to raise the level of awareness of Ukrainian citizens on European integration in terms of the introduction of entrepreneurial activity, educational and scientific preferences, and support the development of the culture sphere. For this campaign, the state allocates 4 million 120 thousand UAH.

For the organization and holding of the All-Ukrainian competition for the best publication in the printed media, the best television and radio program about NATO and state policy in the field of Euro-Atlantic integration, the state will allocate 261 thousand UAH. Both campaigns and the competition are scheduled for the end of 2018.

One of the winners of the tender for holding an information campaign on European integration of Ukraine (cost of the service equals 2 million 987 thousand 654 UAH) became Ukrainian Media Development Institute LLC, headed by Olena Hromnytska, in the past she was press secretary Leonid Kuchma, editor-in-chief of the magazine “Profil”, president of the Hlavred

Media holding, head of the Siohodni Multimedia holding, co-owner of the Realist Internet media. She worked at Hlavred Media holding together with Oleh Nalyvaiko.

On October 17, the State Committee announced tenders for the procurement of information campaign services, sociological research and a competition for the best publication about NATO. In particular, a tender on advertising and marketing services for organizing and holding the all-Ukrainian information campaign on Euro-Atlantic integration of Ukraine was announced. It is planned to hold a campaign to raise awareness on the topic “NATO-Ukraine. Security. Protection. Stability”. Expected cost of procurement is 3 million 410 thousand UAH.

In addition, the provider of services for organizing and conducting a quantitative sociological survey of public attitudes towards Ukraine’s accession to NATO membership will be determined through open bidding. Expected cost of procurement is 400 thousand UAH.

### **State Committee on Television and Radio Broadcasting as a lodger**

The State Committee on Television and Radio Broadcasting is located in two offices in Khreshchatyk Street, 26 and Prorizna Street, 2.

The State Committee rents facilities from the Public Broadcasting Company in Khreshchatyk

Street, 26. In Prorizna Street, 2, the Committee uses a floor and a half. The building also houses the National Council for Television and Radio Broadcasting and the Ministry of Information Policy. The Ministry uses one and a half floors too, and the rest is being used by the National Council. Yuriy Artemenko, Chairman of the National Council, repeatedly informally spoke about the fact that they needed two additional rooms for the monitoring center, which the National Council plans to launch in 2019. He suggested that the Committee squeeze together or move completely to Khreshchatyk Street, 26.

In Khreshchatyk Street, 26, the State Committee rents 692 square meters from the NPBC. The rent agreement was signed before September 2019 with the broadcaster and the State Property Fund prior to the registration of NPBC PJSC. NPBC as the successor of the NTCU, in accordance with the current agreement, rents the facilities out for one hryvnia (according to a government decree). The state compensates NPBC the payments for utilities and land. For example, in 2018, 270 thousand UAH of land tax was paid. Accordingly, when the next year a new agreement will be concluded, then it will happen without the State Property Fund, and this will be completely different terms of rent, since now the broadcasting company is not a state structure but a joint-stock company. Therefore, it is unlikely that this will be a facility for one hryvnia.

## **Conclusions**

During the second half of 2018, the State Committee on Television and Radio Broadcasting continued to implement the laws on reforms of the printed media and of the public broadcasting and on limiting the access of anti-Ukrainian foreign printed materials to the Ukrainian market. The reform of state and municipal media cannot be called successful, since only slightly more than half of the media outlets were reformed. The Committee needs to work more actively with the government, first of all, with the Ministry of Justice, in order to help those media outlets that did not have time to re-register for reasons independent from them. It is also worthwhile to monitor the results of the reform to see what has become of those media outlets that have lost their registration but remained in the sphere of influence of local authorities. This is necessary in order to work out legislative acts for the full denationalization/reformation of the media.

The implementation of the law on limiting the access of anti-Ukrainian foreign printed materials to the Ukrainian market gives its positive results for the country’s information security.

For greater transparency, the State Committee should report on the work done within the state program “Implementation of measures related to the European and Euro-Atlantic integration in the information sphere”, for which millions have been paid; then there will be more confidence in the agency.

# Farewell to analogue television

## Monitoring of the activities of the National Council in August-December 2018

In the second half of 2018, the National Council was engaged in the analogue television broadcasting switch-off and the development of digital terrestrial television, was thinking about a package of paid channels in the Zeonbud network, continued to distribute vacant frequencies, was monitoring language quotas on Ukrainian TV channels and radio stations, and was thinking about introducing a mandatory Ukrainian audio track for foreign television channels.

Detector Media has previously published monitorings of work performed by the National Council on Television and Radio Broadcasting in the [first half](#) of 2018, [first](#) and [second](#) half of 2017, [first](#) and [second](#) half of 2016.



Maryana Zakusylo

During August-December 2018, the National Council on Television and Radio Broadcasting held 18 meetings, at which 1,137 decisions were made.

Key activities of the National Council in August-December 2018 included:

- analogue terrestrial television switch-off and the transition to digital terrestrial broadcasting;
- filling of vacant positions in the MX-5 digital TV multiplex, owned by the Zeonbud company, and in the regional multiplex owned by the Concern of Radio Broadcasting, Radio Communications, and Television in the Odesa region;
- development of public radio networks, state radio station “Army FM”, new information radio station “Pryamyi FM”, local FM radio stations, including communal ones;
- development of broadcasting in the territories with a special broadcasting mode;
- control over the compliance with language

and song quotas by TV channels and radio stations;

- intentions of regulating the work of foreign channels;
- attention to NewsOne and 112 Ukraine TV channels;
- new recommendations for alcohol advertising and sponsorship;
- preparation for the election campaign;
- public relations.
- Factors that have a negative influence on the regulator’s activities still include:
- lobbying and political influences on the regulator;
- imperfections and gaps in the relevant legislation;
- freezing of the decisions made by the National Council in courts.

### Analogue terrestrial television switch-off

In the monitoring of the activities of the National Council carried out in the previous period we noted that the first half of 2018 became the beginning of the end of the analogue television era in Ukraine. In accordance with the governmental order, on the night of August 1, Concern of Radio Broadcasting, Radio Communications, and

Television switched off analogue terrestrial television in the first two regions — in Kyiv and Kirovohrad region, with the exception of analogue transmitters of public TV channels, as well as regional and local broadcasters that did not have digital licenses.

The next step was to switch analog transmitters off in the rest of the territory of Ukraine, with some exceptions. In particular, on July 18, the government approved amendments to its resolution on the analogue television switch-off regarding continuation of analogue broadcasting in the territories with a special broadcasting mode (the territory of the United Forces Operation and the border with the Crimea). On August 29, it approved an additional decision to keep analogue broadcasting of the National Public Television and Radio Company of Ukraine, local TV channels that did not have digital licenses, and transmitters (of any TV channels) located on the border with the Russian Federation until May 1, 2019.

In turn, on August 29, the National Council made a decision to terminate licenses for analogue broadcasting of 39 TV channels (40 legal entities) from September 1. The Council attributed their decision to the switch-off of analogue television broadcasting in the country on the basis of the governmental order and the National Television and Radio Broadcasting Development Plan approved by the regulator. 21 regional and local TV channels had to turn in their licenses to the National Council within ten days, and another 18 national and regional channels had to get their licenses re-registered within a month, removing the transmitters which were switched off, except for those which continued to operate in the Donbass, on the border with Russia and the Crimea, and in cities where regional broadcasters did not have digital licenses.

From a legal point of view, the decisions made by the National Council are controversial because, on the one hand, such a procedure is not provided for in the legislation, and on the other hand, in many analogue licenses it was stated that they were supposed to be in effect “until the National Council makes a separate decision to switch to digital broadcasting or to switch off the analogue television broadcasting in the region”. It took five votes for the National Council to adopt all the decisions on the termination of licenses: Oleh Chernysh and the first deputy chairman of the National Council Olha Herasymiuk voted against the decisions.

It seemed that everything was ready for the day X. But on the threshold of the scheduled analogue television switch-off, on August 30, Sarny District Court of the Rivne region prohibited the Concern of Radio Broadcasting, Radio Communications, and Television (which is the owner of the majority of television towers in the country and the operator of the majority of TV transmitters) from switching the analogue signal off. The lawsuit was filed by a local resident Nadiia Miziurko, because she wanted to secure her “right to receive information through analogue TV broadcasting”. In Sarny, digital signal from Rivne, Dubrovysia, or Varash is weak, and only UA: Pershyi and UA: Rivne TV channels were supposed to continue broadcasting on the analogue television after the switch-off. 1 + 1 channel was among the third parties to the case, which may indicate that the plaintiff watches this channel.

This was not a final court decision, but only an interim relief. It was contested by the National Council, the Cabinet of Ministers, the Concern of Radio Broadcasting, Radio Communications; and the Cypriot company Grizard Investments Limited, which is part of the ownership structure of the 1 + 1 channel, asked to provide a more detailed statement of reasons. On December 18, 2018, the Rivne Court of Appeal dismissed a complaint of Grizard Investments Limited, satisfied the appeals of the National Council, the Government, and the Concern instead, and revoked this decision. 1 + 1 channel filed a cassation.

The lawsuit filed by Nadiia Miziurko and another resident of Sarny, who filed a similar lawsuit, is still under consideration in the Sarny District Court — the last meeting was held on December 27, 2018 in the form of a video conference in the Podilskyi District Court of Kyiv.

Despite the fact that the court ruling was in effect at that time, on September 1, 2018, according to the governmental decision, the Concern of Radio Broadcasting, Radio Communications switched off analogue broadcasting of the majority of television channels, except for UA: Pershyi, regional branches of the Public Broadcasting Company, local TV channels that did not have digital licenses, and transmitters of any TV channels, located in the territory of the United Forces Operation (Donetsk and Luhansk regions), on the border with Russia (Chernihiv, Sumy, Kharkiv regions) and the Crimea (Kherson



region) almost in the entire territory of Ukraine. General director of the Concern of Radio Broadcasting, Radio Communications, Petro Semerey, attributed the switch-off to the “management instructions” and called own actions “a violation of the law”. He later specified that he had taken into account all the pros and cons, and there is no criminal liability for voluntary non-enforcement of the court decision.

According to the estimates of the National Council, 758 analogue transmitters, that is, 40% of the total number, remained in use after the analogue television switch-off (in fact, changes to the governmental order were needed, so that they could continue to be in operation):

- 142 transmitters in the territory of the United Forces Operation: 26 TV channels in the Donetsk region (Bakmut, Volnovakha, Dobropillia, Kostiantynivka, Kramatorsk, Mariupol, Oleksandrivka, Pokrovsk, Svitlodarsk, Selidove, Soledar, Toretsk), 14 TV channels in the Luhansk region (Baranykivka, Bakmutivka, Bilovodsk, Bilokurakine, Bilolutsk, Horodyshche (Bilovodsk), Zorynivka, Kreminna, Lysychansk, Markivka, Novoposkov, Pluhatar, Popasna, Svatove, Solidarne, Starobilsk, Strylivka, Troitske, Chuhyinka, Shyrokyi);
- 10 transmitters of 26 TV channels in the south of the Kherson region (Lazurne, Skadovsk, Chaplynka, Kalanchak, Novotroitske, Henichesk, Chonhar);
- 99 transmitters on the border with the Russian Federation: 15 TV channels in the Chernihiv region (Chernihiv, Koriukivka, Kholmy, Novhorod-Siverskyi), 18 TV channels in the Sumy region (Sumy, Shostka, Bilopillia, Trostyanets, Okhtyrka), 20 TV channels in the Kharkiv region (Kharkiv, Bohodukhiv, Novooleksandrivka, Velyki Burluk, Kolodiazne, Dvorichna, Kupyansk);
- 405 transmitters of the Public Broadcasting Company (UA: Pershyi and regional public TV channels);
- 107 transmitters of local and regional TV companies that did not have digital licenses.

However, the Public Broadcasting Company did not continue broadcasting for a long time. On September 25, 2018, the Concern of Radio Broadcasting, Radio Communications, and Television switched off analogue broadcasting of the UA: Pershyi TV channel in the entire

territory of Ukraine, except for the territory of the United Forces Operation. This was done because of the National Public Television Broadcasting Company's debt of 90 million UAH for the transmission of terrestrial analogue signal, formed as a result of the Public Broadcasting underfunding. By the end of the year, broadcasting of UA: Pershyi TV channel was not restored.

Meanwhile, the Concern of Radio Broadcasting, Radio Communications, and Television was on the brink of bankruptcy due to debts of the National Public Television Broadcasting Company, “Zeonbud”, and some other broadcasters and operators, and the analogue signal switch-off led to the fact that the Concern lost half of the proceeds. At the end of August, seven regional power supply companies (“Oblenerho”) warned the Concern about the intention to disconnect electricity supply of its branches due to the debt of 19 million UAH for electricity. On August 29, Mykolaiv branch of the Concern of Radio Broadcasting, Radio Communications, and Television was disconnected from electricity supply, which resulted in the fact that terrestrial analogue and digital television and broadcasting of many radio stations whose transmitters are located on the towers that belong to the Concern disappeared. On August 31, electricity supply of Mykolaiv branch was restored. At the end of the year, the government dismissed General Director of the Concern of Radio Broadcasting, Radio Communications, and Television Petro Semerey in connection with the agreement expiration. The further fate of the state operator, which, under favorable political and economic conditions, would compete with Zeonbud – private monopolist of digital terrestrial television, – remains uncertain. However, creation of a nationwide digital multiplex on the basis of the Concern of Radio Broadcasting, Radio Communications, and Television is provided for in the governmental order and the National Television and Radio Broadcasting Development Plan.

Not all TV channels agreed with the analogue television switch-off. “1 + 1 media” group appealed against the National Council's decision on the termination of licenses and against the governmental order to switch analogue signal off. The court engaged the provider of digital terrestrial television “Zeonbud” and “Ukraine” television and radio company (Ukraine, NLO TV, Indigo TV, Donbass, Football 1, and Football 2 TV

channels) as third parties to this process; the case is still under consideration. Channels that belong to the “1 + 1 media” group also contested actions of the Concern of Radio Broadcasting, Radio Communications, and Television, but in this case the proceedings were suspended until the consideration of the lawsuit filed against the Cabinet of Ministers.

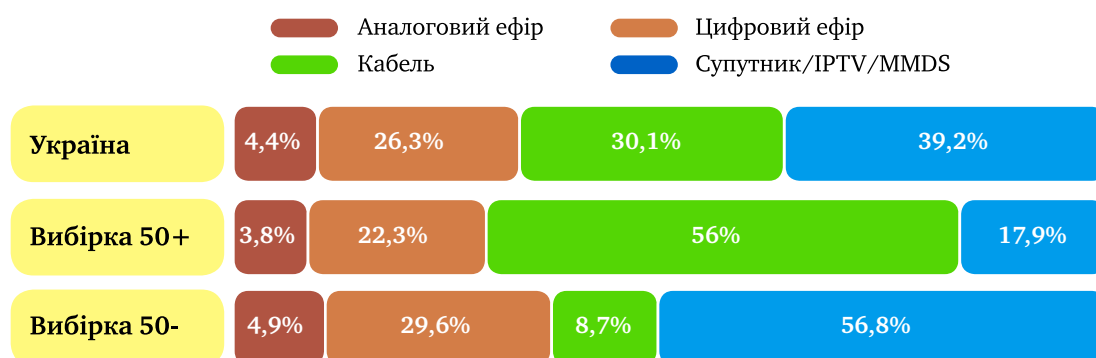
Other TV channels are in no hurry to turn their licenses in to the National Council or to get the existing licenses re-issued, removing analogue transmitters which were switched off. Pryamyi TV channel was the first nationwide broadcaster that got its license re-issued, and UA: Pershyi filed an application for the removal of 265 analogue frequencies, but the National

Council did not manage to consider it by the end of the year (it was considered on January 10, 2019). As for the local broadcasters, according to the executive secretary of the National Council, Oleksandr Iliashenko, TTV channel, a TV channel from Kropyvnytskyi, turned its invalid license in.

Nevertheless, analogue television switch-off did not result in a disaster for the viewers: most viewers found other ways to get a television signal. According to the study of television audience, which was ordered by the Industrial Television Committee and conducted by Nielsen, as at October 2018, there were only 4.4% of “analogue” households in Ukraine;

## Основний тип прийому в ДГ

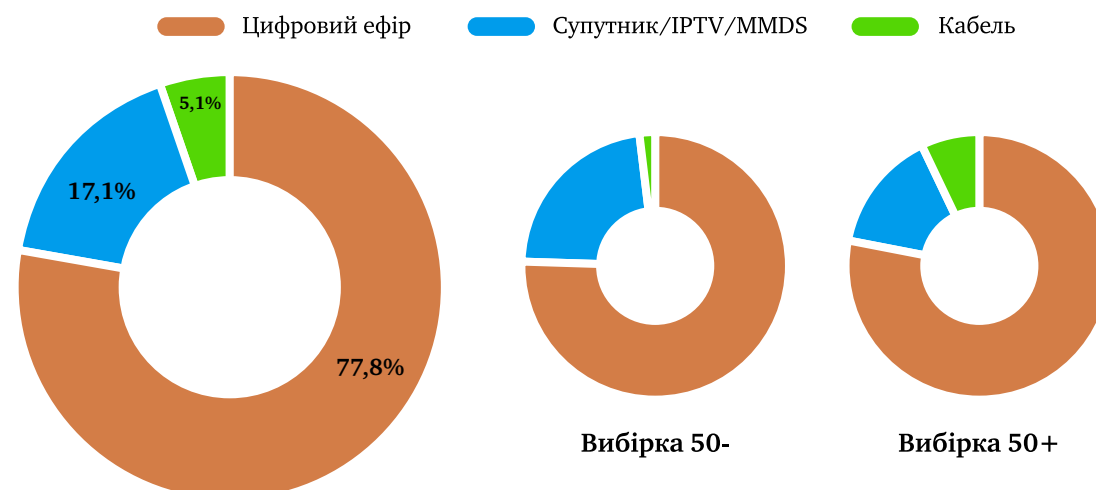
% ТБ господарств



Джерело: ТБ панель Nielsen | Жовтень 2018

## Перехід з аналогового ефіру

% аналогових ДГ, що змінили тип прийому після відключення



Джерело: ТБ панель Nielsen | Серпень – жовтень 2018

26.3% were using digital terrestrial television; 30,1% were using cable television; and 39.2% were using satellite, IPTV, and MMDS television. When switching from analogue television to other types of signal reception, 77.8% of former analogue households switched to digital broadcasting, 17.1% opted for satellites, and only 5.1% chose cable TV.

## The development of digital television

Given the fact that analogue television was switched off, the issue of expanding digital terrestrial signal coverage became especially topical. Previous draft laws and regulations on the step-by-step transition to digital television envisaged that digital television provider “Zeonbud” would install additional transmitters in 47 settlements in order to expand the coverage of the first multiplex MX-1, in which the following eight TV channels are currently broadcasting: Inter, Ukraine, 1 + 1, NTN, K1, UA:Pershyi, ICTV, Enter-Film. For a long time, these plans were fruitless, and “Zeonbud” was accusing the Concern of Radio Broadcasting, Radio Communications, and Television of impeding their plans to expand coverage, alleging that the Concern refused to provide technical conditions for the installation of new transmitters of “Zeonbud” on their towers. Eventually, at the end of the year, on December 13, the National Council, at request of “Zeonbud”, ordered a calculation of frequencies in 41 settlements from the Ukrainian State Center for Radio Frequencies (USCRF) for the purpose of installing additional transmitters and expanding coverage of the MX-1 multiplex. At the request of “Zeonbud”, USCRF also received an order for providing their opinion on the increase in the capacity or change in the parameters of transmitters owned by “Zeonbud” in several other settlements.

In addition, the regulator listened to the suggestions made by the Independent Association of Broadcasters and collected applications from local and regional broadcasters which did not have digital licenses for the purpose of ordering calculation of frequencies for local digital terrestrial television (the so-called local multiplexes). On December 6, 13, and 20, the National Council ordered calculation of 39 frequencies for DVB-T2 local broadcasting in 14 regions (Dnipropetrovsk, Donetsk, Ivano-Frankivsk, Zakarpattia, Zaporizhia, Kyiv, Lviv, Mykolayiv, Rivne, Odesa, Sumy, Kharkiv, Khmelnytskyi, and Chernihiv

regions) from the USCRF.

During August-December 2018, the National Council extended the licenses for digital broadcasting at the MX-5 multiplex for the following regional and local TV channels: Avers (Volyn region), Channel 34 (Dnipropetrovsk region), Uzhhorod 21 (Zakarpattia region), TV5 and Alex.UA (Zaporizhia region), Kyiv (Kyiv region), TTV and KTV (Kirovohrad region), Vizyt (Poltava region), Vidikon (Sumy region), Vector (Kharkiv region), Misto TV and Chernivetskyi Pomin (Chernivtsi region). In accordance with the law “On Interim Measures for the Period of Anti-Terrorist Operation,” the National Council postponed consideration of the statement filed by the Orbita TV channel (Donetsk region) until the end of the anti-terrorist operation. The National Council also rejected application for the renewal of the license of another TV channel – “Kherson Plus” (Kherson region), since it had not been filed in time: the company was 128 days late. We would like to remind you that in July, the National Council prolonged digital licenses of 24 national and 20 regional and local TV channels, rejected applications filed by two national channels (Business and Vintage), and postponed consideration of application filed by two TV channels from the Donetsk region until the end of the anti-terrorist operation.

At the end of the year, the National Council made a step towards creating a package of paid channels in the “Zeonbud” network. The regulator made changes to the National Television and Radio Broadcasting Development Plan, where it set forth that if there are free resources in the MX-1, MX-2, MX-3, and MX-5 multiplexes, the provider of these networks (i.e., “Zeonbud”) “may provide program services, after the relevant changes are made to the licenses”. This paragraph had been previously set forth in such a way that “the National Council, within the limits of its powers, shall consider creation by providers of a program service of paid program packages in multichannel digital terrestrial networks for the purpose of providing quality and diverse programs for all population segments.” That is, the changes make it possible for “Zeonbud” to introduce a paid package by simply submitting an application for the license re-issue to the National Council and getting an approval from the National Council. The development plan also does not provide for a tender for positions in the paid package: a tender is only held for vacant positions provided for the transmission

of 32 free channels.

Changes to the Development Plan were preceded by a letter from Zeonbud to the National Council. The provider asked about the regulator's position regarding possible changes to the license with the addition of a paid package. According to the executive secretary of the National Council, Oleksandr Iliashenko, the package should be an addition to the 32 available television channels and may include up to 16 paid channels (given that the capacity of the multiplex is 12 channels in the current quality, and 8 positions are currently occupied in each multiplex). The development plan also makes it possible (both in the old and the new versions) for "Zeonbud" to encode the signal of this paid package. Oleksandr Iliashenko assumed that Ukrainian TV channels Football 1 and Football 2, which are only provided by the providers of paid television and do not work in the market of free television, will become the first candidates for entering the paid package; such candidates may also include foreign paid channels (figuratively, let's call them "Discovery"). Unlike free TV channels that pay "Zeonbud" for the distribution of their signal in a digital network, "Zeonbud" will pay the paid channels.

During the public discussion of the Development Plan, "1 + 1 media" and "StarLightMedia" media groups, as well as six associations of providers: Association of Rightsholders and Content Providers (ARCP), "Telecommunications Chamber of Ukraine", "Ukrtelemerezha" Association, All-Ukrainian Association of Cable Television and Telecommunication Networks, and the Union of Cable Television of Ukraine, were against the new wording of the "Zenonbud's" paid package. Chairman of the Board of the ARCP Natalia Klitna emphasized that, in fact, "Zeonbud" LLC is currently a telecommunications operator, and from a legal point of view, it is a provider of program services. If the paid television package is launched, its activities should be brought in line with the legislative requirements, just as for all other providers. "The only difference can be in the fact that the set of TV channels will be determined by the National Council on the basis of the results of a tender, taking into account the capacity of the provider and its use of the radio frequency resource," she explained.

For a long time, providers were demanding that "Zeonbud's" signal was encoded and became fee-based for viewers in order to reduce the number of free channels in its network (except

for the universal program service, that is, UA:Pershyi, UA:Kultura, Rada TV channels, as well as regional and local channels). Creation of the paid package from "Zeonbud", which would include 16 channels in addition to 32 free ones, is a cause for concern for cable operators, which are afraid that if "Zeonbud" enters the market of paid television, this will "kill" cable operators in towns, especially those which use analogue technology of cable television and provide subscribers with approximately 50 channels. However, during the discussion of the Development Plan, the head of the National Council Yuriy Artemenko spoke in support of the paid package on digital terrestrial television. His arguments were based on the fact that cable operators usually do not go provide their services in villages (while "Zeonbud" is present there); in addition, viewers should have a choice between cable, satellite, or digital operators.

On December 13, the National Council approved the new version of the Development Plan by a majority vote, without taking into account the protests in the industry against "Zenonbud's" paid package. Oleh Chernysh, who was against this decision, made a prediction that this would lead to the fact that the Ministry of Justice will not register the document, and it will not come into force. There is still no information about the registration.

## **Development of broadcasting networks: tenders for frequency, new temporary permits**

During August-December 2018, the National Council summed up the results of five tenders for FM-frequencies, one tender for VHF-frequencies, one tender for digital radio, two tenders for digital television (vacant positions in the Odesa multiplex owned by the Concern of Radio Broadcasting, Radio Communications, and Television and vacant positions in the MX-5 regional multiplex owned by "Zeonbud"), and also announced six tenders for vacant FM-frequencies.

On August 29, the National Council distributed 17 frequencies in 16 settlements in the Kharkiv region among local broadcasters. Five communal radio stations received 10 frequencies, three private companies, including the new Kharkiv radio station Slobozhanske FM, received seven frequencies. There were no applicants for six other frequencies.

On September 6, the National Council distributed the last – 14th – position in the T-DAB (DAB+) digital radio multiplex in Kyiv, which went to a new radio station Pryamyi FM. It is launched by the Pryamyi Channel, which de jure belongs to Volodymyr Makeienko but is unofficially associated with the circle of Petro Poroshenko. Pryamyi FM does not plan to confine itself to digital broadcasting, but wants to launch a nationwide FM-network and has already ordered a calculation of 61 FM-frequencies, in particular, in Kyiv and 19 regional centers.

On September 20, the National Council determined winners of the tender for local broadcasting at the 21st FM-frequency in 11 regions. As a result of the tender, 10 frequencies went to ten communal radio stations, and 9 frequencies went to seven private companies, including “Lvivska Khvyliya” television and radio company; there were no applicants for two other frequencies.

On September 27, the National Council distributed vacant positions in the MX-5 regional multiplex owned by “Zeonbud”, intended for regional and local companies. The following 16 broadcasters – three new companies and 13 existing TV channels (eight channels were broadcasting on analogue television, one channel was broadcasting on digital television, and four channels were broadcasting in cable networks) – won the tender:

- Donetsk region — Capri (“Capri Television” LLC), owned by a local businessman and a people’s deputy candidate from various parties, Viktor Prylepskyi, and Iryna Prylepska;
- Zhytomyr region — SK1 (“Media Prospekt” LLC), owned by a Zhytomyr businessman and former deputy of the city council Mykhailo Pukhtayevych and the wife of the head of the regional organization “Petro Poroshenko Bloc” Olena Veretelnik; SC (private company “Studia Kalyna”), owned by the channel director Oleksandr Kalinovskyi;
- Kyiv region — Crocus 1 (“TRC “Crocus 1” LLC), owned by the political technologist and PR expert Denys Bohush;
- Kirovohrad region — Viter (“Central Ukrainian Bureau of News” LLC), which is launched by the former general director of the Kirovohrad Regional State Television and Radio Company Vadym Murovanyi; channel owner is Oleh Zasko, who manages

the business of former people’s deputy Oleksandr Tabalov and the business of the son of the former mayor of Oleksandriia and former chairman of the Kirovohrad Regional State Administration, Roman Motsnyi;

- Mykolaiv region — Channel 35 (“TRC NIS-TV” LLC), owned by the wife of the former people’s deputy Hennadiy Zadyrko;
- Odesa region — Grad (“TRC Grad” LLC), owned by Tetiana Shpaltakova, business partner of the people’s deputy from the Petro Poroshenko Bloc Hennadiy Chekita, and Anatoliy Balinov, former deputy of the Odesa City Council and associate of Odesa Mayor Hennadiy Trukhanov; communal TV channel Izmail TV (Regional Center for Aesthetic Education);
- Poltava region — Misto (“Misto Studio” LLC), owned by a former deputy of the Poltava Regional Council Oleksandr Zaluzhnyi (the channel is associated with Andriy Matkovskyi, former mayor of Poltava, who is currently a deputy at the Poltava City Council from the Petro Poroshenko Bloc “Solidarity”); Pyriatyn (private company “TRC Pyriatyn”), owned by a former assistant and advisor to a people’s deputy Taras Kutovyi, who is currently a Minister of Agrarian Policy and Food; Ostanniy Bastion (“Ostanniy Bastion” LLC), owned by Hennadiy Sikalov, a local businessman, public activist, and candidate for Poltava mayor (“Ostanniy Bastion” project is associated with Dmytro Nosikov, a TV producer who is restarting TVi channel);
- Rivne region — Rivne 1 (“TRC Rivne 1” LLC), owned by Viktor Danylov, who is the owner of the “Ogo” publishing house;
- Kherson region — VTV+ (private company “TRC VTV plus”), owned by a local media businessmen Tetiana Kamenska and Vitaliy Kamenskyi; Kratu (“Real-Media” LLC), owned by the vice President of the “Electromash” concern, Vyacheslav Horlovskyi, and Nina Horlovska;
- Cherkasy region — Ildana (“TRC Ildana” LLC), owned by the former general director of the Cherkasy Regional State Television and Radio Company Mykhailo Kalinichenko and owner of the “Dnipro” agricultural corporation, former deputy Petro Dusheiko; communal TV channel Shpola TV (editorial office of the Shpola district television and radio broadcasting).

TV companies owned by Ihor Kolomoiskyi (“Television Company Privat TV Dnipro”)



LLC and “TRC TV Stymul” LLC) and “Avers” television and radio company, associated with his business partner Ihor Palytsia; “PravdaTUT” Channel group, owned by a businessman, public figure, and former candidate for the deputy of Kyiv Regional Council from the “New Faces” party Ivan Hryshyn; Lysychansk television and radio company “Accent”, owned by a people’s deputy from the “Opposition Bloc” Serhiy Dunaiev; Poltavske.tv, owned by the founder of Hromadske TV. Poltava, Bohdan Zvyaholskyi, and the TV company GOK, owned by Oleh Zhevahov, brother of the oligarch Kostiantyn Zhevahov; a local broadcaster from Pervomaisk, Mykolayiv region, owned by a relative of a former people’s deputy, who is currently a deputy of the Mykolaiv Regional Council from the “Fatherland” faction, Mykhailo Sokolov; Cherkasy television company “Antena”, owned by Valeriy Vorotnyk, a former deputy of the Cherkasy City Council, did not get digital licenses in this tender.

On October 11, the National Council summed up the results of the tender for 48 vacant FM frequencies in 18 regions of Ukraine, intended for the development of nationwide networks. The winners included 13 radio companies, among which the National Council distributed 40 frequencies. The biggest number of frequencies (16) went to the National Public Broadcasting Company of Ukraine (Ukrainian Radio — 9, Promin — 4, Kultura — 3). Six frequencies went to Pryamyyi FM radio station. Two other new radio stations — “Hutsulske Radio” project, initiated by Mykola Knyazhytskyi, and Pershyi Zahidnyi radio, launched by the television and radio company of the Lviv Regional Council — won one frequency each. Winners included TAVR Media radio group, owned by Viktor Pinchuk and Mykola Bahraiev, (five frequencies), Business Radio Group radio holding, owned by Anatoliy Yevtukhov and Vitaliy Khomutynnik, (two frequencies), Lvivska Khvyliya, owned by the family members of the former Lviv tax officer and businessman Myroslav Khomiak, (four frequencies), as well as two other local communal and two private radio stations. There were no applicants for seven frequencies; and in Kryvyi Rih, the National Council failed to determine the applicant, so on October 18, one more tender for this frequency started.

On October 25, the National Council gave the VHF-frequency in Chernivtsi to the “Emmanuil” Protestant radio, whose competitor was the Catholic “Radio Maria”. There were no

applicants for nine VHF-frequencies, and in Zaporizhia the National Council rejected the application submitted by the “Format” radio, because of issues with the submitted documents which included information about the structure of ownership.

On November 22, the National Council distributed additional positions in the regional digital multiplex owned by the Concern of Radio Broadcasting, Radio Communications, and Television in 22 settlements of the Odesa region. The following three TV channels won the tender:

- Channel 7, owned by the Odesa real estate developer Adnan Kivan (“Riak-inform” LLC), received digital coverage in Odesa and 21 settlements in the Odesa region;
- Zdorovie TV channel, owned by the wife of the people’s deputy from the Petro Poroshenko Bloc Dmytro Holubov (“Zdorovie” Television and Radio Company” LLC), received digital coverage in Odesa and 11 settlements of the Odesa region;
- BIC TV channel, owned by the former head of the Odesa Regional Council Mykhailo Shmushkovych (“Balinformcompania” LLC) received digital coverage in 10 settlements in the northern part of the Odesa region.

On November 29, the National Council determined the winner of the tender for military-patriotic radio on three FM frequencies in Kyiv, Zhytomyr, and Vinnytsia. The only candidate, “Army FM” (Central Television and Radio Studio of the Ministry of Defense of Ukraine) obviously became the winner. Thus, the state radio station is extending outside the territory of the United Forces Operation and begins its all-Ukrainian expansion. In the subsequent tenders the National Council began to recommend that local broadcasters which are not able to fill the entire airtime with their own content rebroadcast not only public radio stations “Ukrainian Radio”, “Promin”, and “Kultura”, but also the state radio station “Army FM”. Moreover, in the new version of the National Television and Radio Broadcasting Development Plan, the National Council set forth that it “promotes creation and development of military-patriotic audio and television channels and broadcasting networks”. That is, not only does this concern military radio, but also TV channels. Actually, members of the National Council have already publicly stated that Ukraine needs its

own “Zvezda” (an analogue to the Russian propaganda channel of the Ministry of Defense of the Russian Federation), and representatives of the Central Television and Radio Studio of the Ministry of Defense of Ukraine received questions about plans for the creation of a satellite TV channel. They answered that in 2019 they wanted to start with online broadcasting.

On December 20, the National Council summed up the results of a tender for vacant sections of broadcasting on 9 frequencies. “Ukrainian Radio”, which was the only candidate and which broadcasts on these frequencies during the rest of air time, won eight vacant sections of broadcasting and lost one vacant section to the communal Editorial Office of the Tulchynka Broadcasting.

In December, the National Council also decided to announce five tenders for vacant radio frequencies. According to its decisions made on December 6, the regulator scheduled tenders for four vacant FM frequencies in Kyiv: informational, social, and political radio (Oleh Chernysh assumed that this is a tender intended for “Pryamyi FM”), informational, educational, and entertaining radio (which is probably intended for the public radio “Promin”), cultural and educational radio (which is probably intended for the public radio “Kultura”), musical, jazz, and classical radio. According to the decision made on December 20, a tender started for 38 vacant frequencies for local broadcasting with the possibility of re-broadcasting public radio stations “Ukrainian Radio”, “Promin”, “Kultura”, or state radio “Army FM”.

During August-December 2018, the National Council issued or re-registered more than 30 permits for temporary broadcasting in the territories with a special broadcasting mode for 17 legal entities. These decisions partly include permits executed in accordance with a new procedure, issued to broadcasters in 2015-2017, and others include permits for frequencies that have been recently calculated by the USCRF, for example frequencies in Hirnyk, Donetsk region (a tower was built by the “Ukrainian Television Networks” company).

The following 17 radio stations received temporary permits:

- “Ukrainian Radio” (National Public Television Broadcasting Company): Volnovakha, Chasiv Yar, Kostiantynivka (Donetsk region), Shyrokyi, Popasna, Lysychansk (Luhansk region);
- “Promin” (National Public Television Broadcasting Company) - Kostiantynivka, Hirnyk (Donetsk region), Bakhmutivka, Lysychansk (Luhansk region);
- “Kultura” (National Public Television Broadcasting Company): Hirnyk, Kramatorsk (Donetsk region), Bakhmutivka (Luhansk region);
- “Pulse” (National Public Television Broadcasting Company): Bakhmutivka, Shyrokyi, Bilovodsk, Biloluts, Zorynivka, Lysychansk, Markivka, Svatove, Stanytsia Luhanska, Troitske (Luhansk region);
- “Holos Donbasu” (National Public Television Broadcasting Company): Hirnyk, Bakhmut, Volnovakha, Kramatorsk, Mariupol (Donetsk region), Bakhmutivka (Luhansk region);
- “Hromadske Radio”: Volnovakha, Kostiantynivka, Kramatorsk, Mariupol, Pokrovsk, Hirnyk (Donetsk region), Lysychansk, Starobilsk, Shyrokyi, Bakhmutivka (Luhansk region); the radio station later refused the temporary permits in Kostiantynivka and Pokrovsk;
- “Kraina FM”: Mariupol, Kramatorsk (Donetsk region);
- “FM Halychyna” Volnovakha, Bakhmut (Donetsk region), Lysychansk, Svatove, Starobilsk, Shyrokyi (Luhansk region);
- “Tryzub FM”: Svitlodarsk, Toretsk, Hirnyk, entry-exit checkpoint Hnutove (Donetsk region);
- “Russkoye Radio-Ukraine”: Shyrokyi (Luhansk region);
- “Radio Klas”: Bakhmut (Donetsk region);
- “Army FM”: Bakhmut, Volnovakha, Kramatorsk, Mariupol, Svitlodarsk (Donetsk region), Popasna, Shyrokyi (Luhansk region);
- “Krym. Realii”: Chonhar (Kherson region);
- “Stilnoe radio Pepper FM”: Hirnyk, Kostiantynivka (Donetsk region);
- “Radio Roks”: Hirnyk (Donetsk region);
- “Pryamyi FM”: Hirnyk, Volnovakha, Kramatorsk, Pokrovsk (Donetsk region), Bakhmutivka, Lysychansk, Shyrokyi (Luhansk region);
- “Radio NV”: Bakhmutivka (Luhansk region);
- The following seven TV channels received temporary permits:

- ATR: Chonhar (Kherson region) (analogue broadcasting, digital broadcasting);
- Lale: Chonhar (Kherson region) (digital broadcasting);
- UA:Pershyi (National Public Television Broadcasting Company): Hirnyk (Donetsk region) (digital broadcasting, analogue broadcasting);
- UA:Donbass (National Public Television Broadcasting Company): Hirnyk (Donetsk region) (digital broadcasting, analogue broadcasting);
- "Donbass" ("Media Group Ukraine"): Hirnyk (Donetsk region) (digital broadcasting);
- UA TV ("Multimedia platform of international broadcasting of Ukraine"): Hirnyk (Donetsk region) (analogue broadcasting);
- Pryamyi channel: Chonhar (Kherson region) (analogue broadcasting).

## Control over the compliance with language quotas

On October 13, 2018, language quotas on television fully came into force. Until this day, broadcasters had a one-year-long transition period, when all programs produced by

a channel were regarded as a Ukrainian-language product. Since October 13, national and regional channels are required to provide 75% of Ukrainian-language content on their air. This percentage is slightly lower for local broadcasters, namely 60%. The law also provides for 75 % of the state language for television news programs. A fine of 5% of the license fee is provided for failure to comply with language quotas. For example, a fine for a nationwide TV channel which broadcasts in the "Zeonbud" digital network will amount to approximately 400 thousand UAH, whereas in case of a satellite TV channel, this figure will be 19 thousand UAH.

The National Council announced that it would be monitoring TV channels from the first day the quotas come into force. It promised to announce the first results of the monitoring of nationwide channels already in five weeks and to present the results of the monitoring of regional broadcasters in five months. Such long terms are caused by the fact that, in accordance with the law, the regulator is forced to calculate a weekly quota, which requires the National Council to carry out weekly monitoring of every channel. However, as at the end of the year, the National Council did not present any results of the monitoring of language quotas.



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## ІНТЕГРАЛЬНІ ПОКАЗНИКИ ЗА ДВА РОКИ ДІЇ МОВНИХ КВОТ

ОБСЯГ ПІСЕНЬ УКРАЇНСЬКОЮ МОВОЮ

**51%** середній показник пісень українською мовою на загальнонаціональних радіостанціях за другий рік дії мовних квот

**+4 в.п.** збільшилась частка україномовних пісень порівняно з листопадом 2016 р. – жовтнем 2017 р.

**+21 в.п.** становить перевиконання квоти пісень українською мовою на загальнонаціональних радіостанціях в листопаді 2017 р. – жовтні 2018 р.

### ЧАСТКА ПІСЕНЬ УКРАЇНСЬКОЮ МОВОЮ

Групи радіостанцій	Квота*	Радіостанція	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Радіостанції з переважною більшістю україномовних пісень	≥30%	Країна ФМ	100%	100%	0
		UA:Радіо Промінь	98%	98%	0
		UA:Українське радіо	83%	91%	+8
		UA:Радіо Культура	75%	73%	-2
		Середній показник	89%	91%	+2
Групи радіостанцій	Квота*	Радіостанція	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Радіостанції з переважною більшістю пісень мовою ЄС**	≥25%	Люкс ФМ	29%	34%	+5
		ХіТ ФМ	29%	31%	+2
		Мелодія	31%	29%	-2
		Kiss FM	27%	28%	+1
		Середній показник	29%	31%	+2
Групи радіостанцій	Квота*	Радіостанція	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Радіостанцій з різними музичними форматами	≥30%	Радіо НВ (до березня 2018 - Ера FM)	43%	56%	+13
		Русское радио - Україна	34%	40%	+6
		Наше радіо	30%	39%	+9
		Радіо П'ятниця	36%	38%	+2
		Перець ФМ	32%	38%	+6
		Ретро ФМ	28%	33%	+5
		Радіо Шансон	33%	33%	0
		Середній показник	32%	36%	+4
Середній показник по всіх радіостанціях			47%	51%	+4

\*ч. 2 ст. 9 ЗУ «Про телебачення і радіомовлення»

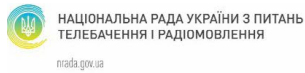
\*\*Радіостанції, в ефірі яких частка пісень офіційними мовами ЄС відповідно до умов ліцензії становить не менше як 60% загального обсягу пісень

Дані добових моніторингів ефірів загальнонаціональних радіостанцій щодо обсягу пісень українською мовою. Показники є усередненою часткою пісень українською мовою протягом доби від загальної кількості пісень в ефірі загальнонаціональних радіостанцій.



However, there were still sanctions for non-compliance with language quotas on TV in the second half of 2018. Some broadcasters committed violations even in the transitional

period (the monitoring was carried out in the spring and summer of 2018). In particular, on September 20, a fine of 3.2 thousand UAH for 56.1% of the Ukrainian language instead



## ІНТЕГРАЛЬНІ ПОКАЗНИКИ ЗА ДВА РОКИ ДІЇ МОВНИХ КВОТ ОБСЯГ ВЕДЕННЯ ПЕРЕДАЧ УКРАЇНСЬКОЮ МОВОЮ

КВОТА  $\geq 55\%$ \*

**86%** середній показник обсягу ведення передач українською мовою на загальнонаціональних радіостанціях за другий рік дії мовних квот

**+2 в.п.** збільшився обсяг ведення передач державною мовою порівняно з листопадом 2016 р. – жовтнем 2017 р.

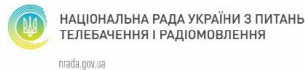
**+31 в.п.** становить перевиконання квоти ведення передач українською мовою на загальнонаціональних радіостанціях за другий рік дії мовних квот

### ЧАСТКА ПЕРЕДАЧ УКРАЇНСЬКОЮ МОВОЮ

	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.		листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Країна ФМ	100%	100%	0	Наше радіо	66%	83%	+16
UA:Радіо Промінь	100%	100%	0	ХІТ ФМ	71%	81%	+10
UA:Радіо Культура	100%	100%	0	Люкс ФМ	86%	80%	-6
UA:Українське радіо	100%	98%	-2	Радіо Шансон	81%	77%	-4
Ретро ФМ	91%	91%	0	Перець ФМ	68%	76%	+8
Радіо НВ (до березня 2018 - Ера FM)	95%	90%	-5	Русское радио - Україна	69%	76%	+7
Kiss FM	92%	88%	-4	Радіо П'ятниця	70%	69%	-1
Мелодія	78%	84%	+6	Середній показник щодо всіх радіостанцій	84%	86%	+2

\*ч. 5 ст. 9 ЗУ «Про телебачення і радіомовлення»

Дані добових моніторингів ефірів загальнонаціональних радіостанцій щодо обсягу ведення передач державною мовою. Показники є усередненою часткою обсягу ведення передач українською мовою протягом доби в ефірі загальнонаціональних радіостанцій.



## ОБСЯГ ПІСЕНЬ УКРАЇНСЬКОЮ МОВОЮ В ЕФІРІ МІСЦЕВИХ ТА РЕГІОНАЛЬНИХ РАДІОСТАНЦІЙ

ЛИСТОПАД 2017 – ЖОВТЕНЬ 2018 | КВОТА  $\geq 30\%$ \*

**48%** середній показник пісень українською мовою на місцевих та регіональних радіостанціях за другий рік дії мовних квот

**+4 в.п.** збільшилась частка українськомовних пісень порівняно з листопадом 2016 р. – жовтнем 2017 р.

**+18 в.п.** становить перевиконання квоти пісень українською мовою на місцевих і регіональних радіостанціях у листопаді 2017 р. – жовтні 2018 р.

	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.		листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Рівненська область	79%	80%	+1	Одеська область	39%	44%	+5
Тернопільська область	79%	78%	-1	Закарпатська область	31%	43%	+12
Івано-Франківська область	59%	66%	+7	Черкаська область	43%	43%	0
Сумська область	53%	61%	+8	Херсонська область / Крим	35%	43%	+8
Волинська область	49%	58%	+9	Дніпропетровська область	36%	41%	+5
Львівська область	49%	52%	+3	Луганська область**	26%	41%	+15
Чернігівська область	46%	48%	+2	Житомирська область	37%	39%	+2
Кіровоградська область	39%	47%	+8	Вінницька область	36%	38%	+2
Донецька область**	38%	47%	+9	Запорізька область	35%	37%	+2
Чернівецька область	51%	46%	-5	Полтавська область	35%	36%	+1
Миколаївська область	45%	45%	0	Харківська область	31%	36%	+5
м. Київ та Київська область	38%	44%	+6	Хмельницька область	36%	32%	-4

\*ч. 2 ст. 9 ЗУ «Про телебачення і радіомовлення»

\*\*Моніторинг місцевих та регіональних радіостанцій, які здійснюють мовлення в підконтрольних Уряду районах Луганської та Донецької областей

Дані добових моніторингів ефірів місцевих і регіональних радіостанцій щодо обсягу української мови. Показники є усередненою часткою пісень українською мовою протягом доби від загальної кількості пісень в ефірі місцевих і регіональних радіостанцій.

## ОБСЯГ ВЕДЕННЯ ПЕРЕДАЧ УКРАЇНСЬКОЮ МОВОЮ В ЕФІРІ МІСЦЕВИХ ТА РЕГІОНАЛЬНИХ РАДІОСТАНЦІЙ

ЛИСТОПАД 2017 – ЖОВТЕНЬ 2018 | КВОТА ≥55%\*

**92%** середній показник ведення передач українською мовою на місцевих та регіональних радіостанціях за другий рік дії мовних квот

**+4 в.п.** збільшився обсяг ведення передач державною мовою порівняно з листопадом 2016 р. – жовтнем 2017 р.

**+37 в.п.** становить перевиконання квоти ведення передач українською мовою на місцевих і регіональних радіостанціях у листопаді 2017 р. – жовтні 2018 р.

	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Волинська область	98%	100%	+2
Рівненська область	100%	100%	0
Хмельницька область	88%	100%	+12
Чернівецька область	100%	100%	0
Львівська область	96%	98%	+2
Черкаська область	91%	98%	+7
Івано-Франківська область	95%	97%	+2
Чернігівська область	94%	95%	+1
Тернопільська область	93%	95%	+2
Запорізька область	90%	94%	+4
Сумська область	89%	94%	+5
Закарпатська область	93%	94%	+1

	листопад 2016 – жовтень 2017	листопад 2017 – жовтень 2018	Динаміка, в.п.
Кіровоградська область	97%	91%	-6
Харківська область	87%	90%	+3
Миколаївська область	81%	90%	+9
Житомирська область	89%	89%	0
Вінницька область	80%	89%	+9
Дніпропетровська область	82%	89%	+7
Луганська область**	81%	88%	+7
Одеська область	83%	88%	+5
Полтавська область	84%	88%	+4
м. Київ та Київська область	85%	87%	+2
Херсонська область / Крим	71%	83%	+12
Донецька область**	69%	76%	+7

\*ч. 5 ст. 9 ЗУ «Про телебачення і радіомовлення»

\*\*Моніторинг місцевих та регіональних радіостанцій — ліцензіатів Національної ради, які здійснюють мовлення в підконтрольних Уряду районах Луганської та Донецької областей

Дані добових моніторингів ефірів місцевих і регіональних радіостанцій щодо обсягу ведення передач державною мовою. Показники є усередненою часткою обсягу ведення передач українською мовою протягом доби в ефірі місцевих і регіональних радіостанцій.

of 60% was imposed on a local TV channel STS from Sumy. On October 18, the National Council fined two thematic TV channels Science and Terra for 18.5 thousand UAH each for 55% and 60% of the Ukrainian language instead of 75 %. And on December 13, three other thematic channels — Bolt, Dacha, and Epoque - were fined for 19.3 thousand UAH each. The least amount of content in the Ukrainian language was provided on Epoque — from 24 to 37%, on Dacha — 56-58%, and on Bolt — 54-66%.

On November 8, 2018, the third stage of the introduction of Ukrainian quotas on radio came into force. From this day on, at least 35% of songs on radio stations must be in the Ukrainian language (25% in case of radio stations broadcasting more than 60% of the songs in the EU languages), and the daily share of programs in the state language must be at least 60%.

Having analyzed the first two years of the use of language quotas on radio, the National Council came to the conclusion that radio stations exceed the quotas by more than a half. The average share of Ukrainian-language songs on Ukrainian national radio stations was 51%, while the share of programs in the Ukrainian language was 86%.

According to the regulator, local radio stations also exceed the quotas. The average share of songs in the Ukrainian language in this sector is 48%, and the share of programs in the Ukrainian language is 92%. Radio stations in the west of the country show the highest figures.

Serhiy Kostynskyi believes that the regulator's rigorous actions, which fined radio stations, even if they were only lacking one song on their air, made it possible to ensure compliance with the law. For example, there was a similar situation with "Radio NV": On November 8, 2018, the company was fined for 349 thousand UAH and 449 for non-compliance with the song quota. In addition to "Radio NV", the National Council fined four other radio stations during August-December 2018: A-FM from Okhtyrka, Sumy region, was fined for 1.4 thousand UAH for non-compliance with the song quota, Radio Vesti from Dnipro was fined for 22.8 thousand UAH for non-compliance with the language quota (the fine will be paid by the new owner of the radio station — the co-owner and head of the "Lux" radio holding, Roman Andreiko); Chernivtsi Radio "Bukovynska Khvyliya" was fined for 4.8 thousand UAH for non-compliance with the song quota; "Arsi" radio from Artsyz, Odesa region, was fined for 980 UAH for non-compliance with the language quota.

## Regulation of foreign TV channels

In the second half of 2018, the National Council decided to carry out a stricter regulation of foreign TV channels and to streamline the procedure for their inclusion in the List of Foreign Programs Content of Which Complies with the Requirements of the European Convention on Transfrontier Television and with the Ukrainian legislation. For this purpose, the National Council developed a draft Procedure for the Drawing Up of the List of Re-broadcast Programs of Television and Radio Companies. On August 2, it was laid on a table for a month, but after the ambiguous feedback from the industry, this decision was canceled, and on August 29, the project was repeatedly laid on a table for two months. On November 29, this period was extended for another month, until December 31.

The project stipulates that the rightholders of foreign programs or authorized persons submit applications for inclusion in the List to the National Council, which the regulator has to consider within three months. The application has to include, in particular, the following data:

- country and authorization form (+ copy of a permit from the country of origin);
- date and country of the first channel broadcast;
- whether there is a license issued by the Russian Federation;
- the territory in which the channel is broadcast;
- whether the channel is re-broadcast in the temporarily occupied territories of Donetsk, Luhansk regions, and the Crimea;
- technical and program parameters of broadcast, including the language of the channel and the availability of dubbing or subtitles in the Ukrainian language or in the languages of indigenous peoples of Ukraine;
- information on the presence of content that may harm children, and on the presence of a system for restricting the access of children;
- information about the presence of commercials, and, if there are commercials, confirmation of payment for commercials to a legal entity of Ukraine, as required by law;
- guarantees for the compliance with the legislation of Ukraine regarding prohibition of broadcast of certain films and programs

in the territory of Ukraine;

- channel's compliance with the European Convention on Transfrontier Television and with the Ukrainian legislation with regard to the share of European programs and TV shows.

The National Council wants to oblige foreign broadcasters to inform it about changes in the information specified in the application within 30 days of such changes and to provide the National Council with program records and with access to the channel.

The National Council plans to oblige foreign broadcasters (except for educational TV channels which provide foreign language courses) to dub the content in Ukrainian or provide Ukrainian subtitles. If there are audio tracks in foreign languages, foreign channels must also provide a Ukrainian audio track. The regulator also wants to extend some restrictions established by Article 6 of the Law "On Television and Radio Broadcasting" (prohibition of the language of hostility, propaganda of war, violence, encroachment on the territorial integrity of Ukraine, prohibition of showing films and programs with persons included on the List of Persons Posing a Threat to the National Security and films that are banned by the State Film Agency) to foreign broadcasters.

The document stipulates that the National Council shall not consider applications submitted by residents of the Russian Federation and legal entities whose members (shareholders) are legal entities from the Russian Federation at all levels of ownership structure.

The National Council plans to take foreign channels off the list on the initiative of the applicant or based on the results of monitorings (in the event of two or more violations of the European Convention and/or Ukrainian legislation). At the same time, the channel will be able to re-apply only one year after being taken off the list.

In such a way the National Council makes concessions to the creators of Ukrainian niche channels, who must adhere to all the quotas provided for in the legislation of Ukraine and believe that there must be an even playing field for Ukrainian and international licensees. In particular, representatives of the Terra, Science, Niki Kids i Niki Junior TV channels, which were fined by the National Council for non-compliance with the language quotas and

quotas on the volume of national products, complained about an uneven playing field. On the contrary, the director of the “Clean Sky” initiative, Kateryna Fedorova, believes that instead of obligating foreign channels to translate their content into Ukrainian, they should be encouraged to do so. According to Kateryna, it is economically unprofitable for foreign broadcasters to translate their content into Ukrainian, so they can just leave the market, and their content will be taken away by “pirates”.

Two associations of providers – Association of Rightsholders and Content Providers and the Ukrainian Internet Association – were against the project proposed by the National Council. According to their estimates, the project does not comply with the international agreements which Ukraine acceded to, as well as with its obligation not to restrict rebroadcast of channels from EU member states or countries that ratified the European Convention on Transfrontier Television. The associations emphasized that when ratifying the European Convention on Transfrontier Television, Ukraine stated that it only reserved the right to restrict rebroadcast of program services that contain alcoholic beverages advertisements in its territory. In the opinion of the associations, if the National Council does approve the developed procedure, this will lead to a reduction of the list of foreign television channels rebroadcast of which is allowed, to the reduction in the quality of offers available to subscribers on legal TV services, and even to the elimination of business owned by providers who are the licensees of the National Council.

While there is no special procedure, the National Council occasionally makes changes to the current List of Foreign Programs. As at the end of 2018, it includes 182 TV channels. At the same time, there are already three Ukrainian television channels which decided to withdraw from the jurisdiction of the National Council, got a registration in Europe, and returned to Ukraine as “foreign” broadcasters. We are talking about Nashe Music, English Club TV (both were added to the List of Foreign Programs on September 27), and Ethno Channel (which was added to the List on December 6). In addition to these TV channels, on October 11, Dutch erotic channel Barely Legal, Bulgarian TV channel about a healthy lifestyle WnessTV, and British film channel Shorts TV were added to the List. On the contrary, on September 6, the National Council

temporarily – for six months – suspended rebroadcast of the British Russian-language TV channel RTVI, which is owned by the former general director of the Russian state television channel “Zvezda” Ruslan Sokolov. The grounds for the temporary ban included broadcast of films in which activities of the authorities of the aggressor state were presented from a positive perspective, broadcast of films and TV series which are prohibited in Ukraine, broadcast of content with persons included on the List of Persons Posing a Threat to the National Security. In addition, in the RTVI program *Osoboe Mnenie* [Special Opinion], the National Council noticed the signs of violation of Article 28 of the Law of Ukraine “On Information”.

## Close attention to certain TV channels

On October 4, 2018, Verkhovna Rada adopted a resolution, approving sanction proposals with respect to the legal entities of the 112 Ukraine and NewsOne TV channels. The proposals were submitted to the National Security and Defense Council of Ukraine, which may consider them and make its decision on sanctions, which will then be put into effect by the decree of the President of Ukraine. The list of the proposed sanctions includes blocking of assets, cancellation of licenses, financial restrictions, telecommunication restrictions, and “other sanctions”. So far, the National Security and Defense Council has not considered them. The resolution was preceded by a petition for the termination of the activities of 112 Ukraine and NewsOne TV channels, which had been registered on the website of the Verkhovna Rada on September 20.

In the fall of 2018, both TV channels became the property of the people’s deputy from the “Opposition Bloc” Taras Kozak, who is a close associate of Viktor Medvedchuk, Ukrainian politician, leader of the “Ukrainian Choice” movement, and a man whose daughter’s godfather is Vladimir Putin. In the content and editorial policy of both channels, Detector Media repeatedly came across the influence of Viktor Medvedchuk, pro-Russian messages, fakes, and manipulations. The regulator is alert to both of its licensees, but so far this alertness did not result in the termination of the activities of these broadcasters.

In the past two years NewsOne received six warnings from the National Council for various violations. The last two warnings were



given during August-December 2018: On August 29 — for the episode of the program “World Politics with Oleh Voloshyn” in which the presenter, in the opinion of the National Council, was popularizing the authorities of the aggressor state when assessing Russia’s actions in Syria; and on December 6 — for non-compliance with the rules of broadcast on the Day of Remembrance, dedicated to the 100-year anniversary since the beginning of the “red terror” on September 5. In addition, in the past six months, the National Council carried out three more checks of NewsOne, the results of which have not been considered yet: regarding statements of a number of presenters and guests about the war in the Donbass, Andriy Parubiy, and the autocephalous church; regarding changes in the ownership structure, publicly announced by the channel; regarding depiction of the map of Ukraine without the Crimea during the “Nord Stream - 2” discussion. Since the nature of violations varies, the licenses were not canceled. After all, the National Council may only file a lawsuit requesting to cancel a license after it gives a warning and imposes a fine for the same violation.

As for the channel 112 Ukraine, in the second half of 2018, the National Council received a chance to refuse the channel extension of digital licenses received in 2011 at a tender for regional and local broadcasters, which, in violation of the terms of the tender, were used for the creation of a nationwide channel. The regulator had the following grounds for the refusal: numerous warnings, fines, and even appeals to court on the cancellation of digital licenses (however, it was blocked by counterclaims) for non-compliance with the concept of regional broadcasting. However, the National Council did not take this chance. It postponed consideration of applications for the extension of digital licenses, submitted by 112 Ukraine, several times. First, they referred to a letter from the Security Service of Ukraine, which was allegedly checking whether Eduard Kats was a fictitious owner. Then 112 Ukraine itself, whose representatives almost always ignored the meeting of the National Council, asked to consider the issue later, so that the main lawyer could attend the meeting. As if by chance, having once again postponed consideration of digital licenses, on October 11, the regulator scheduled an unscheduled check of 112 Ukraine with regard to its satellite license, on the grounds of the spread of “Russian propaganda clichés”.

As a result, the National Council waited until a court ruling was issued on October 17, according to which the Council was not allowed to make a decision on the refusal to extend digital licenses of 112 Ukraine. However, this ruling, which obviously limits the discretionary powers of the National Council and tells the independent regulator which decision it has to make, did not result in a scandal and outrage. Yes, the National Council appealed against it. But everything was done quietly, with a delay in the consideration of the appeal, and the decision was eventually made in favor of 112 Ukraine. Thus, the injunction is still in effect. It looks like 112 Ukraine will keep its digital licenses – which continue to be valid for an indefinite period of time – until the end of the campaign for presidential election. We would like to note the following: the channel has a satellite license, which is not under threat, and thanks to the satellite broadcast, 112 Ukraine is also in the network of providers which offer paid television services. However, terrestrial broadcasting, which reaches the poorest but often very active electorate, is traditionally the most alluring in the Ukrainian market, that is why terrestrial (digital) licenses are so important for a channel that is oriented towards influence on public opinion, rather than towards business.

The regulator’s feebleness with regard to 112 Ukraine may be a sign of a certain “non-aggression pact”, which some sources mentioned in their conversations with Detector Media. Presidential Administration allegedly received and continues to have some influence on the channel, and Yehor Benkendorf, one of the broadcaster’s top managers, is allegedly the guarantor of this influence. When he started working in the channel back in 2016, the criticism of the President (but not the authorities in general) in guest studios became less severe. The channel covers all official events and statements made by the President, in particular, live ones. Despite the evident recent changes in the editorial policy on the promotion of Viktor Medvedchuk, the policy on Petro Poroshenko’s activities actually has not changed.

## Regulation of advertising and sponsorship

In September, the National Council announced recommendations for sponsorship with the use of alcohol brands, which it started using in its monitoring from October 1.

In accordance with the document, broadcasters must in advance obtain from their sponsor a documentary confirmation of the alcohol brand (TM) registration or confirmation of the submitted application for the registration of TM, as well as confirmation of the fact that the fee charged for its submission has been paid. Broadcasters are obligated to check the registered TM for compliance with the recommendations of the National Council, and if the TM does not comply with them, a broadcaster must refuse to broadcast such sponsored information.

Broadcasters must indicate the sponsor's status before its name. The National Council also allows to do this using the following words and phrases: "partner", "under the auspices of", "with the assistance of", "the TM presents", etc. Broadcasters are not allowed to turn the volume up when mentioning a TM.

The National Council sets a number of requirements for sponsored information about alcohol TMs:

- sponsored information may not be identical to commercials for alcoholic beverages;
- it is prohibited to use the words "vodka", "wine", "champagne", images of alcohol packaging, description or images of the process of alcohol manufacture or equipment used in its manufacture, images of alcohol consumption, glasses, shotglasses, corkscrews, the sound of opening bottles, pouring, the sound of clinking glasses, description of alcohol taste, smell, and strength in sponsored information;
- sponsored advertisements may not contain encouragements to consume alcohol, the words "try", "taste", "drink", "feel", "Cheers!", "Let's drink for...!", etc.
- The National Council also has a number of requirements for alcohol TMs:
  - not to mention last names, first names, pseudonyms of popular persons or indirect approval of alcohol consumption by popular persons;
  - not to state that alcohol has healing qualities, or that it is a stimulant or a sedative;
  - not to encourage to consume alcohol and not to make negative comments about alcohol abstinence;
  - not to state that alcohol consumption does not have a negative impact on health or well-being;
  - not to create an impression that most people drink alcohol;
  - not to promote excessive consumption of alcohol or portray moderate alcohol consumption in a negative light;
  - not to make people think that alcohol consumption is an important factor in achieving success in sports, social, sexual, or other spheres of life.

## Preparation for the election

On December 31, the next campaign for presidential election began in Ukraine, which will last 90 days. In preparation for this campaign, on December 20, the National Council created a traditional working group for the purpose of monitoring broadcasters' compliance with the electoral law, which was headed by the first deputy chairman of the National Council Olha Herasymiuk. On December 27, the working group held its first constituent meeting. The main tool is the monitoring of television and radio programs, which is conducted during the election campaign. It provides for a round-the-clock analysis of broadcasting on national television and radio channels, Ukrainian and foreign satellite television channels, random systematic monitorings of regional and local media. The working group will also consider appeals and complaints from legal entities and individuals regarding issues related to the activities of television and radio broadcasting organizations during the election campaign. However, the powers of the National Council during the election are limited, and it may not impose sanctions for the detected violations. Based on the results of its activities, the working group will prepare a report, which will include information about detected violations and will present suggestions about ways to improve the electoral law.

In addition to the working group, on December 19, the National Council and the National Agency on Corruption Prevention (NACP) signed a Memorandum of Understanding, Cooperation, and Information Exchange. Its declared aim is to "create means of preventing political corruption and non-transparent funding of political parties during the next election campaign." The main areas of cooperation will include:

- providing each other with documents, requests, applications, letters containing requests for the provision of information;

- exchange of information in response to the relevant requests regarding the use of airtime by persons who ordered political and social advertising within the framework of exercising state control over the compliance with legal restrictions on the financing of political parties, etc.;
- conducting of monitoring of the election campaign carried out by the entities which take part in the election process.

The National Council has explained that as a result of cooperation the NACP will be able to use the National Council's data on airtime allocated for the election campaign of entities which take part in the election process, or various forms of advertising placement, for the purpose of checking the accuracy of figures contained in the reports prepared by political parties.

As at the end of December, the National Council was also discussing with the public the idea of creating an independent expert council on elections, which would play an advisory role. The Public Council under the National Council suggested that such a council is created under the National Council and the Central Election Commission. Members of the National Council were discussing the possibility of creating such an expert council either on the premises of the Independent Media Council or the Office of the Council of Europe. However, as at the end of December, the decision was not made. On January 10, the National Council decided to support the suggestion put forward by the Public Council. But according to this decision, the expert council must be created under the Public Council, rather than under the National Council; that is, the regulator decided to distance themselves from this process, attributing this to the fact that the expert council must not be regarded as an institution "guided" by the state regulator. However, in that case, there is a question of whether such an expert council is even legitimate and effective.

## Public relations

On August 30, 2018, the term of office of the regulator's advisory body – the Public Council – ended, and the National Council announced a competition for new members. Applications were accepted during one month, and on October 18, the National Council extended this period for another month. At that time, they explained that among all the 18 applications, some were submitted by candidates who work at companies that are licensees of the National

Council or from the top managers of profitable organizations.

On December 6, the National Council selected 15 members from the 35 candidates, who will be working at the Public Council during the next two years. Six of the elected members were members of the Public Council of the previous convocation, two of them were members of the Public Council of earlier convocations, and seven of them are new members.

The following persons became members of the Public Council:

1. Olena Andrienko — self-nominated candidate, the head of the legal department of the Publicis Groupe Ukraine advertising and communication holding;
2. Serhiy Boiko — self-nominated candidate, founder and director of the BigDataUA rating agency, co-owner of Dacha and Epoque TV channels ("Korysne TB" LLC);
3. Viktoriya Veselovska — candidate from the Mykolayiv regional NGO "Mykolaiv Press Club", director of the department of international relations, and co-owner of the Press and Television College;
4. Oleksandr Hlushchenko — self-nominated candidate, head of the Omega TV OTT-service;
5. Arsen Zhumadilov — candidate from the "Crimean Institute of Strategic Studies" NGO, chairman of the Crimean Institute for Strategic Studies;
6. Svitlana Korobina — self-nominated candidate, former deputy director general of the Oleksandr Dovzhenko National Center, was a member of the competition committee for the selection of members of the Council for State Support of Cinematography;
7. Maryana Zakusylo — candidate from the "Detector Media" NGO, chief editor of the Detector Media portal;
8. Vasyl Miezentsov — self-nominated candidate, director and founder of "Tryzub FM" television and radio company, volunteer;
9. Kateryna Miasnykova — candidate from the East European Media Problems Institute, executive director of the Independent Association of Broadcasters;

10. Liubov Naidionova — candidate from the Association of Political Psychologists of Ukraine, deputy director, head of the Laboratory of Psychology of Mass Communication and Media Education at the Institute of Social and Political Psychology of the National Academy of Pedagogical Sciences of Ukraine;
11. Serhiy Siomkin — candidate from the “Industrial Television Committee” NGO, executive director of the Industrial Television Committee;
12. Oleksandr Fediienko — candidate from the Internet Association of Ukraine, chairman of the Internet Association of Ukraine, head of the IMK company (wireless communication technologies);
13. Myroslav Khomyak — candidate from the Lviv regional organization National Union of Journalists of Ukraine and the “Committee for Ecological Rescue of Ukraine” NGO, general director of the “Lvivska Khvyliia” radio (“TRC “Lvivska Khvyliia” LLC, his family members – father-in-law and sister – are company owners);
14. Oleksandr Yankovskyi — candidate from the “Crimean Communities Radio” NGO, chief editor at the “Crimean Communities Radio” NGO (“Krym. Realii” radio — “Radio Liberty” project);
15. “Institute of Mass Information” NGO as a joint member, represented by Roman Holovenko, who was a member of the Public Council of the previous convocation.

Members of the National Council attributed the results of the vote to the desire to see experts from various sectors, as well as representatives of the regions, in the Public Council, as well as to the lack of desire to support representatives of certain media groups and licensees (although Serhiy Boiko, Vasyl Miezentsov, Myroslav Khomyak, and Oleksandr Yankovskyi are co-owners or employees at certain companies which are licensees of the National Council). At the same time, chairman of the Public Council of the previous convocation Natalia Klitna and members of the previous composition of the Public Council Olha Bolshakova and Nadia Kolesnikova were not elected to the Public Council.

At the first meeting held on December 20, members of the Public Council elected the

chairman — Serhiy Siomkin, and the secretary — Svitlana Korobina.

Another advisory body operating at the National Council — working group for the establishment of rules for the protection of children in the media — developed and approved the third self-regulatory document in the industry — Joint Harmonization Act No. 3 “Media coverage of the participation of children in armed conflicts.” As at the end of 2018, it was signed by “1 + 1 Media”, StarLightMedia, “Media Group Ukraine” media groups, the National Public Television Broadcasting Company of Ukraine, and the Independent Association of Broadcasters. Among other things, the signatories of the document agreed to avoid glorification of children’s participation in hostilities; to inform about the criminal liability of adults for involving children in armed conflicts; to prevent identification of children living in temporarily occupied territories by the general public, if they speak about the political situation in Ukraine; to avoid displaying close-up photographs and video images of dead children or their bodies, child tortures or injuries received as a result of hostilities, in the daytime (from 7:00 to 19:00).

The National Council also continued its cooperation with the Independent Media Council, a media self-regulation body, which was formed from five media organizations: Center for Democracy and Rule of Law, Institute of Mass Media, Internews-Ukraine, Detector Media, and Souspilnist foundation. At the request of the National Council, the Independent Media Council considered the following four cases during August-December 2018: the case regarding Yevhen Murayev’s comment about Oleh Sentsov on 112 Ukraine TV channel, the case regarding the episode of “One for All” talk show on the STB channel, the case regarding stirring up of hatred on the NewsOne TV channel during August 31-October 17, 2018, and the case regarding stirring up of hatred on the “112 Ukraine” TV channel during September 4-October 7, 2018. The findings of the Independent Media Council create additional grounds for the National Council to make decisions on imposing sanctions on broadcasters. However, the National Council has still not made decisions about these cases.



# Hyperactive season

## The results of the work of the Ministry of Information Policy in the second half of 2018

Detector Media continues to regularly review the work of the Ministry of Information Policy (MIP). Below are the results of work performed by the Ministry during the second half of 2018.

Earlier, Detector Media published monitorings of work performed by the Ministry of Information Policy for the [first half](#) of 2018, [first](#) and [second](#) half of 2017, and [first](#) half of 2016.



Halyna  
Petrenko

*communication between executive  
authorities and the public;*

- *methodical support for performance of communicative work by executive authorities, in particular organization and carrying out of trainings for employees of structural units of executive authorities which provide interaction with mass media and the public,” — according to the order “Some issues...”.*

### Gifts from the Cabinet of Ministers under the Christmas tree

This year, the spirits of Christmas and of the New Year’s deadline were generous to MIP and left two gifts under the Christmas tree: on December 12, the Cabinet of Ministers issued a decree “Some issues related to the improvement of communicative work of the executive authorities”, and on December 27, it approved the strategy of information reintegration of the Crimea, which had been developed by MIP.

“In order to raise the level of informing the public about the activities of executive authorities and implementation of reforms, as well as for the purpose of throwing light on topical issues related to the implementation of state policy in various areas, the Ministry of Information Policy, together with the Secretariat of the Cabinet of Ministers of Ukraine, within the framework of the “Single Voice” governmental communication platform, shall be provided with:

- *implementation of systematic measures aimed at improving the quality of*

This document was developed in accordance with the Government Priority Action Plan for 2018, the Doctrine of Information Security of Ukraine, and the resolution of the Vice Prime Minister Viacheslav Kyrylenko. Before the issuance of this order, the government had been working according to old rules dated 2010, which had long ceased to meet the challenges of the time due to significant expansion of communication tools and the need to combat hybrid aggression of the Russian Federation.

Now we only have to wait for the adoption of the Crisis Communications System Development Concept, which was presented to the public in summer. We would like to remind you that, according to the concept, a coordinator of crisis communications at the strategic level — a person who has to ensure inter-agency cooperation, so that governmental communication is centralized — is one of the key figures in crisis management. Information Environment Assessment Centers and the Crisis Communications Group, which were created in the MIP, must also play an important role. The

main task of the latter is to produce meanings. Although some of the building blocks of this system have already been set, it is unlikely that government officials had had time to establish the work of the system in practice before, for example, our country had to introduce military state or start official election campaigns.

As for the Crimean informational reintegration strategy adopted by the Cabinet of Ministers, when presenting the document to governmental officials, the first deputy minister of information policy Emine Dzhaparova emphasized that:



“Russian propaganda is aimed at convincing Crimean audience that the world swallowed this “pill” and noted this occupation, and that Ukraine has forgotten about the Crimea and is not fighting for it. Adoption of this document, especially against a backdrop of the resolution within the United Nations Organization, is a key message to people in the Crimea that this is a lie; it completely destroys the myths that are actively promoted by the Russian propaganda, which receives billions in funding.”

**Emine Dzhaparova**

As stated in the document, the strategy is aimed at creating preconditions for restoration of territorial integrity and sovereignty of the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol with the help of information tools and to promote protection of the rights and freedoms of Ukrainian citizens. It is planned to achieve this by taking the following measures:

- establishing uncompromising narratives when defending territorial integrity of Ukraine for the external and internal audiences, as well as debunking Russian myths of the historical past and the present state of the peninsula;
- providing the population of the occupied territory with reliable, prompt, and up-to-date information, establishing a process of informing internal and external audiences and Ukrainian citizens in the temporarily occupied territories about government policy aimed at liberating the Crimea from occupation and at its reintegration;
- establishing communication with inhabitants of the occupied territories, informing Ukrainian citizens and international audiences about processes

that take place in the Crimea, Ukraine’s actions regarding liberation of the Crimea from occupation and its reintegration, as well as about implementation of state information policy concerning the Crimea on a principle of a single voice;

- ensuring cultural and informational rights of all Crimean residents and indigenous peoples;
- clarifying the rights of indigenous peoples;
- promoting further integration of the indigenous people of Ukraine — the Crimean Tatars, as well as Ukrainian citizens living on the Crimean Peninsula — into the Ukrainian political nation;
- providing information support for the implementation of the rights of the Crimean Tatars;
- attracting international support in restoring territorial integrity of Ukraine;
- effective coordination of actions carried out by state authorities and the civil society in the formation and implementation of information policy regarding the temporarily occupied Crimean Peninsula, including through the involvement of all interested persons in this process;
- providing proper budget financing and attracting the necessary additional funds from donors and interested persons for the purpose of implementing information policy regarding the Crimea in general and production of content in particular.

Based on the above, there are the following communicative tasks which are aimed at three different audiences – the occupied Crimea, domestic Ukrainian audience, and international audience:

- formation among Crimean residents of awareness of the inevitability of restoring territorial integrity of Ukraine and understanding of the place of the Crimea in the future state structure of Ukraine, the lack of perception of the process of restoring territorial integrity as a threat to oneself, understanding of Ukraine’s policy during the occupation period and the need to use opportunities provided by Ukraine for its citizens living in the occupied territory;

- formation among Ukrainian citizens of unequivocal support for the restoration of Ukraine's territorial integrity, understanding of Ukraine's policy on the liberation of temporarily occupied territories and reintegration of their population, perception of Crimean Tatars as indigenous people of Ukraine and an integral part of the Ukrainian political nation, a clear understanding of the place of the Crimea in the future structure of the Ukrainian state;
- formation among foreign target audiences of unambiguous understanding of the status of the Crimea (failure to recognize annexation of the Crimea by the Russian Federation), awareness of the situation on the peninsula, understanding of the state policy of Ukraine regarding the occupied peninsula and its population, assistance and support for the liberation of the Crimea from occupation.

Implementation of the strategy is planned for the period up to 2021 inclusive, it provides for annual review and updating and will be accompanied by an annual action plan.

There are particular difficulties in the communications with each of the three audiences. It is objectively difficult for the Ukrainian government to reach Crimeans, despite the efforts made to ensure broadcasting. It is expensive to cover international audience, since it is too extensive. And the domestic Ukrainian audience suffers from the lack of desire to systematically cover events in the Crimea in the Ukrainian media. In the strategy for information reintegration of the peninsula it is even written: "the state and existing practices of media functioning in Ukraine, as well as problematic issues of the quality of content in the Ukrainian media (first of all, in terms of its non-compliance with the needs of the residents of occupied territories), which hinder constructive interaction between state authorities and mass media with regard to topical issues of state information policy in the Autonomous Republic of Crimea" is one of the main threats to its implementation.

The media do not want to write about the Crimea. Readers do not want to read about the Crimea. I have wanted to say this for a long time, but there was no proper occasion: it seems that the main bet on the communication of the woes of the Crimean Tatars after the occupation of the peninsula, as compared with the much

weaker communication of other problems, did a disservice. Ukrainian audience unwittingly began to associate Crimean problems primarily with the problems of the indigenous people. But the Crimea must be native for everyone, so that everyone understands why it is important both to them personally and to the entire Ukraine. All the more so, as it is short-sighted to rely on a single subject in communications. What will prevent Russia from announcing declarative restoration of the rights of the Crimean Tatars, and thus depriving the Ukrainian government of this argument of communication at the international level?

### **ATO stories, American tourists, and lucky television managers**

Relations between the ministry and domestic media are not perfect at all. According to minister Yuriy Stets, who voiced his complains in an interview with Detector Media, TV channel management is extremely reluctant to broadcast free of charge information products developed by the authorities, even if it is social content. MIP's requests are often either left unattended by TV channels, or videos are broadcast at night time. That is why this year the ministry decided to order paid advertising in the media. The first attempt was unsuccessful: a tender for the placement of advertising on Ukrainian TV channels in September - December for the amount of 145 million UAH, which was announced in summer, did not take place, as two out of three participants were disqualified. But the second attempt was successful: "Sigma ua" LLC (advertising agency which is part of the CMS Group) won two tenders for almost 45 million UAH for the placement of advertising in November-December on Ukraine, ICTV, 1+1, STB, Novyi Kanal, and other TV channels.

In general, a lot of commercials were filmed for the Ukrainian audience at the request of MIP. For example, several videos on the land market reform were made by Goodmedia LLC for 790 thousand UAH. Below is another example of how important it is to clean up after your pet in the city:

In addition, almost at the same time the ministry spent a little more than 8 million UAH for radio advertising (on Radio Pyatnica, Russkoye Radio, Hit FM, Radio Roks, Kiss FM, Melodiya FM, and others; advertising was placed by "Perekhid Outdoor" LLC and "Media Hub" LLC) and almost 4.2 million for

online advertising (the latter was aimed at popularizing tourism in Ukraine for residents of the United States and Great Britain and was targeted at civil servants, opinion leaders, journalists, tourists, travel agencies, and government agencies in the field of tourism in these countries; advertising was placed by "Computer Information Technologies" LLC).

At the same time, the ministry, for some reason, did not manage to carry out tenders for the placement of TV commercials abroad. First, a bidding for the amount of 26 million UAH for the creation and distribution of information products on foreign television was canceled; according to the minutes of the meeting of the ministry's tender committee, this happened "in connection with the inability to eliminate violation of law on public procurement, violation of the procedure for notifying of an intention to conclude an agreement, and the absence of further need to procure so many services". Applications were filed by Ad Hoc Communications LLC, Mediahead LLC, CFC Consulting Company LLC, and Euromedia Company LLC. Two participants were allowed to the stage of prequalification: Ad Hoc Communication LLC (they offered to place advertising on BBC) and Euromedia Company LLC (they offered to place advertising on BBC and on Euronews). This was actually the second attempt to hold such a tender: the previous one did not take place either.

Tenders for the creation and distribution of online advertising in Austria, Germany, Italy (for the amount of 4.2 million UAH), and Scandinavian countries (for the amount of 4.2 million UAH as well) were not held due to the lack of further need in the procurement of services.

However, MIP was actively ordering publication of books in Ukraine, in particular:

1. Kyiv Travel Guide, Lviv Travel Guide, Odessa Travel Guide, Karpaty Travel Guide ("Miu Production" LLC, 3.7 million UAH, 3 thousand copies of each book in the English language).
2. "Lviv. Top-10" ("Baltia-Druk" LLC, 1 million UAH, 3 thousand copies in the English and Polish languages).
3. "100 Famous Events in the History of Ukraine" ("Folio" Publishing House" LLC, 792 thousand UAH, 3 thousand copies in the Ukrainian and Russian languages, 1 thousand copies in the English language).
4. "ATO Stories" ("Summit-Book" Publishing House" LLC, 560 thousand UAH, 7 thousand copies).
5. "1,000 and 1 Turn. Part 2" ("Summit-Book" Publishing House" LLC, 450 thousand UAH, 50 thousand copies).

It is already clear that 2019 will not be as successful as 2018, in which MIP received the largest amount of funds since its creation: funds allocated to MIP in the new year will decrease by 316.5 million UAH, that is, by 37 %. The most significant reduction will concern "implementation of measures aimed at protecting the national information space" - from 362.5 million UAH to 100 million UAH. It was under this budget program that advertising campaigns were funded.

Funds allocated for international broadcasting, which is not perfect in terms of influence and coverage, but still serves as support for MIP in communications with a wide international audience, will also decrease by UAH 58.5 million. By the way, the amount of its financing is guaranteed by the law and should amount to not less than 0.06% of the state budget general fund's expenditures for the previous year. That is, in 2019 it was supposed to be 543.6 million UAH. However, deputies allocated only 78% of this amount in the state budget.

## Work on Ukrainian mistakes on Facebook

Throughout 2018, MIP was actively taking part in various public events, cooperation with stakeholders, etc. In particular, we should note the efforts made to establish communication with the Facebook office in order to protect the rights of Ukrainian users, which is extremely important in the context of hybrid aggression. As noted by deputy minister of information policy Dmytro Zolotukhin in his blog, thanks to all the efforts – including the efforts made by the ministry – about 140 webpages of Ukrainian state authorities were verified. "There is a dialog with regard to bans placed on Ukrainian journalists and bloggers. Facebook is currently looking for a manager who will be dealing with Ukrainian issues for their Warsaw office," Mr. Zolotukhin wrote.

He also mentioned the following top ten activities of the ministry carried out during the year (in addition to those that have already been described in this article):

- support of projects aimed at supporting

ATO veterans. For example, supporting “Start Today” business projects for veterans;

- a joint exhibition with the NATO Information and Documentation Center in more than ten cities of Ukraine with lectures from MIP representatives;
- a joint project on the creation of social and educational videos about emergency supportive aid, which is implemented together with the Ministry of Health;
- further structuring and development of cyber-literacy and cyber-knowledge. A communication platform for various institutions and agencies has been created to ensure that cybersecurity-related issues are communicated to the public in an urgent and prompt manner. Negotiations are underway with Estonian, British, and NATO partners. A comprehensive approach to protection from hybrid threats is being finalized. A number of public events have been held;
- development of the topic of “children’s safety on the Internet”. A series of public events and internal meetings on a systematic approach to the creation of training infrastructure for experts in this area was held. There is a separate Google project on the ethics of first-graders’ Internet presence. With regard to this topic, MIP maintains contact with the Ministry of Education and continues negotiations with foreign donors in order to address this topic in certain projects;
- planning of information campaigns and strategic approaches to communicating gender equality and countering gender-based and domestic violence for 2019. MIP participated in public events and meetings with both foreign partners and domestic institutions;
- content (narrative) projects — for example, in conjunction with “Petro and Mazepa” online media. A strategic session was also held on the crystallization of a strategic narrative for the Ukrainian information space; a number of content projects have been developed and presented in Ukraine and abroad in order to debunk fakes produced by Russian propaganda and misinformation — in particular, a “White Book of Kremlin’s Special Information Operations”, which will be translated and presented in the EU capitals in 2019, was prepared.

## Conclusions

During the analyzed period, the Ministry of Information Policy was an active player in the Ukrainian information space and abroad, using all the available resources.

As for the strategic documents approved by the Cabinet of Ministers, it is important that good plans are actually carried out, instead of just being declared: their further fate will largely depend on tactical steps and the ability of ministry staff to negotiate with key stakeholders, including other public authorities.

For 2019, the Ministry received a more modest budget, than it did in 2018. This can affect the effectiveness of their work, although MIP is definitely used to the need to save money. If Petro Poroshenko is not re-elected for the second term, the results of presidential election will probably have an effect on the ministry’s activities. But it is currently very difficult to predict the development of events.



