

BRAF - Comparative Analysis of BRAF Member States' Regulatory Authorities based on TRAI Forms

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The goals of the comparative analysis are :

- to scrutinize the broadcasting landscape of the BRAF Member States.
- to compare the state of affairs of the BRAF Member States' broadcasting regulation authorities



In order to achieve these goals:

- Tirana Form of Regulatory Authorities' Identity (TRAI Form) which was adopted in the 3rd Annual Meeting of BRAF in Albania in 2012 has been utilized.
- A total number of 10 countries; Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Romania, Serbia, Turkey, Ukraine filled in the TRAI form out of 12 BRAF Member States. Russia and Greece have not provided any data.
- TRAI Form contains 33 items which can be categorized in three areas.

Comparative Analysis of BRAF Member States Regulatory Authorities based on TRAI Forms



THE TIRANA FORM OF REGULATORY AUTHORITIES IDENTITY 25-26 MAY 2012

Country Information	ALBANIA	ARMENIA	AZERBAIJAN	BULGARIA	GEORGIA	GREECE	MOLDOVA	ROMANIA	RUSSIA	SERBIA	TURKEY	UKRAINE
Number of Items/Countries	1	2	3	4	5	6	7	8	9	10	11	12
1 Capital												
2 Population												
3 Currency												
4 GDP/Per Capita												
5 Regulatory Authority												
6 Address and Contact Info												
7 Chairman												
8 Date of Establishment												
9 The Scope of Authority												
10 Elections of Members												
11 Incomes												
12 Basic Sanctions												
13 Broadcasting Law and Date of Ratified												
14 Number of Violation Report												
15 Number of Sanction Report												
16 National Contact Person												
17 Digitalization Status												
18 Convergence Status												
19 Total Number of TV Broadcasters												
20 Satellite												
21 National												
22 Local												
23 Cable												
24 IPTV												
25 Number of Public Service Broadcasters												
26 Market Analysis												
27 Regulations on Obscenity and Pornography												
28 Regulations on Protections of Minors												
29 Media Ownership Regulations												
30 Media Literacy Regulations												
31 Product Placement Regulations												
32 Commercial Communication Regulations												
33 Broadcasting during Election Period												



The categories of the TRAI Form are as follows:

1) The audiovisual landscape of the BRAF Member States

- population,
- gdp/per capita,
- digitalization status,
- total number of TV broadcasters;
- satellite,
- national,
- local,
- cable, IPTV broadcasters,
- number of public service broadcasters)



2) The identity of the national regulatory authorities/councils; regulatory authority,

- date of establishment,
- broadcasting law and date of ratified,
- election of members,
- convergence status,
- the scope of authority,
- market analysis,
- incomes)



3) Regulatory power of the national regulatory authorities/councils

- regulations on obscenity and pornography;
- protection of minors,
- media ownership,
- media literacy,
- product placement,
- commercial communication regulations,
- basic sanctions, number of violation report, number of sanction report
- broadcasting during election period,

The audiovisual landscape of the BRAf Member States



	Population (Million)	GDP-Per Capita (PPP)\$
Albania	2,8	7.453
Armenia	3,27	5.384
Azerbaijan	9,35	7.490
Bulgaria	7,37	7.033
Georgia	4,5	3.500
Moldova	3,56	2.700
Romania	19	12.476
Serbia	7,56	4.710
Turkey	74,72	10.444
Ukraine	45,6	7.509

The audiovisual landscape of the BRAF Member States



	Satellite	National	Local	Cable	IPTV	Public Service	Total
Albania	3	3	35	96	0	2	139
Armenia	6	8	34	51	0	2	93
Azerbaijan	1	9	14	14	0	1	38
Bulgaria	87	118	28	125	0	11	130
Georgia	33	4	16	26	0	3	79
Moldova	10	5	17	18	2	2	63
Romania	115	108	234	432	8	19	781
Serbia	0	6	94	120	10	2	128
Turkey	265	22	184	81	53	15	466
Ukraine	90	28	425	164	25	0	478

The audiovisual landscape of the BRAF Member States



	Digitalization Status
Albania	In May 2012 strategy of digitalization approved to end on June 2015
Armenia	from 20 July 2010 to 1 January 2015 is a period of transition from analogue to digital broadcasting.
Azerbaijan	From 23/12/2011 simultaneous broadcasting of analogue and digital television
Bulgaria	new Plan on Digitalization accepted in July 2012, On the 1-st of September 2013 the switch-off should be done. the TV broadcasting should be entirely digital
Georgia	ongoing, deadline is June 2015
Moldova	The implementation of the DVB T2 pilot project
Romania	In august 2010, the Romanian Government decided to postpone until January 1, 2015 transition from analogue terrestrial to digital terrestrial television.
Serbia	Initial Digital Network is operating
Turkey	The pilot digital broadcast has started. The switch-off will be within two years (in 2015)
Ukraine	In August 2011 the National Council held a competition for broadcasting license on vacant multichannel TV network. The second stage is started recently

The identity of the national regulatory authorities/councils



	Authority	Convergence Status	Date of Establishment	Broadcasting Law Date of Ratification
Albania	AMA	No	1998	2013
Armenia	NCTR	No	2001	2000- 2011 (Amendments)
Azerbaijan	NTCR	No	2002	2002
Bulgaria	CEM	No	1998	1998
Georgia	GNCC	Yes	2000	2006
Moldova	CCA	No	2005	2006
Romania	NAC	No	1992	2002
Serbia	RBA	No	2003	2006
Turkey	RTUK	No	1994	2011
Ukraine	NRADA	No	1994	2006

The identity of the national regulatory authorities/councils



	Authority	Convergence Status	Scope of Authority	Market Analysis
Albania	AMA	No	to regulate and supervise the radio-television broadcasting activities	None
Armenia	NCTR	No	"	None
Azerbaijan	NTCR	No	"	None
Bulgaria	CEM	No	"	The CEM can order market analyses as to the media Law but is not in charge of them.
Georgia	GNCC	Yes	Broadcasting, Electronic Communications	None
Moldova	CCA	No	to regulate and supervise the radio-television broadcasting activities	None
Romania	NAC	No	"	Not responsible
Serbia	RBA	No	"	Not responsible
Turkey	RTUK	No	"	Not responsible but it carries out market analysis
Ukraine	NRADA	No	"	Annual Reports

The identity of the national regulatory authorities/councils



	Incomes of the Regulatory Authority
Albania	Payments for the grant and renewal of licenses and / or authorizations; annual payments of licenses and / or authorizations; administrative processing of requests for applications; fees for broadcasting services determined in tax laws, tax agent's role; financing from the state budget;
Armenia	The activities of the National Commission are financed from the state budget .
Azerbaijan	National Television and Radio Council is financed by state budget .
Bulgaria	The activities of the Council for Electronic Media are financed entirely by the state budget .
Georgia	
Moldova	a) state subsidies; b) income from licensing fees; c) income from annual fees, for covering regulatory expenses, paid by the broadcasters representing 1% of their annual turnover ; d) grants.
Romania	The activity of the Council is financed from the state budget
Serbia	The Agency income comprises funds collected from the fees the broadcasters pay for the right to broadcast programmes (the broadcasting licenses) and from the state budget if it is needed
Turkey	Broadcast license fees from media service providers; Annual usage fees for television channel, multiplex capacity and radio frequency; a three percent share of monthly gross commercial communication revenues of media service providers excluding their sponsorship revenues , when needed, treasury aid etc.
Ukraine	

The identity of the national regulatory authorities/councils



	Election of Members
Albania	The AMA members are appointed by the Assembly for a five years term , with the right of renewal only once.
Armenia	The members are elected by the National Assembly for a six-year term while the other half are appointed by the President of the Republic for a six-year term.
Azerbaijan	The Council is consisting of 9 members which are appointed by the President of Azerbaijan for the term of 2 (three of them), 4 (three of them) and 6 (three of them) years
Bulgaria	The CEM consists of five members , of whom three shall be elected by the National Assembly and two shall be appointed by the President of the Republic.
Georgia	The Commission consists of 5 Commissioners. The tenure of a Commissioner is 6 years. President of Georgia makes a decision on the selection and submission to Parliament of at least 3 candidates for each vacant position.
Moldova	The Council is made up of nine members , appointed by the Parliament of the Republic of Moldova, for a mandate of 6 years .
Romania	(1) The Council is made up of 11 members and it is assigned by the Parliament, following the recommendations made as follows: a) The Senate: 3 members; b) The Chamber of Deputies: 3 members; c) The President of Romania: 2 members; d) The Government: 3 members. The duration of the mandate of the members in the Council is of 6 years .
Serbia	The Council is composed of 9 members who are appointed by the National Assembly of the Republic of Serbia at the proposal of authorized nominators: committee of the Assembly, University conference, associations of public media outlets in Serbia etc.
Turkey	The Supreme Council is composed of nine members elected by the Parliament. The term of the Supreme Council members is six years. One third of the members shall be renewed in every two years. The members of the Supreme Council shall be elected in the Parliament from among these nominees on the basis of the number of deputies of each political party.
Ukraine	From eight members of the National Council, four members are appointed by Parliament and four members are nominated by the President of Ukraine.

Regulatory power of the national regulatory authorities/councils



	Basic Sanctions	Number of Violation Report	Number of Sanction Report
Albania	a) fine; b) temporary suspension of the license and/or the authorization; c) reduction of the license time and/or the authorization; d) withdrawal of the license and/or the authorization.		116 (2012)
Armenia	a) written warning; b) penalty; c) suspension of license		2 (2011)
Azerbaijan	Written notification, penalties, bringing an action against broadcaster that infringes provisions of law demanding of broadcasting suspension or license recalling		
Bulgaria		120	62 (2012)
Georgia			
Moldova	a) public warning; b) withdrawal of the right to broadcast advertisements for a certain period; c) fine; d) suspension of the broadcasting license for a certain period; e) withdrawal of the broadcasting license.	137	72 (2013)
Romania	• issue summons • impose fines • demand to broadcast announcement • revoke license; suspend license; reduction in the licensing period • suspend a programme / broadcast		249 (2011)
Serbia	reprimand, warning, temporarily or permanently revoking of broadcasting license		3
Turkey	warning, an administrative fine from two percent up to five percent of total gross commercial communication revenue within the month preceding the month when the violation is identified , (on demand service) the broadcast of the programme subjected to the violation shall be decided to be suspended up to five times, revoking of broadcasting license	805	556 (2011)
Ukraine	A warning, a revocation of license, appeal to the court to revoke the license, a fine	122	118

Regulatory power of the national regulatory authorities/councils



	Regulations on Obscenity and Pornography
Albania	Article 46, Law No. 97/2013, dated 04/03/2013
Armenia	Regulated by the Law " On TV and Radio" of RA (Article 22)
Azerbaijan	Law of the Republic of Azerbaijan "On Television and Radio Broadcasting" says:... Article 35.10 It's prohibited in television and radio programmes advertising of narcotics, psychotropic substances, the weapon, a pornography,
Bulgaria	Article 77. It shall be inadmissible to distribute any commercial communications containing pornography or inciting to violence and disrespect of human dignity..
Georgia	Placement of pornography is prohibited by the "law on Broadcasting"
Moldova	The Decision no.21 from February 21, 2013, by which the Coordinating Council of Audiovisual banned the retransmission of the Hustler TV, XXX-TREME, XXL, Blue Hustler,
Romania	Regulated by the Law no. 504/2002, Audiovisual Law (Art. 39, para (1) "The transmission of programs, within radio and television services, that may seriously impair the physical, mental or moral development of minors, especially programs containing pornography or unjustifiable violence is forbidden."
Serbia	Regulated by the Broadcasting Law and by laws (Code of Conduct, ...)
Turkey	Article 8) Media services 1)n) shall not be obscene
Ukraine	The Law of Ukraine On the Protection of Public Morals (20 November 2003 No. 1296-IV).

Regulatory power of the national regulatory authorities/councils



	Regulations on Protection of Minors
Albania	Article 4, clause t (b), Article 20, clause 2, Article 33 clause 1(c), Article 42, clause 5,7,8, Article 43, clause 7 (a), Article 46, Law No. 97/2013, dated 04/03/2013,
Armenia	Regulated by the Law " On TV and Radio" (Article 22) and the Law " On Advertising" of RA (Article14)
Azerbaijan	Article 33.1 The relevant state body (here NTRC) defines special rules for programmes which might seriously impair the physical, mental and moral development of children and minors...
Bulgaria	Article 17a - Media service providers are required to respect the rights of children covered by the Law on Child Protection and other legislation, and to not allow the participation of children in broadcasts that are unfavorable or threaten to harm the physical, mental, moral and/or social development of children,
Georgia	Rights of minors is considered in the "law on Broadcasting"
Moldova	Decision № 98 from July 19, 2012 on the classification of audiovisual programs in order to protect children from all forms of violence. Decision № 99 of July 19, 2012 on children rights and their protection in audiovisual programs.
Romania	Law no. 504/2002, The Audiovisual Law, Chapter 3^2. Minors' protection and the Code of regulation for the audiovisual content (Decision 220 / 2011), Title II
Serbia	Regulated by the Broadcasting Law and by laws (Code of Conduct, ...)
Turkey	Article 8) (2) In radio and television broadcasting services, the programmes, which might seriously impair the physical, mental or moral development of minors and young people, shall not be broadcast during the time intervals they are likely to watch and without the presence of a protective symbol.
Ukraine	The Law of Ukraine On the Protection of Public Morals (20 November 2003 No. 1296-IV)

Regulatory power of the national regulatory authorities/councils



	Regulations on Media Ownership
Albania	Article 62, Law No. 97/2013, dated 04/03/2013
Armenia	Regulated by the Law " On TV and Radio" of RA (Article 16,18)
Azerbaijan	Article 10 of the Law is fully dedicated to media ownership regulations
Bulgaria	Not part of the Radio and Television Act, there are some restrictions within the Competition Protection Law.
Georgia	Regulated by the "law on Broadcasting"
Moldova	At the moment, a draft law, on amending and supplementing the Audiovisual Code with reference to the subject of transparency in media ownership, is in the process of examination.
Romania	Law no. 504/ 2002, The Audiovisual Law, Chapter 4. The legal regime of the ownership within the audio-visual field, Art. 43-44
Serbia	Regulated by the Broadcasting Law
Turkey	A company might provide only one radio broadcasting service, one television broadcasting service and/or one on-demand media service. A real or legal person can be direct or indirect partner to a media service provider holding maximum four terrestrial broadcast licenses. The total direct foreign capital share in a media service provider incorporation shall not exceed fifty percent of the paid-in capital.
Ukraine	The Law of Ukraine On Television and Radio Broadcasting (12 January 2006 No. 3317-IV)

Regulatory power of the national regulatory authorities/councils



	Media Literacy Regulations
Albania	
Armenia	According to the Law "On TV and Radio" of RA NCTR doesn't regulate Media Literacy
Azerbaijan	Not yet
Bulgaria	not part of the Radio and Television Act
Georgia	Regulated by the "law on Broadcasting" and Code of Conduct for Broadcasters
Moldova	Decision № 138 of September 30, 2011 on the approval of the Cooperation Agreement between the CCA and the Academy of Sciences
Romania	Law no. 504/ 2002, The Audiovisual Law, Art. 10, "i) increase the level of public opinion sensitivity regarding the efficient and safe use of audiovisual media services by promoting and developing media education for all social categories;"
Serbia	Regulated by the Broadcasting Law
Turkey	Article 37 – (1) The functions and powers of the Supreme Council are; r) To collaborate with the other public institutions, particularly leading with the Ministry of National Education, in order to widespread the media literacy so that all society segments are covered,
Ukraine	The Law of Ukraine On Television and Radio Broadcasting (12 January 2006 No. 3317-IV)

Regulatory power of the national regulatory authorities/councils



	Product Placement Regulations
Albania	Article 44, Law No. 97/2013, dated 04/03/2013
Armenia	Regulated by the Law " On TV and Radio" of RA, the Law " On Advertising" of RA
Azerbaijan	Not yet
Bulgaria	Article 83. (1) Product placement in news, religious programmes and in audiovisual media service of public-service providers shall be prohibited. (6) Providers shall have the right to announce, by appropriate means, the provision of goods and services
Georgia	None
Moldova	Additions in the Audiovisual Code regarding the product placement introduced by the Law No. 165 of July 11, 2012, published in the Monitorul Oficial No. 190-192 of September 14, 2012.
Romania	Law no. 504/ 2002, The Audiovisual Law, Art. 31, the Code of regulation for the audiovisual content (Decision 220 / 2011), Chapter III, Art. 100 and the Decision no. 320/2012 concerning the provision of on demand audiovisual media services, Art. 31.
Serbia	Regulated by the Broadcasting Law
Turkey	Article 13 - (1) Product placement applications shall not be allowed in broadcasts, except for the cinematographic works, films and series made for television, sports programmes and light entertainment programmes. Product placement applications shall be subject to the regulations pertaining to commercial communication.
Ukraine	In accordance with License conditions

Regulatory power of the national regulatory authorities/councils



	Commercial Communication Regulations
Albania	Article 42, Law No. 97/2013, dated 04/03/2013
Armenia	Regulated by the Law "On TV and Radio" of RA and the Law "On Advertising" of RA
Azerbaijan	Not yet
Bulgaria	Four different types of advertising and commercial communication established by the RTA in february 2010, "Advertising", "Sponsorship", "Teleshopping", "Product placement"
Georgia	Law on Advertisements and Law on Broadcasting
Moldova	Decision no. 133 of December 23, 2009 on the distribution of alcoholic products advertising spots in radio and TV program services. Decision no. 13 of February 11, 2010 on the distribution of pharmaceutical advertising spots in radio and TV program services.
Romania	Law no. 504/ 2002, The Audiovisual Law, Chapter 3 ¹ , Audiovisual Commercial Communications, the Code of regulation for the audiovisual content (Decision 220 / 2011), Title VIII and the Decision no. 320/2012 concerning the provision of on demand audiovisual media services, CHAPTER V, Rules on commercial communications broadcast on-demand audiovisual media services.
Serbia	Regulated by the Advertising Law
Turkey	Article 9 (General Principles of Commercial Communication), Article 10 (Advertising and tele-shopping in television and radio broadcasting services) Article 11(Commercial Communication of Particular Products) Article 12(Sponsorship)
Ukraine	The Law of Ukraine On Advertising (3 July 1996 No. 270/96-BP)

Regulatory power of the national regulatory authorities/councils



	Broadcasting During Election Period
Albania	It is regulated by law nr 74/2012 date 19.07.2012, Electoral Code of the Republic of Albania, article 77 to 85/1.
Armenia	Regulated by the Law "On TV and Radio" of RA (Article 10), Electoral Code of RA (Article 18-22,89)
Azerbaijan	Article 31 of the Law of the Republic of Azerbaijan "On Television and Radio Broadcasting" and Articles 77 - 82 of the Election Act of the Republic of Azerbaijan.
Bulgaria	It is regulated within the Election Law, called the Election CODE and also by Regulation Acts and Decisions of the Election Authority - The Central Election Commission. CEM is empowered to monitor the electronic media coverage and the journalistic professional behaviour of the media during the pre-elections campaign
Georgia	During pre-election period, "must carry" and "must offer" principles are in place
Moldova	During each electoral campaigns, the CCA adopted the concept of reflection of the election campaign and submitted it to Central Election Commission, which approved the Regulation coverage of media election campaigns.
Romania	Law no. 504/ 2002, The Audiovisual Law, Art.26^1 and the Code of regulation for the audiovisual content (Decision 220 / 2011), Section no. 9, Political Advertising, Art. 139-140
Serbia	RBA is in charge of monitoring the broadcasting content during the Election Campaign and in that manner is bringing by laws, that apply on every broadcaster no matter the way of distribution of the content
Turkey	Article 30 - (1) During election periods, the procedures and principles relating to the broadcasts about elections shall be regulated by the High Election Board. (2) The Supreme Council shall monitor, supervise and evaluates broadcasts of the media service providers during the election periods in accordance with the decisions of the High Election Board.
Ukraine	The Law of Ukraine On Television and Radio Broadcasting (12 January 2006 No. 3317-IV)

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THANK YOU FOR YOUR ATTENTION

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