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AZERBAIJAN

LAW ON MEDIA

THE LAW ON MEDIA

In accordance with paragraphs 1, 10 and 13 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan, this Law shall determine the organisational, legal and economic bases of activity in the field of media, as well as general rules for the acquisition, preparation, transmission, production and dissemination of mass information.

Chapter 1

General provisions

Article 1. Key concepts

1.1. The following key concepts are used for the purposes of this Law:

1.1.1. **mass information** - information which is published and (or) disseminated by media entities for the purpose of imparting to an unlimited number of persons, and the acquisition, transmission, production and dissemination of which are not limited by the laws of the Republic of Azerbaijan;

1.1.2. **media** - tools and means used for periodic or regular publication and (or) dissemination of mass information, as well as an information environment formed through their means;

1.1.3. **media entity** - an individual (excluding journalists) or a legal entity whose main activity is the publication and (or) dissemination of mass information;

1.1.4. **journalist** – a person who works on the basis of an employment agreement at a media entity or individually based on copyright on the basis of an independent contractor agreement, whose main activity is to continuously collect, prepare, edit, produce and transmit information, as well as to express an opinion (to comment) on that information, and who performs this activity for the purpose of gaining an income;

1.1.5. **audiovisual media** – media that implement the provision of television and radio broadcasting, including on-demand broadcast services, to a user in audio and (or) visual form using various technical methods and means;

1.1.6. **print media** – media that disseminate mass information in text or visual form on paper and (or) electronic medium with unified design at a certain planned periodicity during the year or when relevant materials are collected;

1.1.7. **online media** – media that disseminate mass information, except for audiovisual media and print media, in text, audio, visual or other electronic (digital) form on a website;

1.1.8. **news agency** – media that acquire, transmit, produce and disseminate mass information, as well as conclude agreements with other media entities on the provision (acquisition) of information, and under these agreements ensure the regular delivery of information they acquire;

1.1.9. **editorial board** – a unit that consists of a creative team at websites, newspapers and other periodicals, as well as television and radio channels, on-demand broadcast services and news agencies;

1.1.10. **responsible editor** – a person who performs the function of deciding on the content and selection of the programming schedule in television and radio broadcasting and within the

programme catalogue in on-demand broadcast service, as well as of material disseminated in print media and online media;

1.1.11. **user** – an individual or a legal entity that uses media to meet his/her/its information needs without a commercial purpose;

1.1.12. **media literacy** – having knowledge about the content of mass information, its transmission and consumption, the ability of critical evaluation and of use in different contexts and of analysis;

1.1.13. **logo (emblem)** – any combination of symbols (words, letters, numbers, graphic elements, etc.) that make it possible to distinguish the editorial board (editorial boards) of a media entity;

1.1.14. **audiovisual broadcaster** – an individual or a legal entity that is responsible for the content of programmes in television and radio broadcasting, including in on-demand broadcast service, and decides on the method of broadcasting this service;

1.1.15. **terrestrial broadcaster** – an individual or a legal entity that is responsible for the content of television and radio programmes and broadcasts those programmes using the method of terrestrial broadcasting;

1.1.16. **national broadcaster** – a terrestrial broadcaster whose programmes cover at least 70% of the population within the boundaries of the territory of the Republic of Azerbaijan;

1.1.17. **regional broadcaster** – a terrestrial broadcaster whose programmes covers at least 70% of the population of at least 2 (two) administrative territorial units of the Republic of Azerbaijan;

1.1.18. **platform broadcaster** – an individual or a legal entity that is responsible for the content of audiovisual programmes and broadcasts those programmes through a platform and (or) multiplex operator and (or) a body (institution) designated by a relevant executive authority, or directly over the internet;

1.1.19. **infrastructure operator** – a body (institution) designated by a relevant executive authority to ensure the retransmission of audiovisual programmes on a single radio frequency by combining a large number of audiovisual digital broadcast signals in one or more signals using radio frequency resources through its base terrestrial broadcasting networks;

1.1.20. **multiplex operator** – a legal entity that retransmits more than one television or radio channel using radio frequency resources;

1.1.21. **platform operator** – an individual or a legal entity that retransmits programmes, including on-demand broadcast services, via cable, IPTV, OTT, mobile TV and satellite by means of encoded broadcast signals;

1.1.22. **on-demand broadcast service provider** – an individual or a legal entity that enables a user to watch and (or listen to) programmes at a time of the user's choice and according to the user's personal wishes based on a compiled programme catalogue and is responsible for the content of the programme catalogue;

1.1.23. **retransmission** – reception and transmission, using any technology, of television or radio channels, as well as programmes or parts thereof without changes made to their content;

1.1.24. **themed broadcast** – a broadcast at least 75 (seventy-five) percent of whose programming schedule or catalogue consists of programmes that are devoted to a certain field (news, films, documentaries, sports, music, children's entertainment, TV commerce, etc);

1.1.25. **programme** – a collection of information that is intended to inform, educate and (or) entertain users, is prepared in accordance with the requirements established by this Law, is contained in a programming schedule or programme catalogue, and is recorded and broadcast live or by means electronic memory devices;

1.1.26. **programming schedule** – a timetable that shows the time and sequence of programmes;

1.1.27. **programme catalogue** – a collection of programmes offered to a user's selection in on-demand broadcast service;

1.1.28. **satellite broadcast** – audiovisual broadcast that is transmitted and received directly by users via satellite broadcasting infrastructure;

1.1.29. **cable broadcast** – audiovisual broadcast transmitted by means of different types of cable and (or) hybrid infrastructure (broadcast-cable, satellite-cable, etc.) and received by users;

1.1.30. **IPTV broadcast** – broadcasting that uses its own Internet Protocol (IP) to ensure the transmission of an internet provider's audiovisual programmes and their reception by users;

1.1.31. **OTT broadcast** – broadcasting that enables audiovisual programmes to be transmitted to a user's receiver over the internet (excluding IPTV broadcasting);

1.1.32. **mobile TV broadcasting** – broadcasting that ensures the transmission of audiovisual programmes via mobile telecommunication networks and reception by users;

1.1.33. **prime time** – the time when audiovisual programmes are most watched or listened to during the day as determined by the decision of the Audiovisual Council of the Republic of Azerbaijan (hereinafter - the Council);

1.1.34. **rating organisation** – a person who measures the size of the audience of audiovisual media;

1.1.35. **important event** - a public, political, social and economic development of interest to society and intended to be published and (or) broadcast by media entities operating in the country.

1.2. Other concepts used in this Law have the meanings defined by the normative legal acts of the Republic of Azerbaijan.

Article 2. Media legislation

The media legislation of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, this Law, the laws of the Republic of Azerbaijan "On freedom of information", "On personal data", "On obtaining information", "On information, informatisation and protection of information", other normative legal acts which regulate the media field, as well as international agreements to which the Republic of Azerbaijan is a party.

Article 3. The scope of application of this Law

3.1. This Law applies to media entities founded in the territory of the Republic of Azerbaijan, editorial boards, their products, as well as all media entities which are located outside the Republic of Azerbaijan and whose activities are oriented to the territory and population of the Republic of Azerbaijan, only that part of media products that are created outside the Republic of Azerbaijan which are disseminated in the territory of the Republic Azerbaijan, and also journalists.

3.2. The provisions of this Law do not apply to the following:

3.2.1. information disseminated by persons who are not considered media entities (except journalists);

3.2.2. correspondence sent by users to each other using information technology, except for the dissemination of mass information.

3.3. Special features of the activities of media entities related to election and referendum campaigning are regulated by the Election Code of the Republic of Azerbaijan.

Article 4. State's responsibilities in the field of media

4.1. The state's key responsibilities in the field of media are as follows:

4.1.1. to ensure diversity of opinion and freedom of activity in the field of media;

4.1.2. to enable everyone in the Republic of Azerbaijan to be provided with information;

4.1.3. to protect users, especially children, from the effects of harmful information;

4.1.4. to promote the development of the media and to implement stimulating measures;

4.1.5. to stimulate the activities of media entities and journalists;

4.1.6. to ensure a competitive environment in the field of media, to create equal opportunities for the activities of media entities and journalists;

4.1.7. to ensure the security of the media space of the Republic of Azerbaijan;

4.1.8. to enable public broadcasting.

Article 5. Media freedom

5.1. Media are free in the Republic of Azerbaijan.

5.2. State censorship in the field of media, as well as the creation and financing of state bodies (institutions) or positions for this purpose are prohibited.

5.3. Freedom of activities in the field of media is based on the state guaranteeing the right of everyone to legally seek, obtain, prepare, transmit, produce and disseminate information.

5.4. Activities in the field of media are implemented based on creative and editorial board independence.

5.5. Freedom of activities in the field of media may be restricted only in cases and in accordance with the procedure established by this Law and other laws of the Republic of Azerbaijan which regulate the field of media.

5.6. If the requirements of this Law are found to be violated in the activities of media entities located outside the Republic of Azerbaijan, the Council and a body (institution) designated by a relevant executive authority shall take measures provided for in international agreements to which the Republic of Azerbaijan is a party and in this Law.

Article 6. Provision of journalists' activities

6.1. Journalists have the rights to independence, to unite in organisations representing their interests, to personal immunity while performing their professional duties, and to defend their honour and dignity.

6.2. It is unacceptable to illegally interfere in journalists' professional activities.

6.3. It is unacceptable to persecute and exert pressure on journalists in connection with the collection, preparation, editing and production, and transmission of information which is not restricted by the laws of the Republic of Azerbaijan and is intended for common use, as well as the expression of opinion (comment) on such information.

Article 7. Activities of media entities and journalists during martial law and state of emergency

The activities of workers working in the field of media during martial law and state of emergency are regulated by the laws of the Republic of Azerbaijan "On martial law" and "On state of emergency", respectively.

Article 8. Provision of information to the public about special operations against religious extremism

8.1. Media workers' activities in the area where a special operation against religious extremism is conducted shall be determined by the body conducting the operation.

8.2. The public is informed about a special operation conducted against religious extremism in the form and amount determined by the body conducting the operation.

8.3. Dissemination of information envisaged in Article 9.3 of the Law of the Republic of Azerbaijan "On combating religious extremism" is not allowed.

Article 9. Activities of media entities and journalists in a zone where an anti-terror operation is conducted

The activities of media workers in a zone where an anti-terror operation is conducted are regulated by the Law of the Republic of Azerbaijan "On combating terrorism".

Article 10. Media literacy

10.1. In order to increase media literacy, state measures are implemented by a body (institution) designated by a relevant executive authority.

10.2. A body (institution) designated by a relevant executive authority cooperates with international organisations and relevant institutions of foreign countries, and exchanges expertise in order to explore the possibility of applying international expertise in the field of increasing media literacy.

10.3. The measures provided for in Article 10.1 of this Law shall be financed from the state budget and other sources not prohibited by law.

Article 11. Activities of foreign media representatives in the territory of the Republic of Azerbaijan

11.1. The legal status and professional activities of foreign journalists and other foreign media representatives accredited in the Republic of Azerbaijan are regulated by normative legal acts of

the Republic of Azerbaijan and international agreements to which the Republic of Azerbaijan is a party.

11.2. Branches and representative offices of foreign media entities in the Republic of Azerbaijan shall be opened in cases envisaged in international agreements to which the Republic of Azerbaijan is a party.

11.3. The accreditation of foreign journalists in the Republic of Azerbaijan is carried out by a body (institution) designated by a relevant executive authority.

11.4. In the event that other states impose special restrictions on the professional activities of journalists included in the Media Register, similar restrictions may be imposed in the Republic of Azerbaijan on journalists from the states which imposed those restrictions.

Article 12. Logo (emblem)

12.1. The editorial board of a media entity must have a logo (emblem). The editorial board of a media entity may only use one logo (emblem).

12.2. The logo (emblem) is entered into the Media Register which is maintained by a body (institution) designated by a relevant executive authority.

12.3. In the logo (emblem) of a media entity's editorial board, it is prohibited to use symbols that promote discrimination on grounds of race, religion, origin, gender, ethnicity, and other discrimination, terrorism, violence and cruelty, or immoral symbols and (or) combination thereof (words, letters, numbers, graphic elements, etc.) and also to use a logo (emblem) that is the same as or similar to the logo (emblem) of the editorial office of another media entity.

12.4. The editorial board of a media entity has the right to change its logo (emblem) during the period of its operation. In this case, it can use the logo (emblem) after the change is entered into the Media Register.

12.5. The change of the logo (emblem) of the editorial board of an audiovisual media entity is allowed with the consent of the Council, taking into account the requirements provided for in Article 12.3 of this Law. The Council shall submit information about the change to a body (institution) designated by a relevant executive authority.

12.6. The change of the logo (emblem) of the editorial board of print media and online media entered into the Media Register shall be allowed with the consent of a body (institution) designated by a relevant executive authority, taking into account the requirements provided for in Article 12.3 of this Law.

12.7. The logo (emblem) of the editorial board of an audiovisual media entity in television broadcasting must be displayed on the screen continuously, except for the times when advertisements are broadcast.

12.8. Disputes related to the logo (emblem) of a media entity's editorial board are regulated by the laws of the Republic of Azerbaijan "On trademarks and geographical indicators" and "On copyright and related rights".

Article 13. Use of information

13.1. A media entity may use the information and programmes of another media entity, with a reference to them and on a subscription or contractual basis.

13.2. In the absence of a subscription or contract, a media entity may only use not more than one third of every piece of information of another media entity and must provide a reference to it.

13.3. Articles 13.1 and 13.2 of this Law shall not apply to official reports (press releases) disseminated by state bodies (institutions) and cases of use of information from news agencies, except cases where reference is required.

13.4. In the cases provided for in Article 77.2 of this Law, media entities shall not be liable for the accuracy of information and data.

13.5. The use of audiovisual programmes is regulated in accordance with Article 38 of this Law.

13.6. In case of violation of the requirements of Articles 38.2 and 38.3 of this Law, the audiovisual broadcaster who has acquired the exclusive right to broadcast a programme may appeal to the Council.

Article 14. Requirements regarding information published and (or) disseminated in media

14.1. Information published and (or) disseminated in media must meet the following requirements:

14.1.1. open calls must not be made for a forcible change of the constitutional order of the Republic of Azerbaijan, disintegration of its territorial integrity, forcible seizure or retention of power, mass riots;

14.1.2. there must be no disrespect for the state symbols of the Republic of Azerbaijan;

14.1.3. norms of the state language must be observed;

14.1.4. discrimination on grounds of race, religion, origin, gender, ethnicity and other discrimination must not be promoted, and also no open calls must be made for inciting ethnic, racial or religious hatred;

14.1.5. terrorism, religious extremism, violence and cruelty must not be propagated, and also, information aimed at financing terrorism, organising or conducting trainings for terrorist purposes must not be disseminated, and open calls for terrorism must not be made;

14.1.6. words and expressions, gestures with immoral lexical (swearing) content must not be used;

14.1.7. humiliation of honour and dignity, tarnishing of business reputation is not allowed;

14.1.8. secret information about a person's family and private life must not be disseminated;

14.1.9. there must be no libel, insults or hate speech;

14.1.10. actions that are contrary to the protection of health and the environment must not be propagated;

14.1.11. facts and developments must be presented impartially and objectively, one-sidedness is not allowed;

14.1.12. parapsychology (psychics, mediums, etc.), superstition or other kinds of fanaticism must not be propagated;

14.1.13. pornographic materials must not be published (broadcast);

14.1.14. information about a person being guilty must not be published (broadcast) without a valid court decision;

14.1.15. the requirements provided for in the Law of the Republic of Azerbaijan "On protection of children from harmful information" must be complied with;

14.1.16. other information provided for in Article 13-2.3 of the Law of the Republic of Azerbaijan "On information, informatisation and protection of information" must not be broadcast.

14.2. Along with the requirements provided for in Article 14.1 of this Law, a terrestrial broadcaster must also ensure the use of the state language in its programmes.

14.3. A terrestrial broadcaster may use other languages in its programmes only with the consent of the Council.

Article 15. Cases when information must not be disseminated and source of information must not be disclosed

15.1. A media entity and a journalist must not do the following:

15.1.1. disseminate in programmes and materials information provided by a person on the condition of confidentiality;

15.1.2. disclose the identity of a person who provided information without their consent;

15.1.3. disseminate preliminary investigation-related information without the permission of an interrogator, investigator, a prosecutor who performs the procedural management of a preliminary investigation or a court;

15.1.4. disseminate actual copies of criminal prosecution materials that are compiled in accordance with the Criminal Procedure Code of the Republic of Azerbaijan and regarded as information documented in accordance with the Law of the Republic of Azerbaijan "On obtaining information";

15.1.5. disseminate any information about the identity of underage persons who are suspected, charged or affected without the consent of those persons and their legal representatives;

15.1.6. disseminate information provided for in Article 9.3 of the Law of the Republic of Azerbaijan "On combating religious extremism";

15.1.7. cases of abuse provided for in Article 388 of the Code of Administrative Offences of the Republic of Azerbaijan.

15.2. A responsible editor and (or) a journalist may not be forced to disclose the source of information in connection with a case being investigated or dealt with by a court, except for the cases specified in Article 15.3 of this Law.

15.3. A responsible editor or a journalist must disclose their source of information based on a court ruling in the following cases:

15.3.1. to protect human life;

15.3.2. to prevent serious and particularly serious crimes;

15.3.3. to defend a person who is accused of committing a serious and particularly serious crime.

15.4. The requirements of Article 15.1.3 of this Law do not restrict a journalist's right to conduct an independent investigation.

Article 16. Dissemination of information obtained from foreign sources

16.1. Citizens of the Republic of Azerbaijan and legal entities of the Republic of Azerbaijan have the right to receive information directly from foreign sources, including foreign media entities.

16.2. Foreign television and radio programmes are allowed to be broadcast using radio frequencies intended for terrestrial broadcasting in the Republic of Azerbaijan in cases stipulated by international agreements to which the Republic of Azerbaijan is a party.

16.3. Products of foreign print media, whose editorial board is permanently located outside the territory of the Republic of Azerbaijan, are allowed to be disseminated in the territory of the Republic Azerbaijan in cases stipulated by international agreements to which the Republic of Azerbaijan is a party. If these agreements do not provide for a procedure for the distribution of foreign print media products, these issues shall be determined by a body (institution) designated by a relevant executive authority.

Article 17. The right to obtain information

17.1. Media entities and journalists have the right to receive correct information about the public, political, social and economic situation in society, and the activities of state bodies (institutions), municipalities, enterprises, organisations, non-governmental organisations, political parties, and officials. This right may not be restricted except in cases provided by law.

17.2. State bodies (institutions), municipalities, enterprises, organisations, non-governmental organisations, political parties, and officials provide information on their activities on the basis of written and oral inquiries by media entities and journalists, as well as by means of conducting press conferences or briefings or in other forms.

17.3. A written request for obtaining information shall be considered in accordance with the procedure and within the time period established by the Law of the Republic of Azerbaijan "On obtaining information". If that information loses its urgency during the period specified in that Law, the request shall be answered immediately, and if this is not possible, not later than within 24 (twenty four) hours.

17.4. Media entities and journalists have the right to complain, in accordance with a procedure established by law, about state bodies (institutions), municipalities, enterprises, organisations, non-governmental organisations, political parties or officials who refuse to provide information.

17.5. The Council and a body (institution) designated by a relevant executive authority must announce every year a list of important events for the following year and post this list on their official websites and ensure that it is updated regularly.

Article 18. The right to deny, correct and respond

18.1. If a media entity disseminates information that tarnishes an individual's dignity and honour, an individual's or a legal entity's business reputation, or libel and insults, and distorts opinions, the individual or his/her representative, the head of the legal entity or his/her authorised representative have a right to respond to the media entity within 1 (one) month, and also to

demand that the media entity deny and correct the false information and issue an apology, or to appeal directly to a court.

18.2. If the operation (broadcasting) of the media entity is suspended or reorganised at the time of the submission of the demand envisaged in Article 18.1 of this Law or while the court is passing a ruling, a denial, response or correction may be published (broadcast) at the expense of that media entity or its legal successor by a media entity that the claimant wants.

18.3. If a media entity provides untrue or distorted information on the nature and results of criminal proceedings, the body that deals with the criminal proceedings shall have the right to demand that the media entity deny or correct the information.

Article 19. Procedure for denying, responding and correcting

19.1. A denial shall specify what information is not true and when and how it was published in that print media entity. A denial in a print media entity shall be typed in the same font on the page where the information or material was placed and shall be published under the heading "Denial". Newspapers which are published daily, every other day, weekly and monthly must publish a denial, response or correction in the issue that follows the date of receipt of the demand of denial, response or correction, while other periodicals must do so in an issue being prepared or being planned for the coming days.

19.2. An audiovisual broadcaster shall broadcast a denial, response or correction on a relevant programme after the date of receipt of the demand. The right of the individual or his/her representative, the head of the legal entity or his/her authorised representative, who made the demand, to appear on the programme with a response must be ensured.

19.3. A denial or response shall be given without any change being made to their text. The text of a denial or response must not violate the requirements provided for in Article 14.1 of this Law.

19.4. The text of a denial or response should not be more than twice the amount of information being denied or responded to.

19.5. It is not allowed to comment on or deny a response in the issue (programme) in which the response was published (broadcast). A response to the response can be placed in the next issue (programme).

19.6. In case of rejection of a denial, response or correction, the person who made the demand must be given substantiated information about it within 3 (three) days.

19.7. The following are grounds for refusing to publish (broadcast) the text of a denial or response:

19.7.1. if the information whose denial was demanded is endorsed by a valid court ruling;

19.7.2. if the media entity has already issued, on the basis of the complainant's appeal, a denial regarding the information or material whose denial was demanded;

19.7.3. if the text of a denial or response violates the requirements provided for in Article 14.1 of this Law;

19.7.4. if the text of a denial or response is more than twice the amount of the information that is being denied or responded to;

19.7.5. if an appeal was not lodged within one month from the publication (broadcast) of the information or material by the media entity for an unjustified reason.

19.8. No fee is required for the issuance of a denial, response or correction.

19.9. Unfair and inaccurate advertisements and product placement are denied taking into account the requirements of the Law of the Republic of Azerbaijan "On advertising".

19.10. The text of a denial or response in online media must be disseminated in accordance with the method of the dissemination of the material that gave rise to the right to denial or response (in the same amount, at the same time, on the same website, web page or the same section of a website, etc.). In this case, it should be indicated what information is not true and when and how it was disseminated in that online media entity.

19.11. If it is not possible to place the text of a denial or response on the same web page or the same section of a website as in the original publication, the online media entity must ensure that hyperlinks are created between the relevant materials (shares) and place a notice, next to the original text, about the information in this material (share) being denied or responded to.

Article 20. Use of items subject to copyright and related rights and readers' letters

20.1. The use of items subject to copyright and related rights in the media is allowed in compliance with the requirements of the Law of the Republic of Azerbaijan "On copyright and related rights".

20.2. When letters from readers (listeners, viewers) are being published (broadcast), they can be reduced and edited in a way which does not distort their content. The editorial board is not obligated to respond to letters from readers (listeners, viewers), except in cases provided for by the Law of the Republic of Azerbaijan "On obtaining information".

20.3. Except in cases provided for by this Law, a media entity may not be forced to publish (broadcast) material that it refuses to publish (broadcast).

Article 21. Secret audio and (or) visual information

21.1. The use or dissemination of secret audio and video recordings and photographs is allowed only in the following cases:

21.1.1. if a person, a secret audio or video recording of whom was recorded or photographs were taken, has provided written consent to the use or dissemination of these materials, and also if necessary measures have been taken to protect the rights and freedoms of another person (persons) established by the Constitution of the Republic of Azerbaijan;

21.1.2. if they are demonstrated on the basis of a court ruling.

21.2. It is prohibited to use and disseminate secret audio and video recordings, films and photographs in violation of the requirements of Article 21.1 of this Law.

Article 22. Keeping of materials broadcast by media entities

22.1. Audiovisual broadcasters must keep their programmes for 3 (three) months.

22.2. Audio and (or) video recordings of audiovisual programmes about election and referendum campaigning shall be made and kept by the relevant audiovisual broadcaster for 12 (twelve)

months from the date of their broadcast. An audiovisual broadcaster must keep its reporting documents on the allocation of paid and free airtime for 5 (five) years starting from voting day.

Article 23. Dissemination of advertisements

Advertisements in the media are prepared and disseminated in accordance with the Law of the Republic of Azerbaijan "On advertising".

Article 24. International cooperation

24.1. International cooperation in the field of media is carried out on the basis of international agreements to which the Republic of Azerbaijan is a party.

24.2. Media entities and professional journalists' organisations of the Republic of Azerbaijan may participate in international cooperation with foreign and stateless persons and also foreign organisations and conclude agreements for this purpose in accordance with their areas of activity.

Chapter 2

Media entities

Article 25. Media entities

25.1. Media entities are the following:

25.1.1. audiovisual media entities;

25.1.2. print media entities;

25.1.3. online media entities;

25.1.4. news agencies.

Article 26. Requirements regarding media entities

26.1. Requirements regarding media entities are the following:

26.1.1. if the founder is an individual, they must be a citizen of the Republic of Azerbaijan permanently residing in the Republic of Azerbaijan;

26.1.2. if the founder is a legal entity, the preferential share in its authorised capital (75 percent) must belong to a citizen (citizens) of the Republic of Azerbaijan permanently residing in the Republic of Azerbaijan and (or) a legal entity (legal entities) registered in the Republic of Azerbaijan;

26.1.3. If a media entity is an individual, they must be a citizen of the Republic of Azerbaijan permanently residing in the Republic of Azerbaijan and meet the requirements of Article 26.3 of this Law;

26.2. The requirements provided for in Articles 26.1.1 and 26.1.2 of this Law shall also apply to persons who are direct and indirect participants in a legal entity that is the founder of a media entity.

26.3. The following persons may not be founders (participants) of a media entity:

26.3.1. persons previously convicted of serious or particularly serious crimes, as well as crimes against public morality;

26.3.2. persons whose convictions have not been served or revoked;

26.3.3. persons who are regarded by a court as having no or limited legal capacity;

26.4. Political parties and religious organisations may only be founders (participants) of print media.

26.5 The funding of a media entity by individuals or legal entities of foreign countries that are not its founders (participants), their branches and representative offices, legal entities founded by these persons in the Republic of Azerbaijan, and also foreign countries' state institutions is not allowed.

26.6. The Council must be notified 1 (one) month before any change is made to the composition of participants in an audiovisual media entity. The Council shall issue a substantiated conclusion on the compliance of the change with the requirements of this Law within 1 (one) month. Documents confirming the change to the composition of the participants in the audiovisual media entity on the basis of the positive conclusion must be submitted to the Council within 1 (one) month.

26.7. An audiovisual media entity must submit information about its founders and participants and also about the head of its governing body to the Council, while other media entities must submit that information to a body (institution) designated by a relevant executive authority by 30 December every year.

26.8. The head of the governing body of a media entity must have higher education and also meet the requirements of Articles 26.1.1 and 26.3.1-26.3.3 of this Law.

Chapter 3

Audiovisual media

Article 27. Audiovisual media entities

27.1. Audiovisual media entities are the following:

27.1.1. a terrestrial broadcaster:

27.1.1.1. a national terrestrial television broadcaster;

27.1.1.2. a regional terrestrial television broadcaster;

27.1.1.3. a national terrestrial radio broadcaster;

27.1.1.4. a regional terrestrial radio broadcaster;

27.1.2. a platform broadcaster:

27.1.2.1. a platform broadcaster which performs satellite broadcasting;

27.1.2.2. a platform broadcaster which does not perform satellite broadcasting;

27.1.3. a platform operator:

27.1.3.1. a simple platform operator;

27.1.3.2. a versatile platform operator;

27.1.4. a multiplex operator;

27.1.5. an infrastructure operator;

27.1.6. an on-demand broadcast service provider.

Article 28. Bases of the operation of audiovisual media entities

28.1. A terrestrial broadcaster may not operate as an infrastructure and multiplex operator, while an infrastructure and multiplex operator may not operate as a terrestrial broadcaster.

28.2. In order to operate as a platform broadcaster, a platform operator and a multiplex operator must also obtain a licence for this type of activity.

Article 29. A terrestrial broadcaster

29.1. With the exception of a public broadcaster, a terrestrial broadcaster is granted a licence on the basis of a competition.

29.2. A terrestrial national broadcaster's programmes are retransmitted across the country, while a terrestrial regional broadcaster's programmes are retransmitted across that region by infrastructure and platform operators.

29.3. A terrestrial broadcaster must provide its programmes to infrastructure and platform operators for retransmission. The terrestrial broadcaster may not demand a fee in return for this from the platform operators.

29.4. A terrestrial national broadcaster shall conclude an agreement with an infrastructure operator to enable terrestrial broadcasting across the country, while a terrestrial regional broadcaster shall conclude an agreement with an infrastructure operator to ensure broadcasting across the relevant region, and they shall pay a service fee to the infrastructure operator in the amount determined by a body (institution) designated by a relevant executive authority.

29.5. A licence is not required for a terrestrial national broadcaster to carry out satellite broadcasting. A terrestrial national broadcaster may also carry out satellite broadcasting by concluding agreements with satellite operators.

29.6. A terrestrial broadcaster may broadcast its programmes without changing their content on its internet information resource (website) and other video-sharing platforms.

Article 30. Platform broadcaster

30.1. An audiovisual broadcaster that is financed by state bodies (institutions) and state-owned legal entities, except for bodies (institutions) a list of which is identified by a body (institution) designated by a relevant executive authority, reflects the field of activity of that body (institution) and carries the function of public broadcasting may only operate as a platform broadcaster.

30.2. A platform broadcaster operates on the basis of a licence (except as provided for by Article 30.8 of this Law).

30.3. A licence for a platform broadcaster which performs satellite broadcasting is issued only to legal entities on the basis of a competition.

30.4. A platform broadcaster may carry out advertising activities on its prime time programmes when it fully ensures the use of the state language.

30.5. A platform broadcaster may broadcast its programmes without changing their content on its website and other video-sharing platforms.

30.6. The editorial board of a platform broadcaster must operate in the territory of the Republic of Azerbaijan and broadcast at least 6 hours a day.

30.7. Along with the requirements provided for in Article 30.6 of this Law, a platform broadcaster that is broadcast directly over the internet must have a website and a certain programming schedule and also carry out broadcasting from its own website.

30.8 Individuals broadcasting audiovisual programs directly over the Internet can obtain a platform broadcaster license only on the basis of their application. In this case, the said persons must meet the requirements of Articles 30.2-30.7 of this Law.

Article 31. On-demand broadcast service provider

31.1. An on-demand broadcast service provider operates on the basis of a licence.

31.2. An on-demand broadcast service provider presents its programme catalogue by means of the broadcasting methods of a platform operator or directly over the internet, including by means of mobile applications.

31.3. An on-demand broadcast service provider must submit to the Council information on all programmes that it has included in its programme catalogue and agreements on broadcasting rights it obtained to broadcast those programmes.

31.4. All programmes included in the programme catalogue of an on-demand broadcast service must be classified by age categories in accordance with the Law of the Republic of Azerbaijan "On protection of children from harmful information".

Article 32. Platform operator

32.1. A platform operator operates on the basis of a licence.

32.2. A simple platform operator may only use one method to carry out retransmission, while a versatile platform operator may simultaneously use 2 (two) or more methods to carry out retransmission.

32.3. A platform operator sells audiovisual programmes to a user on a contractual basis.

32.4. A platform operator must submit to the Council a copy of the agreement concluded between it and a foreign audiovisual broadcaster or a person authorised to conclude an agreement on its behalf on the retransmission of foreign audiovisual broadcasters' programmes.

32.5. A platform operator must include a terrestrial national broadcaster's programmes in its broadcasting package to retransmit them across the country, and it must include a terrestrial regional broadcaster's programmes in its broadcasting package to retransmit them across the region. The platform operator may not demand a fee in return for this from the terrestrial broadcaster.

32.6. A platform operator may retransmit a platform broadcaster's programmes on a contractual basis.

32.7. In order for the Council to monitor the operation of a platform operator, the operator must ensure the Council's right of use free of charge.

32.8. In the first week of each subsequent month, a platform operator must submit to the Council a list of audiovisual broadcasters that it retransmits.

Article 33. Infrastructure operator

33.1. An infrastructure operator uses a radio frequency (radio frequencies) allocated by the decision of the Council.

33.2. An infrastructure operator must ensure the retransmission of a terrestrial broadcaster's programmes.

33.3. An infrastructure operator shall conclude an agreement with a terrestrial broadcaster to ensure a terrestrial national broadcaster's broadcasting across the country and a terrestrial regional broadcaster's broadcasting to the relevant region and shall receive a service fee in the amount specified in Article 29.4 of this Law.

33.4. An infrastructure operator may not provide paid retransmission services to users.

33.5. An infrastructure operator transmits the signal to multiplex and platform operators and also to a satellite operator and charges a service fee in the amount specified by a body (institution) designated by a relevant executive authority.

Article 34. Multiplex operator

34.1. A radio frequency (radio frequencies) for a multiplex operator shall be provided for its use on the basis of a competition held by the Council in accordance with Chapter 5 of this Law. The winner of the competition is at the same time considered to have received the appropriate licence for the multiplex operator.

34.2. A multiplex operator wishing to obtain a subsequent radio frequency (radio frequencies) must participate in a competition for the issuance of a radio frequency (radio frequencies). A licence is not re-issued to the multiplex operator which wins this competition.

34.3. A multiplex operator sells audiovisual programmes to a user on a contractual basis.

34.4. A multiplex operator may retransmit a platform broadcaster's programmes on a contractual basis.

34.5. A multiplex operator must submit to the Council a copy of the agreement concluded between it and a foreign audiovisual broadcaster or a person authorised to conclude an agreement on its behalf on the retransmission of foreign audiovisual broadcasters' programmes.

34.6. In order for the Council to monitor the activities of a multiplex operator, the operator must ensure the Council's right of use free of charge.

34.7. In the first week of each subsequent month, a multiplex operator must submit to the Council a list of audiovisual broadcasters that it retransmits.

Article 35. Frequency planning of terrestrial broadcasting

35.1. A list of radio frequencies for terrestrial broadcasting shall be compiled by a body (institution) designated by a relevant executive authority, and information on radio frequencies suitable for use for terrestrial broadcasting shall be submitted to the Council once every six months. This information is provided on the basis of an inquiry from the Council as well.

35.2. A body (institution) and an infrastructure operator designated by a relevant executive authority shall inform the Council on broadcasting opportunities once every six months. This information is provided on the basis of an inquiry from the Council as well.

35.3. The Council organises the use of radio frequencies and broadcasting opportunities that are suitable for use for national and regional terrestrial broadcasting.

Article 36. Certification of audiovisual broadcasting equipment

Terrestrial broadcasting transmitters, satellite terrestrial transmitters, terrestrial radio-relay intermediate and end stations, and also cable broadcasting stations and distribution network equipment that provide for the transmission and broadcasting of audiovisual programmes are certified by institutions that assess compliance and are accredited in accordance with the Law of the Republic of Azerbaijan "On accreditation in the field of compliance assessment".

Article 37. Audiovisual broadcasting at state bodies (institutions) and facilities belonging to legal entities and individuals and within their territorial boundaries

Broadcasting at state bodies (institutions) and facilities belonging to legal entities and individuals and within their territorial boundaries which is carried out by them and consists of audiovisual news programmes covering the activities of those institutions, and also those institutions' activities to retransmit only programmes of terrestrial broadcasters are not licenced.

Article 38. Broadcasting right

38.1. The author of a programme may grant the right to broadcast the programme to several or exclusively one audiovisual broadcaster on the basis of an agreement which specifies the method and terms and conditions of broadcasting. The audiovisual broadcaster must submit a copy of these agreements to the Council.

38.2. It is prohibited for any audiovisual broadcaster other than the audiovisual broadcaster which has acquired the exclusive broadcasting rights to the programme to broadcast the programme.

38.3. An important event which is broadcast on the basis of an exclusive broadcasting right may be broadcast free of charge by other audiovisual broadcasters for a period not exceeding 60 (sixty) seconds and with the source indicated.

38.4. A body (institution) designated by a relevant executive authority must apply to the Council for permission to be issued to broadcast a foreign audiovisual broadcaster's programmes.

Article 39. An audiovisual broadcaster's responsibilities and requirements for audiovisual broadcasting

39.1. An audiovisual broadcaster's responsibilities are the following:

39.1.1. except on on-demand broadcast service, to play the State Anthem of the Republic of Azerbaijan every day at the beginning of the morning broadcast in accordance with Article 6.2 of the Law of the Republic of Azerbaijan "On rules of use of the State Anthem of the Republic of Azerbaijan";

39.1.2. to ensure that special warnings are made about the harmful effects of use of tobacco on health and the environment on programmes which demonstrate the process of use of tobacco;

39.1.3. to comply with the requirements provided for in Articles 14.1 and 14.2 of this Law;

39.1.4. to carry out advertising and sponsorship activities in accordance with the requirements of the Law of the Republic of Azerbaijan "On advertising";

39.1.5. to implement the Council's decisions;

39.1.6. to perform other responsibilities specified by this Law.

39.2. The Council shall set requirements for quality indicators for the audio and pictures of audiovisual broadcasting.

39.3. Audiovisual broadcasting on national grief, Remembrance and mourning days should be carried out as follows:

39.3.1. comedies and erotic films, television and radio quiz shows, humour shows, and entertainment and other programmes that run counter to the essence of national grief, Remembrance and mourning days must not be broadcast;

39.3.2. Advertisements must not be broadcast (except on Remembrance Day);

39.3.3. information about national grief, Remembrance and mourning day must be broadcast at least once every two hours;

39.3.4. a minute of silence must be declared at 12:00.

Article 40. Thematic broadcasting

It is obligatory for the audiovisual media entities specified in Articles 50.1 and 50.2 of this Law to broadcast in the genre specified in the licence.

Article 41. Termination of broadcasting

41.1. In the following cases, broadcasting shall be suspended for a period of 24 (twenty-four) hours by a decision of the Council:

41.1.1. in case of a violation of the requirements of articles 14.1.4 (in connection with the propagation of discrimination on grounds of race, religion, origin, gender, ethnicity and other discrimination), 14.1.5 (in connection with violence and cruelty), 14.1.6, 14.1.12, 14.1.13, 38, 39.1.1, 39.1.2, 39.1.4 and 39.3 of this Law;

41.1.2. in case of non-compliance with the category of territory specified in the broadcasting licence.

41.2. Broadcasting shall be suspended for a period of 1 (one) day to 1 (one) month by a decision of the Council in the following cases:

41.2.1. if the requirements of articles 7, 8, 9, 14.1.2 and 14.1.5 (in connection with the propagation of terrorism and religious extremism) of this law are violated;

41.2.2. if open calls for a forcible change of the constitutional order of the Republic of Azerbaijan, disintegration of its territorial integrity, forcible seizure or retention of power, mass riots, incitement to ethnic, racial or religious hatred and enmity, and terrorism, and also information oriented at financing of terrorism and organisation or conduct of trainings for the purpose of terrorism are broadcast.

41.3. In the case specified in Article 41.2.2 of this Law, the Council shall decide to immediately suspend broadcasting and shall turn to a court with a claim to cancel the broadcaster's licence, taking into account Article 58.4 of this Law. The court shall consider the claim in accordance with Article 128 of the Administrative Procedure Code of the Republic of Azerbaijan.

41.4. A copy of the Council's decision to suspend broadcasting must be immediately sent for information to the audiovisual broadcaster, for implementation to the infrastructure operator, a body (institution) designated by a relevant executive authority and platform operators.

41.5. An audiovisual broadcaster that has violated the requirements of this Law shall broadcast information on the content of the relevant measure applied to it under articles 41.1 and 41.2 of this Law on its television and (or) radio channel throughout the period of suspension of broadcasting.

41.6. A broadcaster about which a decision was made to suspend its broadcasting or impose another administrative penalty on it must remove the audiovisual programme that caused it from its website and from video-sharing platforms on which the programme was broadcast.

Article 42. Research into the size of the audience of audiovisual programmes

42.1. Research, which is carried out using special devices in order to ensure the sustainable development of audiovisual broadcasting and encourage investment and advertising in this field, into the size of the audience of audiovisual broadcasters and programmes broadcast by them is conducted, on the basis of an agreement concluded with audiovisual broadcasters, by a rating agency that meets the requirements of the Council. In a case specified by a body (institution) designated by a relevant executive authority, the state budget may be used for financing for the purposes of this article.

42.2. Audiovisual broadcasters that are financed from the state budget (except for on-demand broadcast service) must ensure that the size of the audience is identified by a rating organisation that meets the requirements of the Council.

42.3. Audiovisual media entities and advertising agencies are not allowed to be founders (participants) of a rating organisation.

42.4. A rating organisation researches the size of the audience of audiovisual programmes based on the following principles:

42.4.1. completeness and continuity of studies conducted;

42.4.2. ensuring that the collection, processing, storage and dissemination of information obtained as a result of studies conducted comply with international standards;

42.4.3. ensuring the objectivity of studies conducted;

42.4.4. protecting the confidentiality of sources from which data obtained were collected during studies conducted;

42.4.5. complying with the requirements of the Law of the Republic of Azerbaijan "On personal data".

42.5. Broadcasters must submit reports on the results of studies conducted by the rating agency to the Council on the basis of an inquiry from the Council.

Chapter 4

Body which regulates the field of audiovisual media

Article 43. Status of the body which regulates the field of audiovisual media

43.1. The Council regulates the field of audiovisual media in the Republic of Azerbaijan.

43.2. The operation of the Council is financed from the state budget and other sources not prohibited by law.

43.3. The Council has an independent balance sheet and, in accordance with the Law of the Republic of Azerbaijan "On rules of use of the State Emblem of the Republic of Azerbaijan", it also has a stamp with an image of the State Emblem of the Republic of Azerbaijan and its name on it, and relevant rubber stamps, forms and bank accounts.

Article 44. Principles of the Council's operation

The operation of the Council is based on the principles of rule of law, independence, collegiality, impartiality, objectivity and professionalism.

Article 45. The independence of the Council

45.1. The Council has organisational and functional independence, and unlawful interference in its activities is inadmissible.

45.2. The structure of the Council and the number of its staff shall be determined by a body (institution) designated by a relevant executive authority.

Article 46. The Council's areas of activity

46.1. The Council's areas of activity are as follows:

46.1.1. to regulate the field of audiovisual media and monitor compliance with valid normative legal acts;

46.1.2. to participate in the formation of state policy in the field of audiovisual media and to ensure the implementation of this policy.

46.1.3. to operate in other areas specified by this Law.

Article 47. The Council's responsibilities and rights

47.1. The Council's responsibilities are as follows:

47.1.1. to participate in the development and implementation of normative legal acts, development blueprints and targeted programmes in the field of audiovisual media;

47.1.2. to adopt normative acts in the field of audiovisual media;

47.1.3. to set quality indicators for the audio and picture in audiovisual broadcasting;

47.1.4. to issue licences for audiovisual media entities;

47.1.5. to carry out inspections in accordance with the Law of the Republic of Azerbaijan "On regulation of inspections in the field of entrepreneurship and protection of the interests of entrepreneurs" in order to monitor compliance with the requirements of this Law in the field of audiovisual media;

47.1.6. to make decisions that are binding on audiovisual media entities in accordance with the areas of activity specified by this Law;

47.1.7. to organise the nomination of candidates for membership of the Broadcasting Council from the organisations specified in Article 17.2 of the Law of the Republic of Azerbaijan "On public television and radio broadcasting";

47.1.8. to carry out radio frequency planning for terrestrial broadcasting together with a body (institution) designated by a relevant executive authority;

47.1.9. to give consent to the broadcasting of a foreign audiovisual broadcaster's programmes using the services of a body (institution) designated by a relevant executive authority;

47.1.10. to ensure the fulfilment of the commitments of the Republic of Azerbaijan on issues which are regulated by international agreements to which the Republic of Azerbaijan is a party and which are within the competence of the Council;

47.1.11. to take measures in accordance with the Code of Administrative Offences of the Republic of Azerbaijan in case of detection of signs of an administrative offence in the field of audiovisual media, and in the event that there are signs of a crime to report it to the relevant body;

47.1.12. to ensure the efficient use, for designated purposes, of budget funds, loans, grants and other financial resources allocated to the Council;

47.1.13. to take measures to protect state and commercial secrets, as well as confidentiality;

47.1.14. to ensure that the population is informed about the Council's activities, that a website is created for the Council, that the website carries public information available to the Council, a list of which is specified and is to be disclosed under the Law of the Republic of Azerbaijan "On obtaining information", and that this information is always up to date;

47.1.15. to take measures within its powers to improve the structure and activities of the Council;

47.1.16. to consider appeals received in connection with the activities of the Council in accordance with the laws of the Republic of Azerbaijan "On appeals from citizens", "On administrative proceedings" and "On obtaining information" and to take measures in accordance with the procedure established by law;

47.1.17. to perform other responsibilities arising from this Law.

47.2. The Council has the following rights to perform its responsibilities:

47.2.1. to exercise rights arising from normative activities in the field of audiovisual media;

47.2.2. to initiate the accession of the Republic of Azerbaijan to international agreements in the field of audiovisual media;

47.2.3. to request necessary information (documents) in the field of audiovisual media to state bodies (institutions), local government bodies, individuals and legal entities and to receive such information (documents) from them;

47.2.4. to cooperate with central and local executive authorities and local government bodies of the Republic of Azerbaijan, relevant state bodies (institutions) of foreign countries, international and non-governmental organisations, and other legal entities and individuals, and to study the relevant experience of foreign countries;

47.2.5. to express an opinion regarding areas of activity, conduct analyses and generalisations, prepare analytical materials, conduct studies in a relevant field, make proposals;

47.2.6. to involve independent experts and specialists in its activities;

47.2.7. to exercise other rights arising from this Law.

Article 48. Management of the Council's operation

48.1. The Council consists of 7 (seven) members, including the chairperson.

48.2. Members of the Council are appointed to their position and relieved of their position by a body (institution) designated by a relevant executive authority.

48.3. Members' term of office is 5 (five) years. The same person may not be a member of the Council more than twice in a row.

48.4. The following persons may not be members of the Council:

48.4.1. those without higher education;

48.4.2. those who have dual citizenship or commitments to other states;

48.4.3. those holding paid, elected or appointed positions at state bodies (institutions), engaged in other paid activities, except for scientific, pedagogical and creative activities;

48.4.5. religious figures;

48.4.6. persons whose incapacity or limited legal capacity has been confirmed by a valid court ruling;

48.4.7. persons who have not been cleared of convictions for serious and particularly serious crimes or whose convictions have not been served;

48.4.8. persons who are media entities and their founders (participants).

48.5. Council members shall be relieved of their positions before the expiration of their term of office only in the following cases:

48.5.1. if they submit a request of their own volition for this purpose;

48.5.2. upon termination of their citizenship of the Republic of Azerbaijan or acquisition of citizenship of another state;

48.5.3. if they hold a paid, elected or appointed position at state bodies (institutions), if they are engaged in other paid activities, except for scientific, pedagogical and creative activities;

48.5.4. if they are a religious figure;

48.5.5. if their incapacity or limited legal capacity is confirmed by a valid court ruling;

48.5.6. if they commit a serious and particularly serious crime and if there is a valid court verdict or a valid court ruling ordering compulsory medical measures;

48.5.7. if they are a media entity and its founder (participant).

48.6. Council members shall elect chairperson of the Council from among themselves by a simple majority of votes.

48.7. The Council endorses the structure of the office of the Council within a cost estimate.

48.8. Chairperson of the Council:

48.8.1. organises and leads the work of the Council;

48.8.2. endorses the regulations of the structural units of the office of the Council;

48.8.3. appoints and dismisses staff of the office of the Council;

48.8.4. within their authority, issues binding internal orders, directives and instructions;

48.8.5. exercises other powers arising from this Law.

Article 49. Provision of Council members

49.1. The monthly salary of the chairperson of the Council shall be equal to the monthly salary of the head of a central executive body, while the monthly salary of other members of the Council shall be equal to the monthly salary of a deputy head of a central executive body.

49.2. Council members shall be paid an additional monthly allowance in the amount of 25 percent of their salaries to cover representation costs related to the performance of their responsibilities.

Chapter 5

Licensing in the field of audiovisual media

Article 50. Licences issued for audiovisual media entities

50.1. The following licences are issued to terrestrial broadcasters:

- 50.1.1. licence for a national terrestrial television broadcaster;
- 50.1.2. licence for a regional terrestrial television broadcaster;
- 50.1.3. licence for a national terrestrial radio broadcaster;
- 50.1.4. licence for a regional terrestrial radio broadcaster.

50.2. The following licences are issued to platform-based broadcasters:

- 50.2.1. licence for a platform broadcaster which performs satellite broadcasting;
- 50.2.2. licence for a platform broadcaster which does not perform satellite broadcasting.

50.3. An on-demand broadcast service provider is issued with a licence for an on-demand broadcast service provider.

50.4. Platform operators are issued with the following licences:

- 50.4.1. licence for a simple platform operator;
- 50.4.2. licence for a versatile platform operator.

50.5. A multiplex operator is issued with a licence for a multiplex operator.

Article 51. The issuance of licences on the basis of a competition

51.1. A competition for the issuance of licences specified in articles 50.1.1-50.1.4, 50.2.1 and 50.5 of this Law shall be announced by a decision of the Council on the basis of the information provided for in articles 35.1 or 35.2 of this Law and this announcement shall be published on its website and in least 2 (two) official newspapers.

51.2. The announcement must contain the following information:

- 51.2.1. the type of broadcasting (television and (or) radio) for licences provided for in articles 50.1.1–50.1.4 and 50.2.1 of this Law;
- 51.2.2. the territorial category of broadcasting and genre of broadcasting for licences provided for in articles 50.1.1–50.1.4 of this Law;
- 51.2.3. the genre of broadcasting for the licence provided for in Article 50.2.1 of this Law;
- 51.2.4. the territorial category of broadcasting for the licence provided for in Article 50.5 of this Law;

51.2.5. the amount of the fee for participation in a competition, and the period and procedure of its payment;

51.2.6. a list of documents provided for in Article 52.2 of this Law and the address and procedure for the submission of these documents.

51.3. The participation fee shall be set at 2 (two) percent of the state fee envisaged for the relevant licence. Persons who do not win the competition shall not get a refund of the participation fee.

Article 52. Admission of documents for competition

52.1. Documents are admitted within 30 (thirty) business days from the date of publication of the announcement for the competition.

52.2. To participate in the competition, the following documents must be submitted in paper or electronic form:

52.2.1. an application for participation in the competition, the form and content of which was determined by the Council and which has been signed by an individual or an authorised representative of a legal entity;

52.2.2. a copy of the individual's identity card and a document confirming the authority of the authorised representative;

52.2.3. a notarised copy of an extract from the state register of legal entities and of the statute;

52.2.4. a copy of the taxpayer registration certificate;

52.2.5. if the founder (participant) is an individual - his/her (their) name, as well as the director's name, surname, patronymic, place of residence, number and date of issue of the identity document; if the founder (participant) is a legal entity - its (their) name, legal address;

52.2.6. if the founder (participant) is an individual, a certificate about his/her criminal record;

52.2.7. information on technical possibilities for performing broadcasting in the form determined by the Council;

52.2.8. information about the name of the broadcaster or operator;

52.2.9. information about the logo (emblem) of the media entity's editorial board;

52.2.10. economic feasibility.

52.3. The Council shall use the electronic information resources (databases, information search systems, registers and other information resources) of state bodies (institutions) to obtain the documents provided for in Article 52.2 of this Law, including electronic documents, within established limits. When this is not possible, the submission of these documents is requested with the consent of the applicant from a relevant body (institution) or is ensured by the applicant.

52.4. Submitted documents shall be considered within 10 (ten) business days from the time the admission of documents ended.

52.5. Issues related to shortcomings in submitted documents which can be eliminated and do not cause the refusal to issue a licence shall be considered in accordance with articles 19.1-19.4 of the Law of the Republic of Azerbaijan "On licences and permits".

Article 53. Conduct of competition

53.1. In the following cases, the Council shall make a substantiated decision to refuse to let an applicant participate in the competition, and this decision shall be presented to the applicant within 3 (three) business days or sent by registered post:

53.1.1. if the application was submitted by a person who did not have a right to do so;

53.1.2. if another media entity is operating under the same name;

53.1.3. if incorrect or distorted information is found in submitted documents (except for the case provided for in Article 52.5 of this Law);

53.1.4. If less than 3 (three) years have passed since the applicant's previous licence was cancelled on the grounds provided for in articles 58.1.2, 58.1.4, 58.1.6, 58.1.9-58.1.11 of this Law;

53.1.5. if the founder or one of the founders is an individual or a legal entity whose licence was previously cancelled on the grounds provided for in articles 58.1.2, 58.1.4, 58.1.6, 58.1.9-58.1.11 of this Law, and less than 3 (three) years have passed since the licence was cancelled;

53.1.6. if the applicant does not meet the requirements provided for in articles 26.1-26.5 and 26.8 of this Law.

53.2. If there are no grounds for rejection in the submitted documents, the Council shall make, within the period specified in Article 52.4 of this Law, a decision to let applicants participate in the competition, and this decision shall be presented or sent by registered post to the applicant.

53.3. The competition must be held within 30 (thirty) business days from the date of expiration of the period provided for in Article 53.2 of this Law, and the results of the competition must be announced within this period.

53.4. A competition is considered failed in the following cases:

53.4.1. if fewer than two applicants apply for the competition;

53.4.2. in the absence of a participant in the competition;

53.4.3. if the winner of the competition refuses to receive a licence as a result of the competition.

53.5. If a competition is considered failed, the Council shall make a decision to this effect, and this decision shall be published on its website and in at least 2 (two) official newspapers. A repeat competition shall be carried out in accordance with articles 51-53 of this Law.

53.6. If a competition fails to take place due to the circumstance provided for in Article 53.4.1 of this Law, an applicant who applied for the failed competition shall be considered the winner of an announced repeat competition if he/she is the only applicant in the repeat competition.

53.7. If an applicant who applied for a failed competition applies for participation in a repeat competition, the applicant is exempt from paying the participation fee again.

Article 54. Evaluation of applications for a competition, and the results of the competition

54.1. The following is taken into account during the evaluation of applications for a competition:

54.1.1. the applicant's technical capabilities and economic feasibility;

54.1.2. during the issuing of a licence to existing media entities, the compliance of the applicant's activities under the licence to be obtained as a result of the competition with the requirements arising from the Law of the Republic of Azerbaijan "On antimonopoly activities".

54.2. The Council makes a decision on issuing a licence to the winner of the competition, and this decision is presented or sent by registered post to the applicant. The Council informs the winner of the competition orally or by means of a letter about the obligation to pay the state fee for the issuance of a licence. The applicant must pay the state fee within 5 (five) business days from the date of receipt of this information.

54.3. After the applicant submits to the Council a document confirming the payment of the state fee, a licence shall be presented to the applicant or sent by registered post no later than 2 (two) business days. If a document confirming the payment of the state fee is not submitted to the Council, the Council shall cancel the decision to issue a licence, and information about this shall be presented or sent by registered post to the applicant within 2 (two) business days.

54.4. A terrestrial broadcaster which is announced the winner of a competition concludes an agreement with an infrastructure operator. An infrastructure operator may not refuse to conclude this agreement.

54.5. A platform broadcaster which performs satellite broadcasting and which is announced the winner of a competition, concludes an agreement with a body (institution) designated by a relevant executive authority. A body (institution) designated by a relevant executive authority may not refuse to conclude this agreement.

54.6. A multiplex operator which is announced the winner of a competition concludes an agreement with a body (institution) designated by a relevant executive authority. A body (institution) designated by a relevant executive authority may not refuse to conclude this agreement.

54.7. Within 3 (three) business days from the date of issue of a licence, the Council shall submit information about the audiovisual media entity to a body (institution) designated by a relevant executive authority for inclusion into the Media Register.

Article 55. Procedures for the issuance of licences for a platform broadcaster which does not perform satellite broadcasting, a platform operator and an on-demand broadcast service provider

55.1. In order to obtain the licences specified in articles 50.2.2, 50.3 and 50.4 of this Law, the documents specified in Article 52.2 of this Law shall be submitted to the Council in paper or electronic form.

55.2. The Council considers the submitted documents within 10 (ten) business days from the date of their registration and makes a decision to issue or refuse to issue a licence, and this decision is presented or sent by registered post to the applicant.

55.3. Issues regarding shortcomings in the submitted documents which can be eliminated and do not cause the refusal to issue a licence shall be considered in accordance with Article 52.5 of this Law.

55.4. If there are grounds provided for in articles 53.1 and 54.1 of this Law, the Council shall make a substantiated decision to refuse to issue a licence, and this decision shall be presented or sent by registered post to the applicant within 3 (three) business days.

55.5. If there are no grounds for refusing to issue a licence, the Council shall make a decision to issue a licence, and this decision shall be presented or sent by registered post to the applicant within 3 (three) business days.

55.6. The applicant shall be informed orally or by means of a letter about the obligation to pay the state fee for the issuance of a licence. The applicant must pay the state fee within 5 (five) business days from the date of receipt of this information.

55.7. After the applicant submits to the Council a document confirming the payment of the state fee, a licence shall be presented or sent by registered post to the applicant no later than 2 (two) business days. If a document confirming the payment of the state fee is not submitted to the Council, the Council shall cancel the decision to issue a licence, and information about this shall be presented or sent by registered post to the applicant within 2 (two) business days.

55.8. Within 3 (three) business days from the date of issue of a licence, the Council shall submit information about the audiovisual media entity to a body (institution) designated by a relevant executive authority for inclusion into the Media Register.

Article 56. Content of a licence

56.1. A licence shall state the following:

56.1.1. the date of issue of the licence and its registration number;

56.1.2. the name and address of the body which issued the licence;

56.1.3. information about the licence holder (the name and legal address of the legal entity, the surname, name and patronymic of the individual entrepreneur, the address where the individual entrepreneur works and his/her taxpayer identification number);

56.1.4. the type of the licensed activity (broadcasting method, territorial category);

56.1.5. the name of the editorial board (if any);

56.1.6. genre (if any).

Article 57. Suspension of a licence

57.1. A licence is suspended in the following cases:

57.1.1. if a licence holder submits a request for this purpose;

57.1.2. if a licence holder fails to comply with the instructions of the Council to eliminate violations of this Law and the decisions of the Council;

57.1.3. if an infrastructure operator submits an appeal to the Council saying that the service fee specified in Article 29.4 of this Law has not been paid for 6 (six) months.

57.2. A licence shall be suspended by a decision of the Council. The decision must state the circumstances that provide grounds to suspend a licence and the period for which a licence is suspended. The decision to suspend a licence on the grounds specified in Article 57.1.2 of this Law must also state measures to be taken to eliminate the circumstances that provide grounds

for the suspension and the consequences of the failure to eliminate those circumstances in the period for which the licence is suspended.

57.3. A licence holder must eliminate the circumstance specified in articles 57.1.2 and 57.1.3 of this Law before the expiration of the period of suspension of a licence and inform the Council in writing about the result within 3 (three) business days.

57.4. A licence suspended on the grounds specified in Article 57.1.1 of this Law shall be restored on the basis of a relevant appeal from the licence holder, while a licence suspended in the circumstances specified in articles 57.1.2 and 57.1.3 of this Law shall be restored by a decision of the Council on the basis of written information submitted by the licence holder about the elimination of that circumstance.

57.5. The decision to suspend or restore a licence shall be presented or sent by registered post to the licence holder within 2 (two) business days from the date the decision was made.

57.6. Within 3 (three) business days from the date the decision to suspend and restore a licence was made, the Council shall submit information about the decision to a body (institution) designated by a relevant executive authority for inclusion into the Media Register.

57.7. A copy of the decision to suspend and restore the licence of an audiovisual media entity which is a radio frequency user shall be sent by the Council to a body (institution) and an infrastructure operator designated by a relevant executive authority within 3 (three) business days from the date the decision was made.

Article 58. Abolition and re-processing of a licence, and issuance of a duplicate

58.1. A licence is abolished in the following cases:

58.1.1. if a licence holder submits a request for this purpose;

58.1.2. if the requirements of Article 26 of this Law are violated;

58.1.3. if the activities of a licensed individual in his/her capacity as an individual entrepreneur are terminated, if a legal entity is abolished;

58.1.4. if there is a relevant court ruling;

58.1.5. if the bankruptcy of a licensed person is confirmed by a valid court ruling;

58.1.6. if incorrect information is subsequently found in the documents submitted for obtaining a licence;

58.1.7. if the circumstances provided for in articles 57.1.2 and 57.1.3 of this Law are not eliminated in accordance with Article 57.3 of this Law;

58.1.8. if the type of activity specified in the licence is removed from the list of activities for which a licence is required;

58.1.9. if broadcasting is not carried out within six months after the licence is obtained;

58.1.10. in the event of non-compliance with the territorial category for the licensed type of activity;

58.1.11. if broadcasting is not carried out for 30 (thirty) consecutive days or 60 (sixty) days in one year, except for cases when broadcasting is suspended by a decision of the Council in the cases provided for in Article 41.2 of this Law;

58.1.12. if a licence holder is held administratively liable in the field of audiovisual broadcasting at least five times in one year.

58.2. A licence shall be abolished by a decision of the Council with reference made to the cases specified in Article 58.1 of this Law (except for Article 58.1.4 of this Law). This decision shall be presented or sent by registered post to the licence holder within 2 (two) business days from the date the decision was made.

58.3. Within 3 (three) business days from the date the decision to abolish a licence was made, the Council shall submit information about the decision to a body (institution) designated by a relevant executive authority for inclusion into the Media Register.

58.4. If a licensed broadcaster defends the dissemination of open calls for a forcible change of the constitutional order of the Republic of Azerbaijan, disintegration of its territorial integrity, forcible seizure or retention of power, mass riots, incitement to ethnic, racial or religious hatred and enmity, and terrorism, and also information oriented at financing of terrorism and organisation or conduct of trainings for the purpose of terrorism or knowingly enables these calls to be voiced, the licence shall be abolished by a court ruling on the basis of a lawsuit filed by the Council.

58.5. Re-processing and issuance of a duplicate shall be carried out in accordance with articles 23 and 24 of the Law of the Republic of Azerbaijan "On licences and permits".

58.6. In case of the issuance, re-processing and abolition of a licence and the issuance of a duplicate licence for an audiovisual media entity that is a radio frequency user, the Council shall notify a body (institution) and an infrastructure operator designated by a relevant executive authority within 3 (three) business days from the date the decision was made.

Chapter 6

Print media, online media and news agencies

Article 59. Print media entity

59.1. Individuals or legal entities may be print media entities.

59.2. Bodies (institutions), a list of which is determined by a body (institution) designated by a relevant executive authority, and other state bodies (institutions), except for the Milli Majlis of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan and the Supreme Court of the Republic of Azerbaijan may not be founders of a print media entity.

59.3. Newspapers which are continuously published at least 1 (one) time a month, have a one-time circulation of more than 100 (one hundred) copies, are published at least 12 (twelve) times a year, and magazines, digests, bulletins and other publications that are published at least 2 (two) times a year are periodical publications.

59.4. Newspapers are published with the following periodicity:

59.4.1. weekly newspaper – at least 1 (one) time a week;

59.4.2. newspaper published every other day – at least 3 (three) times a week;

59.4.3. daily newspaper – at least 5 (five) times a week.

59.5. Newspapers are grouped according to their content as follows:

59.5.1. current affairs newspaper - a newspaper, at least 75 (seventy-five) percent of the content of which is general news and coverage of public, political, social and economic topics and comment on them and analysis thereof;

59.5.2. themed newspaper - a newspaper, at least 75 (seventy-five) percent of the content of which is coverage of, comment on and analysis of only one area.

59.6. Newspapers are grouped by territorial category as follows:

59.6.1. national - a newspaper, which is published by one media entity under the same name and is disseminated in at least 70 percent of the territory of the Republic of Azerbaijan;

59.6.2. regional - a newspaper, which is published by 1 (one) media entity under the same name and is disseminated in at least 70 (seventy) percent of the territory of at least 1 (one) administrative territorial unit.

59.7. The following newspapers are considered to be continuously disseminated publications:

59.7.1. daily newspapers which are published with the right to take a break for up to 12 (twelve) issues during 1 (one) year;

59.7.2. newspapers which are published every other day with the right to take a break for up to 9 (nine) issues during 1 (one) year;

59.7.3. weekly newspapers which are published with the right to take a break for up to 6 (six) issues during 1 (one) year;

59.8. Magazines, digests, bulletins and other publications which are published at least 2 (two) times a year are considered to be continuously published periodical publications.

Article 60. Online media entity

60.1. Individuals or legal entities may be an online media entity.

60.2. An online media entity must provide the following information on its website:

60.2.1. its name;

60.2.2. its taxpayer identification number;

60.2.3. owner of its domain name;

60.2.4. responsible editor's surname, name and patronymic;

60.2.5. the address where the online media entity operates and contact information.

60.3. Online media must provide the information specified in Article 60.2 of this Law under the heading "contact" and in such a way that users can access it directly from the home page.

60.4. Online media must indicate the date that material was first published and the date must not be changed.

60.5. The operation of an online media entity (editorial boards) is considered continuous if it publishes at least 20 (twenty) pieces of mass information a day for 20 (twenty) days a month in compliance with the requirements of articles 13.1 and 13.2 of this Law and except for the information specified in Article 13.3 of this Law.

Article 61. News agency

The provisions of this Law on the activities of other media entities shall apply to news agencies in accordance with the method they use to publish and (or) disseminate mass information.

Article 62. Founding print media and an online media entity

62.1. Permission from state bodies (institutions) is not required to found print media and an online media entity.

62.2. In order to operate as print media and an online media entity, a legal entity or an individual, respectively, must officially apply to a body (institution) designated by a relevant executive authority 7 (seven) days prior to the production of a print media product and distribution of the material.

62.3. An appeal provided for in Article 62.2 of this Law shall be submitted in accordance with the procedure provided for in Article 73.5 of this Law.

62.4. The opinion of a body (institution) designated by a relevant executive authority shall be attached to an appeal for the foundation of religious print media and an online media entity.

62.5. In the names of print media and online media entities, it is not allowed to use the names of state bodies (institutions) of the Republic of Azerbaijan, international organisations, non-governmental organisations, local government bodies (except for media entities established by them), as well as the names of prominent Azerbaijani personalities (without permission from their close relatives or heirs).

Article 63. Information that must be displayed in a print media product

63.1. The following information must be displayed in each issue of a print media product:

63.1.1. its name;

63.1.2. its taxpayer identification number;

63.1.3. responsible editor's surname, name and patronymic;

63.1.4. the ordinal number and date of publication, time of signing for printing (scheduled and actual time);

63.1.5. postal index;

63.1.6. number of copies;

63.1.7. price, notes "Free price" or "Free";

63.1.8. the name, address and contact information of the print media entity and of the printing house where the print media product was produced.

63.2. It shall be prohibited to produce and disseminate print media products without the information specified in Article 63.1 of this Law being displayed, and also to intentionally misrepresent such information.

Article 64. Print media product and its distribution

64.1. The distribution of print media products may be carried out directly by the editorial board, publishing and communication companies on the basis of an agreement, as well as other legal entities and individuals.

64.2. The production and dissemination of print media products may be carried out for commercial and non-commercial purposes. A product intended for non-commercial dissemination is marked "Free".

64.3. The suspension of the dissemination of a print media product, confiscation of its copies or part of its copies shall only be carried out on the basis of a court ruling.

Article 65. Suspension of the operation of print media and online media entities and of the dissemination of media products, as well as termination of the operation of these entities

65.1. The operation of a print media and online media entity and the dissemination of media products shall be temporarily suspended by a court ruling in the cases provided for in Article 65.2 of this Law, and their activities shall be terminated in the cases provided for in Article 65.4 of this Law.

65.2. A body (institution) designated by a relevant executive authority shall file a lawsuit to suspend the operation of print media and online media entities for a period of up to 2 (two) months in the following cases:

65.2.1. if a foreign or stateless person, as well as a person without higher education is appointed to the position of head of the governing body;

65.2.2. if a person who received an administrative penalty for abusing freedom of activity in the field of media and for abusing a journalist's rights commits the same offence within one year from the date of entry into force of the decision to impose an administrative penalty;

65.2.3. if print media and online media entities, after being warned 3 (three) times during a year by a body (institution) designated by a relevant executive authority for violating articles 13.1 and 13.2 of this Law, and print media entities also for violating the requirements of Article 14.1 of this Law, commit the same violations again;

65.2.4. if it is found out that the operation of a print media and online media entity is financed by foreign individuals or legal entities who are not its founders (participants), by their branches and representative offices, legal entities established by these persons in the Republic of Azerbaijan, as well as state bodies of foreign countries (taking into account Article 69.2 of this Law);

65.2.5. if the violations envisaged in Article 63.2 of this Law are revealed.

65.3. In the event of the suspension of the operation of an online media entity and of the dissemination of media products on the grounds provided for in Article 65.2 of this Law, information about this must be posted on the website of that media entity.

65.4. A body (institution) designated by a relevant executive authority shall file a lawsuit to terminate the operation of print media and online media entities in the following cases:

65.4.1. if the violation provided for in Article 65.2.1 of this Law is not eliminated;

65.4.2. if media entities whose operation was suspended on the grounds provided for in Article 65.2 of this Law violate the requirements of articles 65.2.2-65.2.5 of this Law during 2 (two) years again;

65.4.3. if the requirements of articles 26.1-26.4 of this Law are violated;

65.4.4. if an official appeal is not submitted to a body (institution) designated by a relevant executive authority in accordance with Article 62.2 of this Law or if the information provided in that appeal is found to be incorrect;

65.4.5. if within 1 (one) month from the date of removal from the Media Register for violating the requirements of Article 75.1.7 of this Law and within 2 (two) months from the date of removal from the Media Register for violating the requirements of Article 75.1.6 of this Law media entities do not eliminate the mentioned violations.

65.5. If an online media entity violates the requirements of Article 14.1 of this Law, measures shall be taken in accordance with the Law of the Republic of Azerbaijan "On information, informatisation and protection of information".

Article 66. Prohibition of import and dissemination of foreign print media products

66.1. A court ruling may prohibit the import and dissemination of foreign print media products containing information which does not meet the requirements of Articles 14.1.1, 14.1.2, 14.1.4, 14.1.5, 14.1.7, 14.1.9, 14.1.10, 14.1.13 and 14.1.14.

66.2. A court may issue a ruling to remove from sale a foreign print media product that has already been distributed contrary to the requirements of Article 66.1 of this Law.

Article 67. Keeping of editorial materials

67.1. A print media and online media entity shall keep editorial materials (manuscripts, letters, tape recordings, etc.) for 1 (one) year.

67.2. A print media and online media entity shall determine the procedure for keeping materials.

Article 68. Mandatory copies

The publishing house shall send free mandatory copies of print media products to the founder, the state archive, as well as relevant libraries in accordance with Article 15 of the Law of the Republic of Azerbaijan "On library services", as soon as the first issue of the print run is prepared.

Article 69. Sponsorship in print and online media

69.1. The operation of print media and online media entities and the dissemination of media products may be financed with the sponsorship of citizens of the Republic of Azerbaijan and legal entities of the Republic of Azerbaijan. Persons engaged in the production and (or) sale of goods prohibited by the Law of the Republic of Azerbaijan "On Advertising" may not be sponsors.

69.2. Foreign legal entities and individuals may sponsor only up to a 25 (twenty-five)-percent part of each product of print media and online media entities.

69.3. Sponsorship of print media and online media entities may not affect a journalist's independence.

69.4. Periodical press publications prepared with the financial help of a sponsor must publish information about this.

69.5. Sponsorship advertising shall be published in accordance with the Law of the Republic of Azerbaijan "On advertising".

Chapter 7

Journalists' activities

Article 70. A journalist's card

70.1. A body (institution) designated by a relevant executive authority shall issue a journalist's card to journalists entered into the Media Register. The form of a journalist's card, the amount of a fee for its issuance or replacement and the procedure for using this money shall be determined by a body (institution) designated by a relevant executive authority.

70.2. Article 70.1 of this Law does not apply to foreign journalists working in the territory of the Republic of Azerbaijan. To work in the territory of the Republic of Azerbaijan, foreign journalists must apply in advance to a body (organisation) designated by a relevant executive authority. They may work after a body (institution) designated by a relevant executive authority gives its consent.

70.3. A journalist's card is valid for 3 (three) years. A journalist has a right to re-apply for a journalist's card no later than within 3 (three) business days after the date of the expiration of the validity of his/her journalist's card, provided that he/she hand that card over to a body (institution) designated by a relevant executive authority.

70.4. If the information on a journalist's card changes or a journalist's card becomes unusable or the information on the card is found to be incorrect, the journalist must apply for the replacement of the card.

70.5. A journalist whose employment contract has been terminated must hand over his/her card to the employer (media entity) on his/her last working day, and the media entity must submit the card to a body (institution) designated by a relevant executive authority for destruction no later than within 3 (three) business days after receiving the card.

70.6. Journalists who work individually on the basis of copyright must submit their journalist's card to a body (institution) designated by a relevant executive authority for destruction no later than within 3 (three) business days from the date of their removal from the Media Register.

Article 71. The privileges of persons issued with a journalist's card

71.1. Persons issued with a journalist's card have the following privileges:

71.1.1. free access to state- and municipality-owned museums, galleries, as well as facilities hosting cultural and public events in order to perform journalistic work;

71.1.2. to be accredited by state bodies (institutions), enterprises, organisations, and non-governmental organisations;

71.1.3. if they are accredited in accordance with Article 72 of this Law, to enter sites which host important events in order to seek, obtain, transmit, produce and disseminate mass information about such events;

71.1.4. to enjoy the discounts and privileges provided for in Articles 76.1.2-76.1.5 of this Law.

Article 72. Journalists' accreditation

72.1. Media entities may accredit their journalists who are included in the Media Register with state bodies (institutions), enterprises, organisations and non-governmental organisations with

the consent of these organisations and in compliance with accreditation rules established by them.

72.2. Journalists who work individually on the basis of copyright and are included in the Media Register may be accredited to state bodies (institutions), enterprises, organisations and non-governmental organisations with the consent of these organisations and in compliance with accreditation rules established by them.

72.3. A journalist who has been accredited to state bodies (institutions), enterprises, organisations and non-governmental organisations with the consent of these organisations and in compliance with accreditation rules established by them shall be informed in advance about sessions, meetings and other events, except for behind-closed-door events, and shall be enabled to become acquainted with verbatim reports, minutes and other documents.

72.4. If a media entity and a journalist have disseminated information that tarnishes the business reputation of the institution they are accredited to, or have disseminated information that is distorted or untrue and this has been confirmed by a valid court ruling, or they have violated accreditation rules, the institution may strip the journalist of accreditation.

72.5. The accreditation of a media entity's non-journalist staff is carried out by state bodies (institutions), enterprises, organisations and non-governmental organisations in accordance with accreditation rules established by these organisations.

72.6. Only media entities and journalists included in the Media Register and also foreign journalists consent for the work of which has been given in accordance with Article 70.2 of this Law may seek, obtain, transmit, produce and disseminate mass information in an area (areas) where martial law and a state of emergency have been introduced, in a zone where a special operation against religious extremism is conducted and in a zone where an operation against terror is conducted.

Chapter 8

Media Register

Article 73. Media Register

73.1. A Media Register shall be created in the Republic of Azerbaijan to systematise information on media entities, including their editorial boards, as well as journalists.

73.2. The Media Register is an electronic information resource managed by a body (institution) designated by a relevant executive authority and is maintained with the funds of the state budget of the Republic of Azerbaijan.

73.3. The Media Register consists of the following sections:

73.3.1. audiovisual media entities;

73.3.2. print media entities;

73.3.3. online media entities;

73.3.4. news agencies;

73.3.5. journalists.

73.4. In cases provided for in Articles 54.7, 55.8, 57.6 and 58.3 of this Law, the Council shall submit information about an audiovisual media entity to a body (institution) designated by a relevant executive authority.

73.5. Print media or online media entities, news agencies, as well as journalists shall apply to a body (institution) designated by a relevant executive authority for inclusion in the Media Register.

73.6. Rules for maintaining the Media Register shall be established by a body (institution) designated by a relevant executive authority.

73.7. The following information is entered into the Media Register:

73.7.1. the name, logo (emblem) and legal and actual address of a media entity and (or) its editorial board (boards);

73.7.2. Information, envisaged by this Law, on a media entity which is a natural person, the founder (participant) of a media entity which is a legal entity, as well as persons directly and indirectly participating in a legal entity that is the founder of a media entity;

73.7.3. media entity's taxpayer identification number;

73.7.4. name, surname, patronymic, place of residence, number and date of issue of the identity document, and contact information of the head of the governing body of a media entity;

73.7.5. name, surname, patronymic, place of residence, number and date of issue of the identity document and contact information of the responsible editor;

73.7.6. list of journalists working at a media entity (name, surname, patronymic, place of residence, number and date of issue of the identity document and contact information);

73.7.7. information on the periodicity of a print media entity, its one-time print run and content;

73.7.8. information about the owner of the domain name of an online media entity;

73.7.9. territorial category of a media entity and (or) its editorial board (boards);

73.7.10. genre, method and type of broadcasting of audiovisual media entities and (or) their editorial board (boards);

73.7.11. information on the licence held by audiovisual media entities;

73.7.12. information on agreements concluded by news agencies with other media entities on provision (obtaining) of information;

73.7.13. journalist's name, surname, patronymic, place of residence, number and date of issue of the identity document, contact information;

73.7.14. information on a journalist's card issued (including previously issued, if any);

73.7.15. general information about a journalist's employment or independent contractor agreement, work-related activities;

73.7.16. taxpayer identification number of a journalist who works individually under an independent contractor agreement on the basis of copyright;

73.7.17. information on the higher education of the head of the governing body of a media entity, a journalist;

73.7.18. if the founder (participant) is an individual, information on his/her (their) criminal record and on the criminal record of the head of the governing body of a media entity and a journalist.

73.8. A media entity included in the Media Register shall be issued with a Media Register certificate, the form of which shall be endorsed by a body (institution) designated by a relevant executive authority.

73.9. With the exception of a list of media entities and journalists, other information included in the Media Register is not open to the public.

Article 74. Requirements for inclusion in Media Register

74.1. Persons applying for inclusion in the Media Register as a media entity must meet the following requirements:

74.1.1. must comply with the requirements provided for in Articles 26.1-26.5 and 26.8 of this Law (taking into account Article 69.2 of this Law);

74.1.2. their operation must be continuous (except for media entities that have not operated in the field of media before the date of application);

74.1.3. their activities must comply with the requirements of Articles 13.1 and 13.2 of this Law;

74.1.4. if they are a legal entity, they must have been registered in the state register of legal entities;

74.1.5. if they are an individual, they must have been registered as an individual entrepreneur for taxation purposes;

74.1.6. must not have the same or similar logos (emblems) to those of the editorial boards of other media entities that are in the Media Register.

74.2. journalists applying for inclusion in the Media Register must meet the following requirements:

74.2.1. must have higher education;

74.2.2. must be legally capable;

74.2.3. must not have been previously convicted of serious or particularly serious crimes, as well as crimes against public morality;

74.2.4. must have served or cleared of conviction;

74.2.5. must have an employment agreement with a media entity (journalists who work individually on the basis of copyright must have an independent contractor agreement with at least one media entity);

74.2.6. the media entity they work for must have been included in the Media Register;

74.2.7. the media entity they work for must operate continuously (except for media entities which have not operated before the date of application);

74.2.8. journalists' activities must comply with the requirements of Articles 13.1 and 13.2 of this Law;

74.2.9. a break in the operation of a print media entity for which they work must not exceed the period specified in Article 59.7 of this Law;

74.2.10. must have at least 3 (three) years of work experience in the field of journalism or must have worked in scientific and pedagogical educational institutions in the field of journalism for at least 3 (three) years;

74.2.11. must follow rules of professional ethics (ethical conduct) during their work as a journalist;
74.2.12. a journalist who works individually on the basis of copyright under an independent contractor agreement must have been registered as an individual entrepreneur for taxation purposes.

74.3. if persons applying for inclusion in the Media Register do not meet the requirements of Article 74.1 of this Law and journalists do not meet the requirements of Article 74.2 of this Law, a body (institution) designated by a relevant executive authority shall refuse to include them in the Media Register.

74.4. Based on information provided in accordance with Articles 54.7 and 55.8 of this Law, audiovisual media entities are directly included in the Media Register.

Article 75. Removal from Media Register

75.1. Media entities included in the Media Register are removed from the Media Register in the following cases:

75.1.1. if a media entity submits a request for this purpose;

75.1.2. if a media entity that is a legal entity is liquidated;

75.1.3. if the operation of a media entity is terminated under a court ruling;

75.1.4. if a media entity which is an individual dies or is declared dead or missing by a valid court ruling;

75.1.5. if it is found that it does not meet the requirements of articles 26.1-26.5 of this Law (taking into account Article 69.2 of this Law) and Article 74.1.5;

75.1.6. if a print media entity violates the requirements of Article 59.7 of this Law, and if an online media entity (editorial boards) violates the requirements of Article 60.5 of this Law;

75.1.7. When a change is made to the register information of a print media entity or an online media entity included in the Media Register, if this information is not submitted to a body (institution) designated by a relevant executive authority together with relevant confirming documents within 14 (fourteen) business days from the date of change;

75.1.8. if an audiovisual media entity's licence is abolished.

75.2. When a media entity is removed from the Media Register, information on this shall be posted on the website of a body (institution) designated by a relevant executive authority.

75.3. Journalists included in the Media Register are removed from the Media Register in the following cases:

75.3.1. if a journalist submits a request for this purpose;

75.3.2. if it is found that he/she does not meet the requirements of Article 74.2 of this Law;

75.3.3. if he/she is prosecuted for serious and particularly serious crimes;

75.3.4. if he/she dies or is declared dead or missing by a valid court ruling;

75.3.5. if cases when he/she disseminates information which does not meet the requirements of Article 14 of this Law are revealed 3 (three) times a year;

75.3.6. if a media entity for which he/she works or the only media entity for which he/she works individually on the basis of copyright is removed from the Media Register;

75.3.7. if a journalist who works individually on the basis of copyright under an independent contractor agreement is removed from tax registration or his/her entrepreneurial activities are stopped.

75.4. When a journalist is removed from the Media Register, his/her journalist's card shall be abolished by a body (institution) designated by a relevant executive authority and information about this shall be posted on its website.

75.5. Based on information provided in accordance with Article 58.3 of this Law, audiovisual media entities shall be removed directly from the Media Register.

Article 76. Discounts and privileges for persons working in the field of media

76.1. The following discounts and privileges may be established for persons included in the Media Register:

76.1.1. ordering of official announcements and social advertisements by state bodies (institutions) in media entities;

76.1.2. free-of-charge or discounted participation of staff of media entities and journalists in trainings organised by a body (institution) designated by a relevant executive authority;

76.1.3. participation in projects on issues of importance for the state and society that are organised by a body (institution) designated by a relevant executive authority;

76.1.4. use of financial discounts and privileges (including enjoying soft loans);

76.1.5. enjoying benefits related to improvement of social security and financial security.

Chapter 9

Final provisions

Article 77. Liability for violation of this Law

77.1. Persons guilty of violating the requirements of this Law shall be liable in cases specified by the Civil Code, the Code of Administrative Offences and the Criminal Code of the Republic of Azerbaijan.

77.2. An editorial board and also a journalist are not responsible for untrue information disseminated in the media in the following cases:

77.2.1. if this information was officially disseminated by officials of state bodies (institutions) or their press services;

77.2.2. if this information was disseminated by news agencies or the press services of departments, enterprises, organisations, political parties and non-governmental organisations;

77.2.3. if this information was repeated as it was in official speeches by members of the Milli Majlis of the Republic of Azerbaijan, representatives of state bodies (institutions), municipalities, departments, enterprises, organisations and non-governmental organisations, as well as officials;

77.2.4. if that information was voiced in speeches aired on a live broadcast.

Article 78. Transitional provisions

78.1. Within 6 (six) months from the date of entry into force of this Law, the Council shall issue the following licences, after the submission of documents specified in Article 52.2 of this Law in

paper or electronic form, free of charge to licence holders in the field of television and radio broadcasting which operated before the entry into force of this Law:

78.1.1. to national television and radio broadcasters - licence for a national terrestrial television broadcaster and national terrestrial radio broadcaster;

78.1.2. to regional television and radio broadcasters - licence for a regional terrestrial television broadcaster and regional terrestrial radio broadcaster;

78.1.3. depending on broadcasting methods used by cable broadcasters (cable, IPTV, OTT, mobile TV and satellite-encoded broadcast signals) - licence for a simple platform operator and licence for a versatile platform operator;

78.1.4. to cable broadcasters which operate using radio frequencies - licence for a multiplex operator;

78.1.5. to satellite broadcasters - a licence for a platform broadcaster performing satellite broadcasting.

78.2. National and regional radio broadcasters which operate before full transition to digital radio broadcasting is ensured in the Republic of Azerbaijan may perform an infrastructure or multiplex operator's retransmission function.

78.3. Print media and online media entities which operate before the entry into force of this Law must apply, in the manner envisaged in Article 73.6 of this Law, to a body (institution) designated by a relevant executive authority within 6 (six) months from the date of formation of the Media Register specified in this Law.

78.5. Article 48.3 of this Law shall apply to members of the Council appointed after the entry into force of this Law.

78.6 Articles 26.3.1 and 74.2.3 of this Law shall apply to cases arising after the entry into force of the Law.

78.6. From the date this Law enters into force, the Law of the Republic of Azerbaijan "On mass media" (Collection of Legislation of the Republic of Azerbaijan, 2000, № 2, article 82; 2001, № 12, article 736; 2002, № 3, article 116, № 5, article 245; 2004, № 2, articles 57, 58; 2005, № 4, article 278; 2007, № 8, article 752, № 11, article 1079; 2009, № 4, article 212, № 8, article 611; 2010, № 3, article 172; 2015, № 2, article 82, № 11, articles 1258, 1292; 2016, № 1, article 40, № 5, article 837, № 12, article 1986; 2017, № 12 (book I), article 2254; 2018, № 1, article 16, № 5, article 891, № 6, article 1166; 2019, № 3, article 376, № 12, article 1882; Law number 93-VIQD of the Republic of Azerbaijan dated 8 May 2020) and the Law of the Republic of Azerbaijan "On television and radio broadcasting" (Collection of Legislation of the Republic of Azerbaijan, 2002, № 10, article 583; 2004, № 1, article 10; 2005, № 4, article 278, № 6, article 469; 2006, № 11, article 932, № 12, article 1005; 2007, № 6, article 560, № 8, article 749, № 11, article 1053; 2009, № 6, article 394; 2010, № 7, article 600; 2011, № 2, article 70; 2015, № 4, article 354; 2016, № 12, article 1987; 2018, № 2, article 153, № 6, article 1167, № 12 (book I), article 2477; 2019, № 12, article 1882; 2020, № 6, articles 671, 673) are cancelled.