ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

MEMORANDUM

on

the Law of Ukraine 'On the National Television and Radio Broadcasting Council of Ukraine' and the Proposed Amendments

by

ARTICLE 19
Global Campaign for Free Expression

London
January 2004

1. Introduction

This Memorandum provides an analysis of the Law of Ukraine 'On the National Television and Radio Broadcasting Council of Ukraine' as it would be amended by the Law on the Introduction of Amendments to the Law of Ukraine 'On the National Television and Radio Broadcasting Council of Ukraine' (referred to herein as the draft Law, although the original law was adopted in 1997 and has been in force since then). The amendments, received by ARTICLE 19 in December 2003, were prepared by the Ukrainian authorities. They have passed the first reading in the legislature and were then were then slightly modified for the upcoming second (and final) reading.[1] ARTICLE 19 has been asked to provide an analysis by the Association of Independent Broadcasters in Ukraine. We are providing an analysis not only of the proposed changes but of the whole law since we are of the view that the authorities should take this opportunity to address

[1] ARTICLE 19's comments are, as noted, based on the version received in December 2003.

all areas of concern with the draft Law. Our comments are based on an unofficial English translation of the draft Law.[2]

The draft Law provides for the establishment of the National Television and Radio Broadcasting Council of Ukraine (Council), setting out its function, membership, staffing and powers. The draft Law effectively supplements the Law of Ukraine 'On Television and Radio Broadcasting', originally passed in 1993 but amended several times since then. The latter, for example, contains the detailed procedures for licensing of broadcasters, a power allocated by the draft Law to the National Council. This Memorandum is restricted in scope to the draft Law, and does not therefore address problems such as those associated with the licensing procedure.

This Memorandum analyses the draft Law against international standards on freedom of expression. Two standard-setting documents will be relied on in particular: Council of Europe Recommendation No. (2000)23 on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector (Council of Europe Recommendation)[3] and ARTICLE 19's *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation* (ARTICLE 19 Principles).[4] The former represents standards developed by the Council of Europe while the latter takes into account wider international practice, including under United Nations mechanisms as well as comparative constitutional law and best practice in countries around the world. This Memorandum outlines Ukraine's international and constitutional obligations, emphasising the importance of freedom of expression and its implications for broadcast regulation. It also provides an in-depth analysis of our key concerns with the draft Law, offering recommendations for change.

The draft Law generally represents a progressive attempt to ensure the independence and structural effectiveness of the Council. There are a number of progressive provisions, including the principles upon which the activities of the Council are based – which include independence, transparency and compliance with international norms – the right of broadcasting associations and media NGOs to nominate members to the Council, and the public and transparent nature of the Council's work. At the same time, there are still areas where the draft Law could be improved.

2. International and Constitutional Obligations

2.1 International and Constitutional Guarantees

Article 19 of the *Universal Declaration on Human Rights* (UDHR),[5] a United Nations General Assembly Resolution, guarantees the right to freedom of expression in the following terms:

[2] ARTICLE 19 takes no responsibility for the accuracy of the translation or for comments based on mistaken or misleading translation.
[3] Adopted by the Committee of Ministers on 20 December 2000.
[4] London, April 2002.
[5] UN General Assembly Resolution 217A(III), adopted 10 December 1948.

> Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The UDHR is not directly binding on States but parts of it, including Article 19, are widely regarded as having acquired legal force as customary international law since its adoption in 1948.[6]

The *International Covenant on Civil and Political Rights* (ICCPR),[7] a legally binding treaty which Ukraine ratified in 1973, guarantees the right to freedom of opinion and expression in very similar terms to the UDHR, also at Article 19. Freedom of expression is also guaranteed by the *European Convention on Human Rights* (ECHR),[8] ratified by Ukraine in September 1997, as well as the other two regional systems for the protection of human rights, at Article 13 of the *American Convention on Human Rights*[9] and Article 9 of the *African Charter on Human and Peoples' Rights*.[10]

Freedom of expression is protected, subject to certain restrictions, in Article 34 of the Ukrainian Constitution which states:

> Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs.
>
> …
>
> The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

Article 106 of the Constitution deals directly with the subject matter of this Memorandum, the Council, stating, in relevant part:

> The President of Ukraine:
> …
> 13) appoints one-half of the composition of the National Council of Ukraine on Television and Radio Broadcasting;

International bodies and courts have made it very clear that freedom of expression and information is one of the most important human rights. At its very first session, in 1946, the United Nations General Assembly adopted Resolution 59(I),[11] which states:

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[6] See, for example, *Filartiga v. Pena-Irala*, 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2nd Circuit).
[7] UN General Assembly Resolution 2200A(XXI) of 16 December 1966, in force 23 March 1976.
[8] ETS Series No. 5, adopted 4 November 1950, in force 3 September 1953. As of 7 July 2003.
[9] Adopted 22 November 1969, in force 18 July 1978.
[10] Adopted 26 June 1981, in force 21 October 1986.
[11] 14 December 1946.

> Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated.

As this resolution notes, freedom of expression is both fundamentally important in its own right and also key to the fulfilment of all other rights. It is only in societies where the free flow of information and ideas is permitted that democracy can flourish. In addition, freedom of expression is essential if violations of human rights are to be exposed and challenged.

The European Court of Human Rights has held:

> Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. Subject to [legitimate restrictions] it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society".[12]

Statements of this nature now abound in the caselaw of the European Court, as well as in constitutional and human rights cases from around the world.

2.2 Broadcasting Freedom

The guarantee of freedom of expression applies with particular force to the media, including both private and public broadcasters. The European Court of Human Rights has consistently emphasised the "the pre-eminent role of the press in a State governed by the rule of law." [13] It has further stated:

> Freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders. In particular, it gives politicians the opportunity to reflect and comment on the preoccupations of public opinion; it thus enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society.[14]

This applies particularly to information which, although critical, is important to the public interest:

> The press plays an essential role in a democratic society. Although it must not overstep certain bounds, in particular in respect of the reputation and rights of others and the need to prevent the disclosure of confidential information, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest [footnote deleted]. In addition, the court is mindful of the fact that journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation.[15]

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[12] *Handyside v. the United Kingdom*, 7 December 1976, Application No. 5493/72, para. 49.
[13] *Thorgeirson v. Iceland*, 25 June 1992, Application No. 13778/88, para. 63.
[14] *Castells v. Spain*, 24 April 1992, Application No. 11798/85, para. 43.
[15] *Fressoz and Roire v. France*, 21 January 1999, Application No. 29183/95 (European Court of Human Rights), para. 45.

This does not imply that the broadcast media should be entirely free and unregulated; Article 10 of the ECHR states that the right to freedom of expression "shall not prevent States from requiring the licensing of broadcasting … enterprises". However, two key principles apply to broadcast regulation. First, any bodies with regulatory powers in this area must be independent of government. Second, an important goal of regulation must be to promote diversity in the airwaves. The airwaves are a public resource and they must be used for the public benefit, an important part of which is the public's right to receive information and ideas from a variety of sources.

2.2.1 Regulatory bodies

Any bodies which exercise regulatory or other powers over broadcasters, such as broadcast authorities or boards of publicly-funded broadcasters, must be independent. This principle has been explicitly endorsed in a number of international instruments, including both Council of Europe Recommendation (2000)23 and ARTICLE 19's *Access to the Airwaves*. Central to both is the idea that regulatory bodies should be established in a manner which minimises the risk of interference in their operations, for example through an open appointments process designed to promote pluralism, and which includes guarantees against dismissal and rules on conflict of interest.[16]

Chapter II of the Appendix to the Council of Europe Recommendation states:

> 3. The rules governing regulatory authorities for the broadcasting sector, especially their membership, are a key element of their independence. Therefore, they should be defined so as to protect them against any interference, in particular by political forces or economic interests.
>
> 4. For this purpose, specific rules should be defined as regards incompatibilities in order to avoid that:
>   - regulatory authorities are under the influence of political power;
>   - members of regulatory authorities exercise functions or hold interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest in connection with membership of the regulatory authority.
>
> 5. Furthermore, rules should guarantee that the members of these authorities:
>   - are appointed in a democratic and transparent manner;
>   - may not receive any mandate or take any instructions from any person or body;
>   - do not make any statement or undertake any action which may prejudice the independence of their functions and do not take any advantage of them.
>
> 6. Finally, precise rules should be defined as regards the possibility to dismiss members of regulatory authorities so as to avoid that dismissal be used as a means of political pressure.
>
> 7. In particular, dismissal should only be possible in case of non-respect of the rules of incompatibility with which they must comply or incapacity to exercise their functions duly noted, without prejudice to the possibility for the person concerned to appeal to the courts against the dismissal. Furthermore, dismissal

[16] Articles 3-8 of the CoE Recommendation and Principle 13 of *Access to the Airwaves*.

on the grounds of an offence connected or not with their functions should only be possible in serious instances clearly defined by law, subject to a final sentence by a court.

8. Given the broadcasting sector's specific nature and the peculiarities of their missions, regulatory authorities should include experts in the areas which fall within their competence.

Principle 10 of *Access to the Airwaves* notes a number of ways in which the independence of regulatory bodies should be protected:

> Their institutional autonomy and independence should be guaranteed and protected by law, including in the following ways:
> - specifically and explicitly in the legislation which establishes the body and, if possible, also in the constitution;
> - by a clear legislative statement of overall broadcast policy, as well as of the powers and responsibilities of the regulatory body;
> - through the rules relating to membership;
> - by formal accountability to the public through a multi-party body; and
> - in funding arrangements.

The need for protection against political or commercial interference was also stressed in a recent Joint Declaration by the three specialised mandates for the protection of freedom of expression, namely the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, which states:

> All public authorities which exercise formal regulatory powers over the media should be protected against interference, particularly of a political or economic nature, including by an appointments process for members which is transparent, allows for public input and is not controlled by any particular political party.[17]

These same principles are also reflected in a number of cases decided by national courts. For example, a case decided by the Supreme Court of Sri Lanka held that a draft broadcasting bill was incompatible with the constitutional guarantee of freedom of expression. Under the draft bill, the Minister had substantial power over appointments to the Board of Directors of the regulatory authority. The Court noted: "[T]he authority lacks the independence required of a body entrusted with the regulation of the electronic media which, it is acknowledged on all hands, is the most potent means of influencing thought."[18]

2.2.2 Pluralism

An important aspect of States' positive obligations to promote freedom of expression and of the media is the need to promote pluralism within, and to ensure equal access of all to, the media. As the European Court of Human Rights stated: "[Imparting] information and ideas of general interest … cannot be successfully accomplished unless it is grounded in

[17] Adopted 18 December 2003.
[18] *Athukorale and Ors. v. Attorney-General*, 5 May 1997, Supreme Court, S.D. No. 1/97-15/97, (1997) 2 BHRC 610.

the principle of pluralism."[19] The Inter-American Court has held that freedom of expression requires that "the communication media are potentially open to all without discrimination or, more precisely, that there be no individuals or groups that are excluded from access to such media."[20] This implies that the airwaves should be open to a range of different broadcasters and that the State should take measures to prevent monopolisation of the airwaves by one or two players. However, these measures should be carefully designed so that they do not unnecessarily limit the overall growth and development of the sector.

The obligation to promote media pluralism incorporates both freedom from unnecessary interference by the State, as well as the need for the State to take positive steps to promote pluralism.[21] Thus, States may not impose restrictions which have the effect of unduly limiting or restricting the development of the broadcasting sector and, at the same time, States should put in place systems to ensure the healthy development of the broadcasting sector, and to ensure that this development takes place in a manner that promotes diversity and pluralism.

3. Analysis of the Draft Law

3.1 Independence

The draft Law includes a number of positive measures to promote the independence of the National Council, including Article 3, which states that one of the principles of the activities of the National Council is independence, and various measures relating to the appointment of members. It does not, however, include a specific statement to the effect that the Council shall be an independent body. Consideration should be given to including such a statement. The ARTICLE 19 principles, for example, include the following statement of independence:

> The [name of body] shall enjoy operational and administrative autonomy from any other person or entity, including the government and any of its agencies. This autonomy shall be respected at all times and no person or entity shall seek to influence the members or staff of the [name of body] in the discharge of their duties, or to interfere with the activities of the [name of body], except as specifically provided for by law.

3.1.1 Appointment of Members

Article 4 of the draft Law provides that the Council shall have eight members, four of whom shall be appointed by the Verkhovna Rada, or national legislature, and four by the President. In the case of the former, the relevant Committee shall publish a call for nominations, which may be made by factions of deputies and Ukrainian media NGOs. The Committee then considers these proposals and forwards them to the Verkhovna Rada

[19] *Informationsverein Lentia and Others v. Austria*, 24 November 1993, Application Nos. 13914/88, 15041/89, 15717/89, 15779/89, 17207/90, para. 38.
[20] *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism,* Advisory Opinion OC-5/85, November 13 29, 1985, Inter-American Court of Human Rights (Ser.A) No.5 (1985), para. 34.
[21] *Access to the Airwaves*, note 4, Principle 3.

for selection by vote.[22] Article 6 provides for appointment of the other four members by the President, simply by decree.

The appointments process for the Verkhovna Rada is clearly designed to promote public input and is generally in accordance with the highest international standards. One minor flaw with this process is the restriction of the power to nominate members to media NGOs. This is unduly restrictive – there is no reason why other groups, such as human rights associations and civic groups, should not also have the right to nominate members – and may result in an unduly narrow nominations process – media NGOs may not be aware of excellent candidates who do not specifically work in the media.

The appointments process by the President, however, is highly problematical. As noted above, the right of the President to appoint one-half of the members of the Council is provided for directly in the Constitution, and hence goes beyond the scope of this law. However, appointment by a political figure in his or her virtually absolute discretion, without any requirement of consultation, fails to meet international standards in this area. The Council of Europe Recommendation makes it quite clear that members should be, "appointed in a democratic and transparent manner". The ARTICLE 19 Principles are even clearer:

> Members of the governing bodies (boards) of public entities which exercise powers in the areas of broadcast and/or telecommunications regulation should be appointed in a manner which minimises the risk of political or commercial interference. …
>
> The process for appointing members should be open and democratic, should not be dominated by any particular political party or commercial interest, and should allow for public participation and consultation.[23]

Giving the President almost unfettered discretion to appoint members hardly meets these standards. Ideally, the President should not play any substantive role in appointing members. At a very minimum, his or her discretion to appoint members should be subject to democratic safeguards as is the case for the Verkhovna Rada.

3.1.2 Other Matters Relating to Membership

The draft Law, at Article 7.1, provides that only individuals who have been resident citizens of Ukraine for the last ten years, whose age is not above the normal retirement age and who have at least five years experience of practical, scientific or academic activity in broadcasting may be appointed as members.

Articles 7.3, 7.4 and 7.5 contain additional 'rules of incompatibility', providing that members of the Council shall not be founders of or have financial interests in broadcasting enterprises, that they shall suspend any membership in political parties within 10 days of having been nominated[24] and that they may not have been convicted of a 'deliberate' crime which has not been absolved.

[22] Article 5.
[23] Note 4, Principles 13.1 and 13.2.
[24] We understand that this has been further amended and is no longer required.

Members have a four-year tenure but, pursuant to Article 8, there are seven grounds for early termination of membership, namely: i) resignation; ii) renunciation of citizenship; iii) violation of the provisions of Article 11[25] iv) criminal liability; v) inability due to illness to fulfil their duties for six months or more; vi) a declaration that the member is incapable of fulfilling his or her duties, or is missing or dead; and vii) failure to participate in the activities of the Council for two months without valid reason. Termination is initiated by either the Chairman or at least three members of the Council. Grounds ii), iv) and vi) are effected by a resolution of the Council, which may be appealed to the courts, and grounds iii), v) and vii) are effected by court order, which may also be appealed to a higher court.

Article 9 provides for the appointment of the Chairman by the members of the Council for a two-year period. The Chairman may, pursuant to Article 9(3), be subjected to early dismissal at his or her request, where his or her membership has been terminated early in accordance with Article 8 or by resolution of the Council. The same rules apply to the First Deputy Chairman, Deputy Chairman and Secretary, pursuant to Article 10.

Resolutions of the Council are passed by five affirmative votes.[26]

Analysis

The rules of incompatibility are welcome, as far as they go, but ARTICLE 19 considers that they are not sufficiently strong in relation to the risk of political incompatibility, requiring only that party membership be suspended during membership. The risk of political interference is very significant, even in long-standing democracies with established traditions of broadcasting independence. Strict rules of incompatibility are an important measure to help minimise this risk. The ARTICLE 19 Principles, for example, prohibit the appointment of anyone who, "is employed in the civil service or other branches of government" or who, "holds an official office in, or is an employee of a political party, or holds an elected or appointed position in government". This applies not only after appointment but acts as a prior-barrier to appointment (so that elected officials are not eligible for appointment).

On the other hand, the requirement of 10 years residence in Ukraine, introduced by the amendments, may be unduly strict. This would, for example, rule out someone who had spent a year working abroad some nine years ago, which seems quite unnecessary, particularly if the work abroad contributed to the individual's broadcasting expertise. The same is true of the requirement that members not be above the age of retirement, a restriction not found in broadcasting laws from other countries. Finally, while the requirement of some relevant specialisation is welcome, consideration should be given to broadening the categories, which would appear at present to exclude, for example, media lawyers or telecommunications engineers, both fields of expertise which would be very welcome on the Council.

[25] According to a later version, Article 7(3).
[26] Article 24(8).

The grounds for termination are largely compatible with international standards. We note that this represents an important improvement over the existing law, which provides for removal by a member by a vote of no confidence issued by the Verkhovna Rada or President. It is assumed that the reference to Article 11, which deals with regional and city Representatives of the National Council, is a mistake and that the reference should instead be to Article 7, which sets out the rules of incompatibility.[27]

3.1.3 Funding

Pursuant to Article 25 of the draft Law, the Council shall be funded directly from the State budget, including through specially targeted funding for functions such as monitoring programmes and regulating the broadcasting sector. Funds collected as licence fee payments must be surrendered to the State budget.

It is quite clear both from the Council of Europe Recommendation and the ARTICLE 19 Principles that funding, like appointments, must be protected against political interference. The former states:

> 9. Arrangements for the funding of regulatory authorities - another key element in their independence – should be specified in law in accordance with a clearly defined plan, with reference to the estimated cost of the regulatory authorities' activities, so as to allow them to carry out their functions fully and independently.
>
> 10. Public authorities should not use their financial decision-making power to interfere with the independence of regulatory authorities. Furthermore, recourse to the services or expertise of the national administration or third parties should not affect their independence.
>
> 11. Funding arrangements should take advantage, where appropriate, of mechanisms which do not depend on ad-hoc decision-making of public or private bodies.[28]

The funding arrangements in the draft Law do not conform to these standards. They essentially leave the Council at the political mercy of the decision-making processes regarding the State budget, normally disproportionately in the hands of the governing party. Consideration should instead be given to providing for the Council's budget to be approved directly by the legislature and for its actual funds to come from the license fees it collects.[29]

Recommendations:

- A clear statement of the independence of the National Council should be added to the draft law.
- The power of the President to nominate members should ideally be completely removed from the draft Law. At the very minimum, recognising that this would

[27] Note 3.We understand that there has been further amendment and that this imprecision is no longer in the text.
[28] Note 3.
[29] In the event that these are insufficient to cover its full operating costs, the shortfall could be provided from the State budget and, in the event that these exceed the operating costs, any surplus could be remitted to the State budget.

require a constitutional amendment, this power should be subjected to process guarantees, analogous to those for the Verkhovna Rada, so that it meets international standards of democracy and protection from political interference. In the longer term, we recommend that the Constitution be amended and this provision removed.

- Consideration should be given to broadening the range of groups that may nominate members for consideration by the Verkhovna Rada.
- The rules of incompatibility should be strengthened in relationship to the political links of potential members.
- Consideration should be given to removing the requirement of ten-years' residence for members, as well as the prohibition on individuals over the age of 60.
- Consideration should be given to providing for a broader range of experts to be eligible for appointment to the Council.
- The regime of funding for the Council should be revised to provide for greater protection against political interference. Consideration should be given to allocating responsibility for the budget to the legislature and to providing for the Council to fund itself from the license fees it collects.

3.2 Powers of the Council

The Council is given very broad powers over broadcasters. Among other things, it licenses broadcasters (Article 18 of the draft Law), supervises broadcasters' compliance with the law and their licence conditions (Article 13), coordinates the distribution of broadcasting frequencies (Article 14), provides input into broadcast policy and development (Article 15), maintains the State broadcasting archives (Article 20) and protects the interests of viewers and listeners (Article 22). The amendments would see the licence fee set by the Cabinet (Article 18(4)), although under the existing law, it is set by the Council (Article 27 of the existing law). The Council also keeps a register of licensed broadcasting organisations.

The Council's resolutions are binding throughout Ukraine (Article 17) and it has the power to impose various sanctions, ranging from a warning to fines, as well as the power to apply to a court to have a broadcasting licence terminated. Fines may be applied only after three or more warnings during the license period have failed to redress the problem and may, in any case, not exceed 25% of the licence fee. All sanctions may be appealed to the courts (Article 21).

Many of these activities may be undertaken only at sessions of the Council, which requires at least six members to be present (Article 24).

Analysis

For the most part, these powers are uncontroversial and care has been taken in the draft Law to ensure that they are consistent with the highest international standards. Unfortunately, they also involve the Council in the application of other laws – licensing, for example, is provided for in the Law of Ukraine 'On Television and Radio Broadcasting' and a number of content rules are set out in the Law of Ukraine 'On

Information'. It is beyond the scope of this Memorandum to comment on these other laws, but we note that they have serious problems from a freedom of expression perspective and this impacts on the work of the Council.

It should be clear that the register of broadcasters which the Council maintains is in no way an additional registration requirement or obligation on broadcasters. All licensed broadcasters should automatically be entered into this register.

It would be preferable if the draft Law made it clear that licence fees shall be allocated in accordance with a pre-existing schedule, providing for different fees for different types of broadcasters and for different geographic coverage. In any case, it should be quite clear that the Cabinet of Ministers cannot set fees for each individual broadcaster, as this would clearly be susceptible of political abuse.

It is not clear from the draft Law whether the Council will monitor broadcasting content, over and above any restrictions set out in other laws. In many countries, broadcast regulators work with the sector and other interested parties to develop a broadcasting code or similar document which sets standards for the industry.

The regime of sanctions is graduated and proportional, as required by international law. However, consideration could be given to adding one additional sanction to the list of those available, namely requiring the broadcaster to carry an apology or correction for breach of the law or licence conditions. This is a useful intermediate sanction which, if used, may result in reduced reliance on fines as a sanction. This may be applied, for example, in cases involving an invasion of privacy or for factual mistakes.

Recommendations:

- The authorities should make a commitment to review other laws affecting broadcasters with a view to bringing them into line with international standards in this area.
- The draft Law should make it clear that the register of licensed broadcasters is the sole responsibility of the Council and that broadcasters should automatically be entered into the register once they have been awarded a licence.
- The draft Law should provide for the adoption of a schedule of fees for different broadcasting licences. In any case, it should be quite clear that license fees may not be set on an individual basis by the Cabinet of Ministers.
- Consideration should be given to providing for the development by the Council of a broadcasting code and, based on this, to removing content restrictions from the Law of Ukraine 'On Information'.
- Consideration should be given to adding an additional sanction in case of breach of this law or of the licence conditions, namely of requiring a broadcaster to carry an apology or correction