

## **General Regulatory Conditions and Requirements of the Television and Radio broadcasting**

### **One. General provisions**

1.1. Relations arisen in connection with the Provision of Television and Radio broadcasting service in Mongolia shall be regulated by this General Conditions and Requirements adopted in conformity with the Constitution of Mongolia, the Communications Law, the Law on Radio Specter, the Competition Law, the Law on the Freedom of Press and Media, the Law on the Copyright and other related rights, the Law on the Advertisement, the National Security Concept and the "Guidance on Television and Radio" adopted by the Government Resolution No.276, dated 2010.

1.2. The Communications Regulatory Committee shall (herein further referred to as "Regulatory Committee"), within the frame of its obligations and powers specified in articles 8 and 9 of the Communications Law, implement the regulation required for creating fair competition condition in Television and Radio market through this General Conditions and Requirements, and other relevant regulations.

1.3. The purpose of this General Conditions and Requirements is to support the development of Television and Radio broadcasting in Mongolia, create favorable condition for market competition and regulate relations directed at providing public with quality service that meets their demand.

1.4. Relations related to Public Television and Radio shall be regulated by the Law on Mass Television and Radio if otherwise is provided in the same law.

1.5. Directions provided in article 3.2.2.2 of the "National Security Concept" of Mongolia shall be complied with.

### **Two. Definitions of terms**

2.1. Below mentioned terms used in this General Conditions and Requirements shall have the following meanings:

2.1.1. "Broadcasting" means simultaneous service that delivers contents from one point to customers despite the transmitting condition and technology;

2.1.2. "Television" means broadcasting system, service or service provider that broadcast contents with moving images, graphics, words and sounds prepared in accordance with program, using radio wave;

2.1.3. "Public television" means non-profit Television service provider established in accordance with the Law on Public Television and Radio;

2.1.4. "Commercial Television" means profit based Television service provider with private investment;

2.1.5. "Cable channel" means Channel service provider, that is specialized on certain subject or runs paid-channel service, who transmits contents with moving images, graphics, words and sounds through Multi-channel transmission service provider to customers after preparing in accordance with the program;

2.1.6. "Radio" means broadcasting system, service or service provider that broadcast contents with words and sounds prepared in accordance with the program using radio wave;

2.1.7. "Television and Radio Multi-channel service provider" means (here in further referred to as Multi-Channel service provider or "MCSP") service provider that delivers television and radio multi channel and other additional contents through wired or wireless, and satellite networks (including cable TV, IPTV, Mobile TV, Multi-channel television that use satellite or other technologies.);

2.1.8. "Content" means product that converted characters, signals, texts, pictures, graphics, sounds, tones, moving images and all types of information those are being transmitted through communications network, into electronic shape;

2.1.9. "Casting" means all types of content prepared for the purpose of transmitting it through radio, television or cable channel;

2.1.10. "Program" means inclusion of all types of castings into a schedule for the purpose of transmitting it through radio, television or cable channel.

### **Three. License**

3.1. Special license of the Television and Radio broadcasting shall be issued in accordance with the Law on the Special Licensing of Business activities, the Communications Law, the Law on the Radio specter, and the Conditions and Requirements approved by the Regulatory Committee in conformity therewith.

3.2. Following principles shall be applied when issuing Special License:

3.2.1. to base on the research result about the market size, population and its density, and demand and competition condition;

3.2.2. to be independent, transparent and fair;

3.2.3. to issue on nondiscriminatory bases.

3.3. Television and Radio special license shall be issued in a following types:

3.3.1. Public;

3.3.2. Commercial.

3.4. Special license for Television and Radio multi-channel transmission shall be issued in a following types:

3.4.1. Cable;

3.4.2. Satellite;

3.4.3. IPTV;

3.4.4. Mobile TV.

3.5. Special license shall be issued when establishing land re-transmission network of the Television and Radio.

3.6. Special license shall be issued to “cable channel” specified in section 2.1.5 of this General Conditions and Requirements.

3.7. Special license shall be divided into the following types on its market scope:

- 3.7.1. Ulaanbaatar city;
- 3.7.2. aimag center, soum and distant district;
- 3.7.3. throughout the territory of Mongolia.

3.8. Special license specified in section 3.7.3 of this General Conditions and Requirements shall be issued upon the selection process among Television and Radio broadcasting service providers in Ulaanbaatar city.

3.9. Special license holder is prohibited to transfer its rights, obligations, liabilities, main activities, management and relations connected to the program issued under Special license to others.

#### **Four. Ownership transparency**

4.1. Investor and special license holder shall submit a following information to The Regulatory Committee in order to disclose the ownership and maintain the independent, open and ethical broadcasting:

- 4.1.1. Ownership percentage of the holder and investor (if foreign invested, then the name of the foreign country);
- 4.1.2. Name, detailed address and telephone number of the Special license holder;
- 4.1.3. Organization of the legal entity, names of the management team and their nationality.

4.2. Information specified in section 4.1 of this General Conditions and Requirements shall be submitted to the Regulatory Committee in January of every year and within 1 months if amended.

4.3. The Regulatory Committee shall publicly disclose information about the ownership transparency.

#### **Five. Requirements for program content**

5.1. When preparing its program, Television, Radio and Cable channel shall aim at educating public and knowledge, and respect the interest of viewers and public.

5.2. Television, Radio and Cable channel shall make its program fully compatible with Relevant legislation of Mongolia, International Treaties and Conventions which Mongolia is a party to, and present General Conditions and Requirements and responsible for that.

5.3. It is prohibited to produce or spread casting or advertisement that breach the relevant legislation of Mongolia. Those are:

- 5.3.1. used the creation without permission from the Author or Right holder, violated the sections 12.1, 12.2, 20.1, 21.1, 22.1 and 25.1 of the Law on the Copyright and other related rights;
- 5.3.2. created or spread advertisements specified in articles 6.5, 7, 13.4, 13.6, 13.8, 14, 16 and 17.2 of the Advertisement Law;
- 5.3.3. caused negative influence on children's behavior and morality as specified in section 1.6, article 13 of the Law on the Protection of Children's right;
- 5.3.4. expressed those specified in section 6, article 6 of the Law on the Protection of Children's right;
- 5.3.5. contained erotic type of contents as specified in sections 5.1, 5.2, article 5, and 7.2.3, article 7 of the Law on the Fight against pornography, and article 123 of the Criminal code, and expressed pornography;
- 5.3.6. advertised alcohols as specified in section 9.2, article 9 of the Law on the Fight against Drinking;
- 5.3.7. advertised and expressed those specified in section 11.4, article 11 of the Law on the Prevention from Crime;
- 5.3.8. conducted advertisement on the subject which could violate national solidarity as specified in article 86 of the Criminal Code;
- 5.3.9. advertised terrorism as specified in article 178<sup>3</sup> of the Criminal Code;
- 5.3.10. encouraged or enticed public disorder as specified in article 179 of the Criminal Code;
- 5.3.11. advertised religious cruel doctrine as specified in article 144 of the Criminal Code;
- 5.3.12. expressed those specified in section 13.1.2, article 13 of the Law on the Control over the Circulation of drugs and substances with influence on mind.

5.4. Not less than 50 percent of the weekly broadcasting should be produced in Mongolia or by Mongolian citizen, business entity or legal entity registered in Mongolia. When calculating this percentage following casting shall be included:

- 5.4.1. advertised or introduced Mongolian national interest, culture, language and tradition, or casting that translated Children's foreign casting into Mongolian language;
- 5.4.2. live casting that shows continental and world level sport or cultural events;
- 5.4.3. casting repeat.

5.5. When calculating the percentage specified in section 5.4 of this General Conditions and Requirements, foreign movies translated into Mongolian shall not be included.

5.6. In the event of natural disaster or emergency, necessary advertisements or information for public shall be delivered without charge in accordance with the regulation approved by the competent authorities.

5.7. There will be an obligation to comply with the Law on Parliament Election, the Law on Presidential Elocution and the Law on Local election, to provide true and accurate information about the election.

5.8. Television, Radio and Cable channel shall archive its castings for at least 2 months.

#### **Six. Obligations and Liabilities of the Television service provider**

The Television service provider shall have the following obligations and liabilities:

6.1. to meet the requirements of the content as specified in Chapter 5 of this General Conditions and Requirements;

6.2. Age classification shall be given to the cast content, its identifying marks and signs shall be showed on the screen in accordance with the relevant standard. Marks and signs of the age classification for public casting shall be advertised and known to public.

6.3. Chat or message content sent from the viewers shall not be directly displayed on the screen. It will be open for the television to organize opinion pole and research through message in accordance with pre-determined content.

6.4. Advertisement period for each hour shall not exceed fifteen minutes.

6.5. Start and end of the advertisement should be expressed in an understandable manner.

6.6. Banner type of advertisement during the middle of the casting shall be displayed in accordance with the standard.

6.7. Equipments and systems which prepare, transmit and deliver television casting to customers shall have met the requirements of the technical standard.

6.8. Transfer into the digital technology shall be made under the plan issued by the Regulatory Committee.

#### **Seven. Obligations and Liabilities of the Radio service provider**

The Radio service provider shall have the following obligations and liabilities:

7.1. to meet the requirements of the content as specified in chapter 5 of this General Conditions and Requirements;

7.2. Advertisement period for each hour shall not exceed eighteen minutes.

7.3. When determining the fee for advertisement, seconds shall be used as unit.

7.4. Equipments and systems which prepare, transmit and deliver radio castings to customers shall have met the requirements of the technical standard.

7.5. Transfer into the digital technology shall be made under the plan issued by the Regulatory Committee.

#### **Eight. Obligations and Liabilities of the Cable channel**

The Cable channel provider shall have the following obligations and liabilities:

8.1. to meet the requirements of the content as specified in chapter 5 and 6 of this General Conditions and Requirements;

8.2. At least 80 percent of the daily program is to be prepared in accordance with its specialized field.

8.3. Cable channel and its specialized field shall be clearly showed on the screen. For instance, to express in the Logo, or place in the corner of the screen, or show at the start or end of the casting etc.,

#### **Nine. Obligations and Liabilities of the Television and Radio multi-channel transmission service provider**

The Television and Radio multi-channel transmission service provider shall have the following obligations and liabilities:

9.1. Legislations on the Competition, and principles of transparency and nondiscrimination shall be complied with.

9.2. Number, type and distribution of channels to be included in the network, and changes to be made in them shall be submitted to the Regulatory Committee for its overview.

9.3. All the MCTSPs shall transmit Television and Radio cable channel with special license from the Regulatory Committee in relevant local area, and Mongolian National Public Television and Radio.

9.4. If broadcasting is to be done nationally in the territory of Mongolia, Television and Radio with special license for national broadcasting in the territory of Mongolia will be broadcasted.

9.5. Content of the foreign Television and Radio shall be compatible with the Mongolian legislations.

9.6. Number of Television channels of any one foreign country shall not exceed the 30 percent of the total foreign channels.

9.7. Following principles shall be complied with when connecting MCTSPs with Television and Radio by the Regulatory Committee under the section 9.1.4 of the Communications Law.

9.7.1. Payment principles of the mutual connection between MCTSPs and Television and Radio shall be "keep the income", in order words they will not pay each other any payment but keep its own income.

9.7.2. Commercial principle shall be used when transmitting foreign television channel or “cable channel” specified in section 2.1.5 of this regulation.

9.8. to follow the relevant regulation of the Communications sector for regulating competition when determined as dominator in the same market.

9.9. to conclude agreements with customers on the condition of the service and its mutual obligation.

9.10. MCTSPs shall not own Special license for television and cable channel, and shall not run any advertisement in the middle of any channel in any form and manner.

9.11. Equipments shall meet international and national standard requirements, and reliable operation of the network.

9.12. to get connected with Television and Cable channel at separating point determined by the Regulatory Committee. Relations on the separating point, technical connection, its quality and standard shall be regulated by the regulations approved by the Regulatory Committee.

9.13. customers shall not be charged when Television and Radio determined by the Government is transmitted through satellite with the support from the budget.

9.14. The owner of the Television and Radio land re-transmission network shall re-transmit the Mongolian National Public Television and Radio and other Television and Radio determined to be broadcasted nationally by the Government decision, and may transmit Television and Radio with special license from the Regulatory Committee on the bases of an agreement within the scope provided in its special license.

## **Ten. Ethics**

10.1. Television, Radio and Cable channel shall have a Common professional ethical code and Ethical committee responsible for its implementation.

10.2. The Ethical committee may include the representatives from the Regulatory Committee, Television, Radio and Cable channel, viewers, public and civil society.

10.3. The Regulatory Committee shall support the establishment of Ethical committee and stabilization of its operation.

10.4. The Ethical committee shall approve its own operational rules and ethical code by its majority.

10.5. The Ethical code shall be registered with the Regulatory Committee and openly publicized and advertised.

## **Eleven. Control**

11.1. The Regulatory Committee shall implement the control over the content and technical quality as provided in sections other than 5.3 of this General Conditions and Requirements through approving regulation and creating permanent control system.

11.2. When implementing control, the Regulatory Committee shall use the following methods:

- 11.2.1. monitoring (permanent, or frequent);
- 11.2.2. to conduct control on the bases of the application or complaint by the customers and viewers;
- 11.2.3. to have required report or information prepared by service providers.

11.3. The Regulatory Committee shall prepare annual report on the control result and publicize it.

11.4. Content control specified in section 5.3 of this General Conditions and Requirements shall be conducted by specialized control organizations specified in laws.

11.5. At the request from specialized control organizations, the Regulatory Committee may provide monitoring result as evidence.

## **Twelve. Complaint and dispute settlement**

12.1. The Special license holders shall have its own regulation on the receipt and resolution of applications and complaints, and openly inform the public of its address and telephone numbers to be used for application and complaint.

12.2. Disputing parties (includes service provider, customer or service providers) shall seek to settle application and complaint in its level, and may submit them to the Regulatory Committee.

12.3. Under the article 31 of the Communications law, the Regulatory Committee, when settling complaints and disputes within its powers, shall comply with the "Regulation on the receipt, control and settlement of Complaint and Dispute".

## **Thirteen. Liabilities**

13.1. In the event if there is a violation of this General Conditions and Requirements, the Regulatory Committee, depending on the type of violation, shall impose economic liabilities specified in the special license agreement or take following necessary measures:

- 13.1.1. to issue notice of assignment or demand with deadline about redress measures;
- 13.1.2. to inform relevant control authorities for administrative penalty;
- 13.1.3. to send reminder of suspension or cancelation of special license;
- 13.1.4. to suspend the special license;
- 13.1.5. to invalidate the special license.

13.2. Measures specified in 13.1.3-13.1.5 of this General Conditions and Requirements shall be taken on the bases of the official decision or conclusion of the relevant control authorities received on the violation of legislations.

13.3. The Regulatory Committee shall inform the relevant Parties and public of the decision taken in order to redress the violations or breaches committed.

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