

## Full Text: Draft Egyptian Broadcast Law

*Arab Media & Society* presents this unofficial translation of an alleged draft Egyptian media law published by *Almasry Alyoum*. It appeared on 9 July 2008 under the headline: “Full text of AL-Fiki’s’ Bill, which the Government is preparing to present to the People’s Assembly in the new parliamentary session”

The Arabic version is available at:

<http://www.almasry-alyoum.com/article2.aspx?ArticleID=112614>

### Article 1:

1- Competent Minister: Minister of Information

2- Authority: National Authority for Audiovisual Broadcasting Regulation

3- Board of Directors: Board of Directors of the National Authority for Audiovisual Broadcasting Regulation

4- Audiovisual broadcasting: any and all coded or decoded broadcasting, transmission or provision of voices or images or both together or any other representation thereof, or signals or writings of any kind that are not taken as private correspondence that the public, particular categories, or individuals are allowed to receive and interact with. This includes broadcasting through telecommunication, cables or satellites, computer networks, digital media or any other broadcasting, communication, or provision mediums or techniques. In cases where persons may respectively choose by themselves the time of broadcasting and location of reception, the broadcast, whether coded or decoded, is deemed to be broadcasting.

5- Audiovisual Broadcasting Authority: any person or entity charged with or responsible for carrying out any of the audio or audiovisual telecommunication broadcasting works in accordance with the law establishing it. It is upon his/its initiative or under his/its responsibility that any of the broadcasting works or preceding broadcasting-purported works are completed. Included in the aforementioned broadcasting works are the processes of assembling, producing, purchasing, stockpiling or scheduling broadcast materials or others subject to protection rights pursuant to laws governing intellectual property and its related rights.

6- Audio and visual broadcasting service: preparing and providing audiovisual programs and materials in compliance with broadcasting definitions.

7- Audiovisual re-broadcasting: re-broadcasting, transmitting or providing materials according to broadcasting definitions.

8- Audiovisual broadcasting frequencies: ground and satellite audiovisual broadcasting of appropriated frequency spectrum defined as per issuances of the International Telecommunication Union.

9- Geographic Zone: falling within the geographic borders of the Arab Republic of Egypt, including respective legislation- regulated areas in the domain of which licenses or permits are issued in accordance with the Law.

10- Coding: technical regimes controlling the audiovisual broadcasting service by provision, prevention or termination.

11- Codes: set of controls developed by the Authority.

12- License: issued to the legal individual for the performance of audiovisual broadcasting and re-broadcasting processes.

13- Licensee: any legal character to which a license is issued by the Authority to establish and operate audiovisual broadcasting, re-broadcasting operations, distribution or sale of these services.

14- Permit: issued by the Authority to a natural or legal person for enabling import, trade, manufacture, assembly, or commercial transactions in equipment used for broadcasting and receiving of audiovisual broadcasting.

15- Permittee: any natural or legal person directly permitted by the Authority to undertake one or more activities in connection with trading, manufacturing, assembling or transacting in terms of equipment utilized in broadcasting processes as well as receiving of coded or decoded Audiovisual broadcasting operations.

## **Article 2:**

Audiovisual broadcasting service providers shall be committed to observing the following rules:

1- Publicity and transparency of information and protection of the masses' right to obtain correct information.

2- Protection of free competition in the area of audiovisual broadcasting services.

3- Protection of rights and interests of recipients of audiovisual broadcasting services.

- 4- Provision of all-embracing service to the public in compliance with democratic evolution as well as guaranteed development of cultural programs.
- 5- Avoidance of negatively impacting social peace, national unity, citizenship, public order and public moral codes.
- 6- Abidance by service-providing controls and codes issued in accordance with provisions of this Law, the Arab Media Business Charter as well as the document of public rules governing Arab audiovisual satellite broadcasting.
- 7- Upgrading of the media letter quality and extension of distinctive service that meets the rights and requirements related to the media process.

**Article 3:**

Establishment of Authority

A national authority or the so-called “National Audiovisual Broadcasting Regulation Authority,” affiliated with the minister concerned, shall be established for the management of the broadcasting facility. The Authority shall have the public legal personality and shall be headquartered in Cairo. Pursuant to a decision issued by the Authority’s Board of Directors, branches or field offices shall be set up throughout the Republic.

**Article 4:**

Purpose of the Authority:

The Authority is designed to:

- 1-Regulate and follow up on any and all events related to broadcasting activity, particularly in terms of the product content, its availability, distribution and receiving in such a way as to ensure provision and sustainability of service to help meet requirements of multi-purpose utilization, and to press ahead with sustainable development.
- 2-Put in place and streamline requisite mechanisms in protection of interests of the public as well as producers, carriers and distributors of related services.
- 3- Adopt measures and chart mechanisms necessary to assure legal competition with regard to producing, broadcasting, re-broadcasting, and distributing audiovisual services, and avoiding monopolistic practices in conformity with current laws as well as rules envisaged by the subject Authority.
- 4- Conform to and enforce technical and environmental standards in the field of Audiovisual broadcasting along with quality standards in connection with such issues as content, broadcasting, production, distribution and consumption, in compatibility with the requirements of maintaining social values and peace.

5- Ensure access, possibly at the highest quality performance level, to audiovisual broadcasting services covering all regions of the Republic, including economic and urban zones as well as rural and remote areas.

**Article 5:**

Authority Competencies:

In order to achieve its objectives, the Authority undertakes to perform particularly as follows:

1- Develop administrative and financial regimes, plans and programs commensurate with its activities in observance of the provisions of this Law and its implementing decrees without limitation to government statutes and regulations.

2- Design bases and rules according to which licenses and permits are issued by the Authority, and laying out their executive regulations inclusive of fees and charges determined for these permits, licenses and services as extended by the Authority.

3- Define conditions to be met by the licensee or the permittee with particular attention to aspects involving legal nature alongside technical and financial terms.

4- Delineate underpinnings and rules for compliance by licensees applying for and providers of services pertinent to broadcasting, re-broadcasting, distribution and transactions regarding audiovisual commodities in accordance with this Law.

5- Elaborate controls and codes of programmatic technical quality specifications, and those relevant to the Media Charter of Honor, others to media and advertising materials, as well as various applicable financing codes or others issued by the Authority. These codes are binding immediately upon their issuance and approval by the Authority as far as the licensees are concerned.

6- Draw up rules ensuring legal competition over audiovisual production, broadcasting, and re-broadcasting activities, as well as Audiovisual broadcasting product and service distribution and transaction to safeguard interests of service recipients.

7- Devise methods, techniques and mechanisms for settling disputes that may arise among licensees or permittees.

8- Set out rules granting establishment, management, operation, broadcasting, re-broadcasting and maintenance licenses for projects and activities related to audiovisual broadcasting and re-broadcasting services, their communication and distribution.

9- Regulate granting licenses for opening representational offices of Egypt-based foreign audiovisual broadcasting and re-broadcasting authorities and define their realm of activities.

- 10- License-granting in respect of assigning frequencies designated for audiovisual broadcasting. In the event of frequencies assigned for joint use by broadcasting-regulating and communication-regulating authorities, the license shall be granted by the latter in collaboration with the former, provided that financial returns are the exclusive right of the Broadcasting Regulation Authority.
- 11- Grant permits for importing, trading, manufacturing, assembling or transacting activities in relation to equipment enumerated in the decision issued by the Board of Directors and used for Audiovisual broadcasting purposes and receiving coded or decoded broadcasting.
- 12- Follow up on audiovisual broadcasting services via different telecommunication systems whether in use or for the future to ensure compliance with established controls, specifications and quality standards relating to content, production, distribution, protection of community and its values, as well as of the young against exceeding bounds of content relevant to sex, violence and suppression, however in pursuance of effective laws in the Arab Republic of Egypt.
- 13- Follow up and review of quality specifications with regard to licensee and permittee with a view to applying optimal operational standards and technical programming and advertisement performance levels as well as other domains regulated by codes issued by the Authority.
- 14- Disseminate and make available information, reports and recommendations to enable licensees, permittees and those dealing with the Authority to be well-informed, in full transparency, of their rights and obligations and the nature of the role ascribed to the Authority.
- 15- Give advice and provide consultancy vis-a-vis disputes that may arise regarding intellectual property rights with respect to audiovisual broadcasting.
- 16- Examine complaints lodged by the public and consumers of audiovisual broadcasting services to adequately attend to their interests on the part of licensees.
- 17- Consider disputes that may arise between permittees and licensees or between them and end-users.
- 18- Represent the State in forums and conferences on the Authority functioning and conclude international treaties and conventions in the area of audiovisual broadcasting.
- 19- Coordinate with peer authorities in other countries concerning matters of mutual concern.
- 20- Organize training programs and symposiums within the competence of the Authority.

### **Article 6**

The Authority shall undertake to apply and enforce provisions of laws on intellectual property protection, with particular emphasis on those regulating rights of broadcasting corporations. The Authority shall be entitled to issue relevant executive regulations in this regard.

### **Article 7**

Financial Resources of the Authority

Sources of financing for the Authority shall be composed of:

- 1- State-appropriated funds in general budget.
- 2- Fees for licenses and permits granted by the Authority.
- 3- Charges for works, studies, consultancies and services extended by the Authority to the licensee or permittee or third party whether at home or abroad.
- 4- The percentage earmarked by the Cabinet for the Authority for the concession of using frequencies assigned for Audiovisual broadcasting, which is refunded to the State's public treasury on granting the concession, upon presentation by the competent minister after consultation with the minister of finance.
- 5- The Authority's investment revenue.
- 6- Proceeds from fines and indemnities ruled according to this Law.
- 7- Donations, benefits, and grants accepted and loans approved by the Authority's Board in the light of rules and decisions issued to this effect.

### **Article 8**

The Authority shall have a respective independent budget to be prepared in accordance with the Authority's Rules of Procedure and in pursuance of a uniform accounting system without limitation to government laws, statutes, rules or regimes. The Authority's Board shall, in its first meeting, decide on the commencement and end of the fiscal year. The Authority also shall keep a special bank account to have its resources deposited and its surplus forwarded from one year to another from the Authority's budget either to the Overall Service Fund or to the independent budget of the Authority, as per the decision taken by its board of directors.

### **Article 9**

The Authority's Board shall define expenditure respecting purposes and objectives the Authority is competent to fulfill, provided that it involve scientific research and in-house or outsourced development studies related to the Authority's activity.

### **Article 10**

The Authority's funds shall be treated as public funds in terms of right-claiming through direct execution or administrative seizure in conjunction with relevant regulating laws.

### **Article 11**

Council of Trustees

The Authority shall have a Council of Trustees. It may also establish other councils and sectors according to work requirements as per a decision issued by its Board. The Authority's Council of Trustees shall be formed as follows:

- Authority Chairman as Head of the Council of Trustees.
- An even number of members not exceeding 20 from among public figures with effective contribution to intellectual, religious, technical, scientific, cultural, press, economic, engineering, financial and legal activity as well as those interested in youth, women and child activity and others. These members shall be appointed, their remuneration determined, and mandate specified by a Prime Ministerial Decree to be issued upon the nomination of the minister concerned.

The Council of Trustees shall be authorized to take whatever decisions it deems necessary to accomplish its objectives in accordance with this Law. It shall particularly be delegated to:

- Develop a charter of honor for media work and control regarding "audiovisual" broadcast, and casting letter ethics, with method of compliance adequately outlined.
- Express opinion as regards legislation dealing with audiovisual broadcasting and re-broadcasting.
- Put in place rules bringing in foreign expertise in the field of "audiovisual" broadcasting.
- Set general standards for selecting overseas materials and programs.
- Draw up performance evaluation criteria judging adequacy of activity.

The Council of Trustees may form specific or ad hoc committees from among its members to assist in considering issues submitted to it. It may name for the membership of these committees persons from within or outside the Authority.

The Council of Trustees shall hold an ordinary working session at least once a month. It may be extraordinarily summoned to meet at the request of its Chair or if so requested by half the number of Council members. The meeting shall be considered valid only if attended by at least half of its members. The Council Chairman shall call its meetings and prepare their agendas. The Council decisions shall be issued with the majority of members attending, and in the event of a tie, the Chairman's side shall win.

The decisions passed by the Council of Trustees shall be reported to the Authority Board for implementation.

## **Article 12**

### **Authority Management**

The Authority shall be administered by a Board of Directors under the chairmanship of the competent minister and with the membership of:

- 1- Chief Executive Officer of the Authority.
- 2- Head of the Radio and TV Union or his replacement from chairs of State-owned entities established to assume responsibilities currently entrusted to the Union.
- 3- Head of the State Information Service.
- 4- Deputy Chairman of the State Council
- 5- Representative of the National Security Agency
- 6- Representative of the Ministry of Interior
- 7- Representative of the Ministry of Foreign Affairs
- 8- Representative of the Ministry of Communication
- 9- Representative of the Ministry of Culture
- 10- Representative of the Ministry of Finance
- 11- Six members, four of whom are not civil servants, or employees in public organizations or institutions or in public or business sector companies, provided that two of them are public figures representing end-users of Audiovisual broadcasting services.

A Prime Ministerial decree shall be issued on the appointment of the Board members and definition of their remunerations. The Board mandate shall be three years, renewable for one additional term.

The Board may form from among its members or experts one committee or more to be charged with carrying out tasks entrusted to it by the Authority. It may also delegate some of its missions to the Chief Executive Officer of the Authority.

### **Article 13**

The Authority Board shall exclusively oversee and run its own affairs and have the right to take what decisions it deems necessary for the realization of goals for which it is instituted.

The Board shall perform as often as indicated in this Law, being specially authorized to:

1- Adopt the organizational and administrative structure of the Authority ensuring the fulfillment of its purposes and objects and the full-fledged exercise of its competence. It shall be composed as follows:

- Committee on considering and settling licensees' disputes.
- Committee dealing with complaints of the public.



- Committee on following up on Audiovisual content.
- Engineering Committee
- Legal Committee
- Economic and Financial Committee
- License and Permit Committee
- Research and Development Committee

2- Issue and grant institution, management, operation, broadcasting, re-broadcasting and maintenance licenses required for undertaking activities of producing, communicating, broadcasting, re-broadcasting and distributing Audiovisual broadcasting and re-broadcasting services. Identify cases of license suspension and withdrawal and their appeal procedures, without prejudice to activities governed by respective agreements in effect at the time this Law was promulgated and until expiry of their original mandate.

In application of the above paragraph, it is duly observed that subscription and ownership of legal status licensees with regard to ground broadcasting shall be restricted to Egyptian natural persons.

3- Issue permits and lay down relevant rules, controls and statutes with respect to importing, trading, manufacturing, and assembling or transacting in equipment identified as per Authority Board's decision and used for Audiovisual broadcasting purposes and in receiving coded and decoded Audiovisual broadcasting.

4- Develop rules, controls and statutes on granting licenses for erecting, managing, operating, broadcasting, re-broadcasting and maintaining projects and activities involving Audiovisual broadcasting and re-broadcasting services, their communication and distribution, as well as renewal of these licenses and monitoring of their implementation.

5- Issue permits and put in place rules, controls and statutes on granting licenses for opening representational offices of foreign broadcasting and re-broadcasting authorities in Egypt and delineate their scope of work.

6- Publicize terms of instruments dealing with communication, distribution and re-broadcasting networking for services rendered by third parties and design rules checking price levels in relation to broadcasting services extended to the public.

7- Adopt and issue performance standards for the management of broadcasting service extended to users and protection of their interests, as well as take stock of licensees' compliance with redress of their complaints.

8- Adopt necessary administrative measures to counteract cases of violation stated in Article (32) of this Law.

9- Adopt rules of procedure relating to technical, financial and administrative affairs as well as procurement and storehouse regulations and others relevant to the Authority

activity without limitation to laws, rules, regulations or systems applicable to government organs, institutions and organizations.

10- Issue staff regulations of the Authority that shall include all provisions governing employment affairs particularly regarding their recruitment, payrolls, allowances, remunerations, financial and in-kind benefits, health, social and cultural care, disciplinary procedures, termination of office, and their other functional business without limitation to laws, rules, statutes or systems government institutions and organizations hitherto abide by.

11- Issue statutes regulating charges and fees for licenses, permits and services offered by the Authority.

12- Adopt and issue regulations on technical quality, standard dimensions, and quality performance measurements for different broadcasting services, thus guaranteeing compliance with standard performance levels and regular follow-up of application feedback.

13- Accept donations, benefits and grants channeled to the Authority in a manner that is not in conflict with its purposes.

14- Approve annual budget and adopt budget and final accounts of the Authority.

#### **Article 14**

A Fund called the Overall Service Fund shall be established upon a decision by the Authority Board. The composition of the Fund's board of directors, its financial scope, as well as its competence, objectives and purposes shall be articulated in the above decision. The Authority Board shall also be competent to issue the Fund's financial and administrative regulations as well as necessary statutes and controls ensuring its sound performance without limitation to government laws, regulations, rules or regimes. The Fund's Board shall be authorized to tap from the Fund's budget and resources to meet expenditure involved in the accomplishment of its goals and purposes and the fulfillment of its competence, especially as regards:

1-Infrastructure projects providing for operation of the overall Audiovisual broadcasting service all over the Republic.

2-Strengthened public educational, cultural and historical programs within the context of state orientations.

3-Conduct of development research and studies as well as training processes related to the Authority's functions.

4-Any other business conducive to the achievement of the goals of the Authority

**Article 15**

The Authority Board shall meet upon its Chair's request at least once monthly and as often as necessary. Its meeting shall be considered valid with the majority of its members attending. Its decisions shall be issued with the majority of votes present. In the event of a tie, the Chairman's side shall win.

The Board shall invite experts to attend its meetings with their votes uncounted.

**Article 16**

The Authority shall be obligated, in perspective of the principle of transparency, to issue periodic reports, or as often as necessary, on audiovisual broadcasting activities without prejudice to information confidentiality. All authorities operating in broadcasting, in terms of production, communication and distribution, shall supply the Authority with relevant reports, data, statistics, information, recordings or texts.

**Article 17**

The Authority Chairman shall present to the Cabinet Presidency an annual report on the activities and operations of the Authority.

**Article 18**

Chief Executive Officer of the Authority

The Authority shall have a Chief Executive Officer to be appointed by Prime Ministerial Decree and upon the suggestion of the competent minister for a renewable three-year term. The recruitment decree shall include his remuneration. The Chief Executive Officer of the Authority shall be its representative before court and third parties. He shall also be liable to the board of directors technically, administratively and financially in view of the Authority competence. He shall be charged in particular with the following tasks:

- 1- Implementing decisions taken by the board of directors.
- 2- Assistance in the management of the Authority, running of its affairs and supervision of action in progress.
- 3-Submission of periodic reports to the board of directors on the Authority's activity, its work progress and deliverables in line with envisaged plans and programs, and identification of performance hurdles and proposed solutions for avoiding them.
- 4- Undertaking of performing tasks which the board of directors assigns to him.
- 5- Other missions enunciated in the Authority's Rules.
- 6- The Chief Executive Officer may delegate someone – from the list the Board has prepared- to exercise some of his duties.

**Article 19**

The Chief Executive Officer of the Authority shall assume the responsibilities of the board chairman in the event of his absence or vacancy of post. The board chairman shall name who is to replace the Chief Executive Officer in the event of his absence or vacancy of post.

**Article 20**

1- Given the competence of the National Authority for Communication with regard to issuing licenses for current and future communication service users and operators outside the spectrum of Audiovisual broadcasting frequencies, it shall be unacceptable to carry out any tasks or activities or conclude any contracts, which Article 5 of this Law has rendered a prerequisite to issue licenses or permits for their validation, unless licenses or permits are granted in accordance with rules and procedures set forth in this Law and its executive regulation. The Authority shall also exclusively issue licenses for broadcasting organizations, satellite channels and broadcasting authorities within the Republic in compliance with terms and controls laid down by the Authority Board.

2- Applications for obtaining licenses provided for in this Law shall be submitted with all documents required. For each application, a charge of LE1000 shall be paid.

3- The Authority shall invite tenders of available licenses either through practice or in a public bid to be tendered for highest price to be paid to the Authority. The license shall be issued to the highest bid tenderer in the same terms of the given tender and free of charge. A fee not exceeding LE 500,000 annually shall be collected for each license granted in cases in which the Authority has tendered the given activity neither in a public bid nor in practice.

4- Decisions issued by the Authority on licenses or permits shall be published in the Official Gazette "Al Waqa'a al Masraya" and in a widespread daily newspaper at the expense of the licensee provided that the publishing include all licensing terms.

5- Individuals, authorities and channels exercising their activity or having finalized their establishment procedures prior to the promulgation of this Law, shall have to readjust their conditions within one year from the effective date.

**Article 21**

Taking into consideration the requirements sorted by the Authority in pursuance of provisions cited in Article 5, paragraph (3) of this Law, an application request respecting any of the licenses and permits set forth in this Law shall be submitted on forms prepared by the Authority for this purpose and accompanied by data and documents it specifies particularly as evidence of the technical and high-tech efficiency and financial leverage of the license applicant.

**Article 22**

The Authority shall consider license applications submitted in accordance with provisions stated in Article (21). It shall have to take its decision in this regard within a period not

exceeding 90 days from the date of submission of these requests, provided that all data and documents attached to the subject application are duly completed. The Authority may extend this period for further similar periods.

If the Authority fails to decide on the application within the specified period, the request shall be deemed rejected.

### **Article 23**

The Authority shall consider permit applications submitted in accordance with provisions stated in Article (21). It shall have to take its decision in this regard within a period not exceeding 60 days from the date of submission of the request, provided that all data and documents attached to the subject application are duly completed.

If the Authority fails to decide on the application within the specified period, the latter shall be deemed rejected.

### **Article 24**

Except for provisions cited in Law no 7/2000, the applicant whose request has been rejected by the Authority as well as any person concerned shall have the right to directly appeal before State Council courts against the decisions taken by the Authority within dates set according to the State Council Law.

### **Article 25**

With regard to enforcing this Law, the Authority shall be competent to develop and implement rules and controls regulating competition and preventing monopoly.

### **Article 26**

The license granted to the licensee shall define the latter's obligations. It shall have to specifically include the following:

- 1- The name and personal data of the licensee.
- 2- The type of service and technology employed.
- 3- The licensing mandate provided that it is not less than renewable one year, excluding the Authority-defined empirical broadcasting period.
- 4- Frequencies and geographic regions for service provision.
- 5- Compliance with service price controls and costs observed on their definition as well as their method of collection and publicity.
- 6- Engagement in sustainable service-providing and due observance of procedures in the event of service suspension or termination.

- 7- Commitment to compilation of periodic reports on activities including supplying service users with necessary bulletins and information.
- 8- Adherence to service-provision indiscriminately.
- 9- Abidance by considering and settling complaints lodged by users.
- 10- Compliance with disbursement of charges determined by the Authority for burdens borne in the process of verifying the licensee's implementation of his obligations and fulfillment of his insurance payments and guarantees established by the Authority as well as any and all regularly paid dues.

**Article 27**

The Authority shall identify services seen as elementary for the operation and exercise of licensed activities and shall develop price controls respectively, with due attention to studies and suggestions presented to this effect by the license applicant to the Authority.

**Article 28**

Licenses or permits issued in conjunction with this Law may not, wholly or partly, be waived until the prior approval of the Authority is obtained in writing, in conformity with controls it lays down.

**Article 29**

The Authority shall put in place a registration system including in particular:

- 1-Names of applicants to obtain licenses and permits, names of licensees and permittees, as well as types of services and subject of license in each case.
- 2-Fees for licenses, permits and services extended by the Authority.
- 3-Charges for services rendered to the licensee.
- 4-Other information on Audiovisual broadcasting networks and services through available and licensed frequencies.
- 5-List of participants for each licensee.

Each person concerned shall submit a written request to peruse the above recorded data in return for charge to be determined by the Authority provided that it does not exceed LE 1000

**Article 30**

Dispute Settlement

The Authority shall consider disputes that may arise among permittees and licensees or between them and the users and take decisions in this respect within a period not exceeding 60 days from the date of submitting application by the person concerned for consideration, without prejudice to the right of parties to the dispute to have recourse to court or arbitration for settlement upon the decision of the Authority or the lapse of the specified period for issuing this decision.

### **Article 31**

#### Administrative Measures

The Authority, upon investigation into a case of violation of any of the provisions of this Law or its Executive Regulation, or any of the Authority's decisions or technical quality controls or programmatic codes or advertisement rules or performance quality standard dimensions, may take any of the following measures:

- Warning the violator.
- Suspending the license or permit, wholly or partially, for a period to be determined by the Authority.
- Withdrawing the license or permit.
- Notifying the National Authority for Communication to embark on implementing the above measures in connection with the affiliated communication system falling beyond the competence of the National Authority for Audiovisual Broadcasting Regulation in accordance with this Law.

### **Article 32**

#### Transitional Provisions

Egyptian state-owned companies shall be established to undertake activities assigned to the Radio and TV Union in the light of the provisions cited in the Executive Regulation and decisions issued by the competent minister.

Assets, rights and obligations related to the Radio and TV Union shall be devolved to the above established companies in conformity with audits and reallocations exemplified in the Executive Regulation and the decisions passed by the minister concerned.

Without prejudice to the competence of the Authority provided for in this Law, the Radio and TV Union shall continue to run the audiovisual activity pending the aforementioned companies are instituted and made operational.

The Authority shall issue licenses and permits required to ensure the sustainability of the Radio and TV Union with regard to conducting broadcasting operations, provided that this performance is gratis and last for 7 years from the date of issuing these licenses and permits.

### **Article 33**

#### Penalties

Without prejudice to any stricter penalty set forth in the Penal Code or any other law, a violator of any of the rights established by virtue of this Law in favor of the Authority or the licensees shall be subject to punishment for violations and crimes committed in breach of the provisions of this Law by imprisonment and a fine no less than LE 10,000 and no more than LE 50,000, or by either penalty.

#### **Article 34**

Whoever, without obtaining license from the Authority, embarks on broadcasting or re-broadcasting or distribution or operation of Audiovisual broadcasting services, shall be subject to punishment by imprisonment and a fine not less than license charge and not more than its double, or by either penalty. The imprisonment penalty shall be mandatory in case of recurrence.

In all cases, the Court shall rule confiscation of equipment used in this activity.

#### **Article 35**

Whoever, without obtaining license from the Authority, imports for trading purposes or produces or assembles or exhibits, for sale or lease, any broadcasting equipment or decoders for receiving Audiovisual broadcasts, shall be subject to punishment by imprisonment and a fine not less than license charge and not more than its double or by either penalty.

The Court shall rule the confiscation of equipment in cases where no license has been issued.

#### **Article 36**

Whoever, deliberately or motivated by ill-intent, acts to ruin, destroy, impair, render dysfunctional or damaged any of the broadcasting, re-broadcasting or receiving equipment or to damage, by all means, any technical protection of coded transmission or any decoders designed for Audiovisual broadcasting to allow its being received or sent by someone to another by using any of the broadcasting or transmission devices or causing it, wholly or partly, not to be in any way fit for use, shall be subject to imprisonment for not less than 2 months and not more than 2 years and a fine no less than LE 10,000 and not exceeding LE 50,000 or either penalty.

If any of the actions referred to above has taken place as a result of negligence or lack of precaution, the wrongdoer shall be subject to punishment by a maximum 3-month imprisonment and a fine not less than LE 500 and not exceeding LE 1000, or by either penalty.

Subject to the same punishment shall be whoever acts as a third party to audiovisual programs without obtaining prior license from the Authority in case the given programs are subject of technical protection.



Subject to the same punishment shall be whoever reproduces or records these programs without the consent of the rights owner to serve, by all means, purposes of distribution, sale, lease, communication, or re-broadcasting.

In all cases, the Court, ex-officio, shall mandate the perpetrator to pay the value of materials damaged, destroyed, or ruined or in the amounts worth restoring the materials to their original shape, without prejudice to the right to due compensation.

#### **Article 37**

Financial penalty varies according to the multiplicity of recordings, copies of voice recordings or radio programs subject to crime or the number of connections accessed to the public without prior written license from the Broadcasting Authority.

In the event of recurrence, the penalty shall be imprisonment for not less than six months and not more than three years. Minimum and maximum limits of the fine penalty indicated in previous articles, shall be doubled.

#### **Article 38**

In all cases, the Court shall rule confiscation of copies subject of crime or incurred in connection with it as well as equipment and tools used in committing the crime.

The conviction shall be published in one or more dailies at the expense of the convict.

If the culprit is proved guilty, the Court may rule shutting down, for a period not exceeding six months, of the facility the person concerned took advantage of to commit the crime. The shutting down shall be mandatory in case of recurrence regarding crimes cited in the above article.

#### **Article 39**

Any person, who shall assign the license or the permit to a third party without obtaining the approval of the Authority of this waiver, shall be subject to a fine penalty not exceeding the charge determined for either, along with repeal of the license or permit.

#### **Article 40**

Any person who is in breach of the fees adopted by the Authority for the given service shall be penalized by a fine 10 times the value of the violation. The latter shall be doubled according to the number of users involved.

#### **Article 41**

Any person who discloses or gives statements or information that should not be disclosed or given once related to the activity of the Authority, the licensee or the permittee whether his knowledge thereof was attributed to his work or for any other reason, shall be punished by imprisonment for not less than one month.

#### **Article 42**

The person responsible for substantive management of the legal character shall be subject to punishment pursuant to penalties establishing actions in violation of the provisions stipulated for in this Law if proven well-informed thereof and whose dereliction of his managerial duties was conducive to the perpetration of the criminal act.

The legal person shall be held jointly liable for paying financial fines or damages.

**Article 43**

Employees may, upon a decision issued by the Minister of Justice in agreement with the competent minister, be granted the capacity of res judicata officers regarding violations and crimes committed in breach of the provisions of this Law. Res judicata officers shall be prohibited to disclose to a third party any information or data they might have obtained in connection with their work, unless disclosure is demanded by their nature of work.

**Article 44**

Institution of a lawsuit regarding any violation of the provisions of this Law shall be at the request of the Head of the Authority.