

The Law of Azerbaijan Republic on Public TV-Radio Broadcasting

CHAPTER I.

GENERAL PROVISIONS

Article 1. The Purpose of Public Broadcasting

The purpose of public broadcasting is to ensure the interests of population of the Azerbaijan Republic – the society as a whole and its different groups in quality information, culture, education, entertainment and other fields, to prepare and disseminate information based on the concepts of freedom of speech and ideas, based on the balancing division, corresponding to high technologies and qualitative standards, respecting the dignity, rights and freedoms of people, and based on the principles of ethics.

Article 2. Basic Definitions

2.0 The terms used for the purposes of the present Law shall mean as follows:

2.0.1. **Public broadcasting** means broadcast of television and radio programs intended for the interests of each individual and in general of the society, transmitted to the whole territory of the Azerbaijan Republic via open electromagnetic waves, satellite communications, cable network or other above-ground technical installations, and received by general public;

2.0.2. **Public broadcaster** means free, professional, independent, non-commercial electronic mass-media information entity registered with the state in accordance with procedures prescribed by the legislation of the Azerbaijan Republic, financed on the account of subscription fees, serving purposes stipulated by this Law, with its management authorities being established by the public;

2.0.3. **Broadcasting Council** means supreme regulatory management authority establishing public broadcasting policy, determining directions of creative activities of public broadcaster, exercising control over compliance with the requirements imposed by the legislation of the Azerbaijan Republic in course of broadcasting and possessing authority to pass final decisions applicable to this area;

2.0.4. **Management Board** means a collegiate management authority exercising management over creative activities and business operations of public broadcaster and passing decisions referred to by this Law within the scope of its authorities;

2.0.5. **General Director** means an official co-ordinating creative activities and business operations of public broadcaster, passing decisions on matters referred to by this Law within the scope of authorities of such person and, in general, responsible for organisation of broadcasting process.

Article 3. The legislation of Azerbaijan Republic on Public TV-Radio Broadcasting

3.1. The legislation of Azerbaijan Republic on Public TV-Radio Broadcasting shall consist of the Constitution of Azerbaijan Republic, the present Law, the Law of Azerbaijan Republic “On Mass Media”, the Law of Azerbaijan Republic “On TV-Radio Broadcasting” and of other normative and legislative acts prepared on the basis of provisions of those laws, as well as of the international agreements which Azerbaijan Republic is a party to.

3.2. In case of conflicts between the international agreements to which Azerbaijan Republic is a party and the present Law, those international agreements shall be applied

Article 4. Principles of Public Broadcasting

4.0. Public broadcasting shall be carried out upon the following principles:

- 4.0.1. independence;
- 4.0.2. fair, unbiased, precise and accurate information;
- 4.0.3. plurality and tolerance;
- 4.0.4. remaining aside open political interests;
- 4.0.5. alignment and ensuring of common interests;
- 4.0.6. development of national self-perception;
- 4.0.7. universality;
- 4.0.8. variety;
- 4.0.9. distinction from others.

CHAPTER II.

Organisation of Public Broadcasting.

Article 5. Legal Status of Public Broadcaster.

5.1 The public broadcaster is the legal entity.

5.2. Unless this Law stipulates otherwise, public broadcaster shall be financed on the account of subscription fees.

5.3. Public broadcaster shall be the founder of its broadcasting programs and the owner of its property.

5.4. Public broadcaster shall have the right of possession, use and disposal of its property, and such property shall be used exclusively for the purpose of public broadcasting.

5.5. Public broadcaster shall exercise control over efficient use, and shall be liable for protection of, property.

5.6. Property of public broadcaster shall not be privatised or, except for cases stipulated by this Law, sold.

5.7. Public broadcaster shall independently define form and contents of programs and shall bear liability for broadcast programs.

5.8 The title of public broadcaster shall be “Azerbaijan Public TV and Radio Broadcasting Company

5.9 Azerbaijan Public TV and Radio Broadcastings Company shall operate on the basis of the present Law and the Statute prepared in accordance with the requirements of the present Law.

Article 6. The issue of special permission (license) and frequencies to Public Broadcasting

6.1. Public broadcaster shall perform its activities on the basis of special permission (license) issued and the frequencies allotted by the appropriate state body.

6.2. Public broadcaster shall participate in obtaining of a special permission (license) outside tender and shall be exempt from payments for the use of channels and frequencies.

6.3. Public broadcaster shall enter into an agreement with the relevant executive authority for provision of maintenance services to frequencies used by public broadcaster.

Article 7. The Rights of Public Broadcaster

7.0. Public broadcaster shall have the following rights:

- 7.0.1. to create personal broadcasting services;
- 7.0.2. to produce programs (shows), to make movies, documentary films, cartoons, as well as serials, to carry out broadcast thereof, to copy, sell or rent audio and video records;
- 7.0.3. to allocate airtime to third parties and to establish amount of charges for the use of air-time;
- 7.0.4. to be involved in advertising activity;
- 7.0.5. to open correspondent locations, branches and representative offices within the country, as well as overseas;
- 7.0.6. to act as a founder of any printed media associated with television and radio broadcast;
- 7.0.7. to publish listing of its programs or to assign this right to a third party;
- 7.0.8. to use its network of broadcasting facilities, to assign this function to, or under management of, other persons;
- 7.0.9. to transmit its programs via satellite communication, cable network or other above-ground technical installations;
- 7.0.10. to operate in the fields of additional information service, Internet and other broadcasting services or in the field of the newest technologies.
- 7.0.11. to pass the archive materials to be used by internal broadcasters as well as by subjects who are out of broadcasting;
- 7.0.12. has a right to co-operate with a third person in order to render value-added or final services, or to acquire the share of the third part.
- 7.0.13. to engage into other activities requisite for implementation of duties stipulated by the charter and not prohibited by the law.

Article 8. The responsibilities of Public Broadcaster

8.1. The public broadcaster has the following responsibilities:

- 8.1.1. to realise the right of the citizens to get information about significant events in the country and in the world, unbiased and neutral news concerning activities of the governmental organs, political parties, social movements, religious confessions, financial and commercial structures;
- 8.0.2. to ensure meeting interests of individuals through educational, informational and entertaining programs maintaining and developing national-cultural and universal values;
- 8.0.3. to record masterpiece plays, movies, documentary films and cartoons, television serials, works of art based upon works of Azerbaijan and foreign authors, events bearing the largest significance to our history and culture and to maintain the golden fund of the broadcaster for future generations;
- 8.0.4. to create equal opportunities for everybody to freely express their thoughts on the air
- 8.0.5. to ensure right of individuals for reply;
- 8.0.6. to ensure use of fair, unbiased, precise and accurate information;
- 8.0.7. to eliminate broadcast of pornographic materials, programs agitating for violence, cruelty, religious and racial discrimination;
- 8.0.8. to respect privacy, honour and dignity of individuals;
- 8.0.9. to follow professional ethics rules in process of broadcast.

Article 9. Allotment of Airtime for Third Parties.

9.1. Public broadcaster may upon agreements allocate paid airtime to third parties.

9.2. Contractual conditions, volume of airtime and amount of charge shall be determined by the General Director and approved by the Management Board.

9.3. Except for circumstances stipulated in Article 9.5 of this Law, prior to expiration of the term of the agreement, public broadcaster shall not be entitled to unilaterally amend contractual conditions or to terminate the agreement.

9.4. Third parties allocated air-time in accordance with the requirements stipulated by this Law shall be liable for contents of programs broadcast by such third parties.

9.5. General Director shall have the right to refuse further broadcast of an aired program produced in contravention of purposes stipulated under this Law in relation to public broadcasting, or to terminate the agreement.

Article 10. Selection of Personnel in Public Broadcasting and Entering Into Employment Contracts

10.1. Heads and deputy heads of broadcasting services, employees engaged into creative activities shall be employed through directly entering into an employment contract or through competition at the decision of the Management Board.

10.2. No limitations based upon race, gender, religious appurtenance or political views shall be imposed upon employees engaged into public broadcasting services, advanced or being transferred into other services onto a higher position.

10.3. Public broadcaster and employee shall enter into employment agreement in accordance with the legislation of the Azerbaijan Republic.

10.4. Procedures of, and conditions applicable to, entering into employment contracts shall be approved by the Management Board.

10.5. An employee entering into employment contract with public broadcaster shall not permit abuse of position for personal interests, or for interests of political parties, commercial and other organisations.

10.6. Employee shall not, without consent of public broadcaster, accept instructions from, or carry out orders issued by, state authorities, commercial entities, and other organisations.

Article 11. The Storage of Documents of Public Broadcasting

11.1. The materials of Public TV-Radio broadcasts (tape records, manuscripts, attached documents, letters, etc) shall be stored for time and period determined by the legislation on TV-Radio Broadcasting. .

11.2. The Public Broadcaster shall store the following in accordance with legislation of Azerbaijan Republic:

11.2.1. internal normative-legislative documents;

11.2.2. the documents confirming the right upon the property;

11.2.3. transactions of sessions of Broadcasting Council and Board of Directors;

11.2.4. Orders and resolutions of the General Director;

11.2.5. the acts and references on results of audit and other state boards' controlling;

11.2.6. the contracts concluded with workers;

11.2.7. account documents

11.2.8. bank, court and financial documents, writs

Article 12. The Transparency of the Public Broadcasting Activity

12.1. Control over efficient use of funds of the state budget by public broadcaster shall be exercised in accordance with the legislation of the Azerbaijan Republic.

12.2. Current or, at the decision of the Broadcasting Council, extraordinary audits shall be carried out for the purpose of ensuring transparency of business operations of public broadcaster.

12.3 The results of the audits and checks shall be published in the mass media.

Article 13. Establishment of Rating of Broadcast Programs Through Opinion Polls

13.1. Public broadcaster shall, for the purpose of determination of category of viewers of its programs, scope of interests of subscribers, definition of wills and suggestions of viewers, carry out or subcontract carrying out of opinion polls, and shall announce results thereof.

13.2. A non-governmental organisation designated to carry out an opinion poll in accordance with the agreement shall be selected by public broadcaster.

13.3. Opinion of viewers and listeners shall be examined among persons over the age of 6 through scientific methods – representative (selective) interviewing.

13.4. Third parties may use information obtained in course of establishment of the rating in accordance with agreement.

13.5. Opinion poll questions shall be prepared by a non-governmental organisation carrying out opinion poll with participation of the Broadcasting Council and shall be based upon average number of television viewers or radio listeners viewing or listening such programs during last 12 months.

CHAPTER III.

The programs of Public Broadcasting

Article 14. The broadcasting of official information through Public Broadcasting

14.1. Public broadcaster shall broadcast official information of state authorities without any delay and without making any amendments. «Official information» means any information disseminated by state authorities on extraordinary situations, natural disasters and accidents imposing risk upon life and health of individuals and normal operation of residential settlements, as well as disclosures, statements and information expressing official position of state authorities requisite for the purpose of dissemination of information among public.

14.2. Public broadcaster shall not be liable for contents of official information.

Article 15. The language of programs of Public Broadcasting.

15.1. The programs of Public Broadcasting shall be conducted in Azerbaijani

15.2. The statements in other languages shall be accompanied by the translation into Azerbaijani

15.3. It is authorised to include programs in language of small number of nations living in the territory of Azerbaijan Republic into the Public Broadcasting.

Article 16. Requirements for public broadcasting programs

16.1. In course of production of programs for the purpose of implementation of purposes stipulated by this Law, public broadcaster shall consider political beliefs within the society, religious and philosophical views, various trends of public thought and opinion, as well as equality of rights of all citizens of the country.

16.2. Programs shall express national-cultural values, national customs and traditions, all features of culture and art.

16.3. It shall be prohibited to show preference for single-sided political views in the programs of public broadcasting. Diverse opinions, approach to problems, commentaries and analytical valuations shall be expressed and carried out upon alternative grounds and as a discussion in accordance with principles of plurality and tolerance.

16.4. Special attention shall be drawn upon production of new and original television and radio products, airing of such movies, television serials, television and radio plays.

16.5. Conditions shall be created for translation into Azerbaijani language and airing of the best serials, movies, documentary films and cartoons of foreign countries.

16.6. Cinema, television, video and radio products produced in Azerbaijan shall enjoy advantage in programs.

16.7. As far as possible, contents, source and fairness of information used in programs shall be examined and verified.

16.8. The programs shall be broadcasted on the whole territory of country. «Whole territory of the country» means, with respect to television programs – the territory of the country, and for radio broadcasts – at least 98% of the territory of the country.

16.9. Information provided in news programs shall be thorough, impartial, unbiased, be prepared in line with diversity of view and opinions among public, and commentaries shall be clearly distinguished from information content.

16.10. The quotation and fragments from programs of other country's broadcasters can be placed in programs of public broadcaster free of charge if only the total amount of these quotations and fragments does not exceed 90 seconds, and company's logo is properly shown.

Article 17. Prevailing rights of public broadcaster

17.1. Under all equal other circumstances, public broadcaster shall have prevailing right for entering into agreements for live broadcasts from events locations, arrangements of significant importance, including Olympic games, world, European and local championships.

17.2. Where public broadcaster does not exercise such right, public broadcaster shall submit advance notification to organisers of the event and to competitors.

Article 18. The Claims to Advertisements during Public Broadcasting

18.1. Broadcast advertisements shall bear special signs, shall be clearly distinguished from other sections of the program through visible means on the television and through audible means on the radio.

18.2. The advertisers cannot influence on contents of programs and independence of editorial office.

18.3. Persons regularly participating in news programs or persons anchoring programs devoted to modern political topics shall not have the right to participate in television and radio advertisements.

18.4. Advertisements shall be aired in blocks between individual programs.

18.5 In TV programs consisting of independent parts, sport programs, in measures and performances transmitted with intervals, the advertisement shall be placed between the independent parts or during the intervals.

18.6. Except for cases specified in Article 18.8 of this Law, in individual programs period of time between the conclusion of one advertisement block and the commencement of the subsequent advertisement block shall not be less than 30 minutes.

18.7. News programs, prayerful and child's programs, also serials of duration less than 30 minutes, entertainment programs, actual political programs, and documentaries cannot be interrupted by advertisement (commercials).

18.8. Movies and television films, uninterrupted programs running for 45 minutes or continuing for several 45 minutes portions shall be interrupted for broadcasting of advertisements only upon expiration of each 45 minutes portion. One additional advertisement may be broadcast where broadcasting of a program continues for at least 20 minutes over one or several 45 minutes portions.

18.9. Advertisement of products which advertisement is limited in accordance with the legislation of the Azerbaijan Republic, including advertisement of products grossly affecting physical, mental or moral development of children, shall be prohibited.

18.10. The commercial advertisements can be placed between the programs if only the whole duration of advertisements on ale, services and lease during the day does not exceed 30 minutes.

18.11. The advertisements shall make more than 15% of daily public broadcasting; advertising commercial should not be longer than 12 minutes during an hour.

18.12. The high limit of daily advertisements on radio shall be 120 minutes.

Article 19. Sponsorship of public broadcasting

19.1. Information on a person financing the relevant program shall be communicated through clear verbal announcement or through subtitles at the beginning and conclusion of programs fully or partially produced through sponsor aid. In accordance with an agreement, emblem, trademark of the sponsor or other forms of distinction may be used for the purpose of communication of information on the sponsor.

19.2. Sponsor shall not have the right to exercise impact upon contents, distribution of programs, responsibility and independence of public broadcaster.

19.3. Solicitation for sale and purchase or rent (lease) of good (services) of a sponsor or a third party in programs produced through financial aid of the sponsor shall not be permitted.

19.4. Sponsorship by owners of goods (services) which advertisement is prohibited, as well as by persons carrying out sale and purchase and rent (lease) of such goods (services) shall not be permitted.

19.5. News programs and programs devoted to modern political topics shall not be financed on the account of sponsorship.

CHAPTER IV MANAGEMENT OF PUBLIC BROADCASTING

Article 20. Exercise of authorities of public broadcaster

20.1. Authorities of public broadcaster specified by this Law shall be exercised by the Broadcasting Council, the Management and the General Director.

20.2. General Director and deputies of the General Director, members of the Broadcasting Council and of the Management shall not be members of any political party.

Article 21. Establishment of the Broadcasting Council

21.1. Nominations into membership in the Broadcasting Council shall be made by non-governmental organisations not engaged into political activities, creative unions and association of individuals, as well as Confederation of Labour Unions of Azerbaijan and the National Academy of Sciences of Azerbaijan, and members of the Broadcasting Council shall be selected among such nominees through competitive selection.

21.2. Competition commission shall be established by an appropriate state authority.

21.3. Rules applicable to formation of competition commission and holding of competitive selection shall be drafted and approved by the relevant state authority.

21.4. Chairman and members of the Broadcasting Council shall, in accordance with section 32 of Article 109 of the Constitution of the Azerbaijan Republic, be approved in the number of 9 persons, with three persons being approved for a two-year term, three persons being approved for a four-year term and three persons being approved for a six-year term.

21.5. New nominees in place of members of the Broadcasting Council with expired term of the office shall be selected in accordance with Article 21.1 and shall be approved in accordance with the procedures specified in Article 21.4 of this Law.

21.6. Competition commission shall, in addition to selected nominees also approve, in accordance with section 32 of Article 109 of the Constitution of the Azerbaijan Republic, a reserve list consisting of 3 persons. In the event of termination of authorities of members of the Broadcasting Council in accordance with this Law, persons placed into the reserve list shall replace such members with terminated authorities in accordance with the order of seniority in the list.

21.7. Members of the Broadcasting Council shall have the right for re-election.

Article 22. Requirements upon members of the Broadcasting Council

22.1. Except for scientific, pedagogical and creative activities, members of the Broadcasting Council shall not have the right to work in state authorities, municipalities and commercial organisations, any television and radio broadcasts independent of category of ownership and legal-organisational form of the latter.

22.2. Members of the Broadcasting Council shall act not as attorneys of interests of an organisation nominating such members, but as attorneys of interests of the society at large.

22.3. Members of the Broadcasting Council shall not make statements capable of impairing independence of public broadcaster and shall not use their positions for political, commercial or personal interests.

Article 23. Termination of authorities of the member of the Broadcasting Council

23.1. Authorities of members of the Broadcasting Council may be terminated only upon following circumstances:

23.1.1. in accordance with application of the member;

23.1.2. in the event of holding a position contravening to the membership in the Broadcasting Council;

23.1.3. upon leaving citizenship of the Azerbaijan Republic, accepting citizenship of a foreign state or upon acceptance of obligations before a foreign state;

23.1.4. confirmation of lack of action capacity or confirmation of availability of limited action capacity, accusation of committal of a crime through an effective decision of the court or declaration as missing or deceased through procedures stipulated by the legislation;

23.1.5. failure to participate in meetings of the Broadcasting Council for six months without solid reason;

23.1.6. Consent of at least six members of the Broadcasting Council shall be required for dismissal of member of the Broadcasting Council upon grounds specified in Article 23.1.5 of this Law.

23.2 Consent of at least six members of the Broadcasting Council shall be required for dismissal of member of the Broadcasting Council upon grounds specified in Article 23.1.5 of this Law.

Article 24. Authorities of the Broadcasting Council

24.1. Broadcasting Council shall have the following authorities:

24.1.1. to establish internal procedures;

24.1.2. to draft and approve Regulations of the Broadcasting Council;

24.1.3. to elect the General Director of public broadcaster;

24.1.4. to determine the number of deputies of the General Director;

24.1.5. to pass, through favourable vote of at least six members, a decision on appointment and re-appointment of the General Director;

24.1.6. to appoint members of the Management Board nominated by the General Director and to dismiss members of the Management Board through favourable vote of at least six members of the Broadcasting Council;

24.1.7. to appoint and to dismiss by favourable vote of at least five members of the Broadcasting Council deputies of the General Director, directors, chief editors and chief producers nominated by the General Director (where no voting takes place within three months from the date of submission of nominations, or where the Broadcasting Council fails to reach any agreement, nominations made by the General Director shall be considered as approved or relevant persons shall be considered as dismissed from their positions);

24.1.8. to approve Charter, job descriptions, as well as other internal regulation documents of public broadcaster;

24.1.9. to provide consultation to the General Director in relation to artistic matters and to assist the General Director in broadcasting of programs;

24.1.10. where considered necessary, to undertake monitoring of programs upon broadcast;

24.1.11. to approve budget and annual report of public broadcaster;

24.1.12. to prepare concept of public broadcasting, to establish quality standards applicable to technical equipment and to broadcasting operations;

24.1.13. to issue, with written disclosure of reasons, to the General Director warnings of breach of requirements of this Law related to programs and to give instructions on undertaking appropriate measures;

24.1.14. to cancel a decision of the Management Board by consent of at least six members of the Broadcasting Council;

24.1.15. to publicise an annual report of its activities and to publish such report in mass media;

24.1.16. to exercise other duties prescribed by this Law and Regulations of the Broadcasting Council.

24.2. Meeting of the Broadcasting Council shall be held at least once in two months.

24.3. Extraordinary meeting of the Broadcasting Council may be convened at the request of the chairman or three members of the Broadcasting Council.

24.4. Quorum for meetings shall be constituted by presence of more than 50% of members of the Broadcasting Council.

24.5. Except for circumstances specified by this Law, decisions of the Broadcasting Council shall be passed by simple majority of votes. In the event of tie vote, chairman shall have the casting vote.

24.6. General Director and members of the Management Board shall have the right to participate in meetings of the Broadcasting Council with consultative votes.

24.7. Salaries of members of the Broadcasting Council shall be paid out of the budget of the Azerbaijan Public Television and Radio Broadcasting Company.

Article 25. Management Board

25.1. Management Board shall operate in accordance with this Law and the Charter of public broadcaster.

25.2. Management Board shall consist of five members. Members shall be specialists engaged into creative activities, administrative-governance and financial operations in the area of public broadcasting.

25.3. Generally, the Management Board shall be chaired by the General Director.

25.4. Meetings of the Management Board shall be convened at least once a month. Extraordinary meetings of the Management Board shall be convened at a request of two members of the Management Board or of the General Director.

25.5. Quorum for meetings of the Management Board shall be constituted by presence of more than 50% of members of the Management Board.

25.6. Decisions of the Management Board shall be passed by simple majority of votes.

25.7. Except for scientific, pedagogical and creative activities, members of the Management Board shall not have the right to work in state authorities, municipalities and commercial organisations, any television and radio broadcasts independent of category of ownership and legal-organisational form of the latter.

25.8. Members of the Management Board shall not have the right to represent interests of third parties in course of performance of their duties.

25.9. Members of the Management Board shall be appointed for 4 years. Members shall have the right for re-appointment.

25.10. Members of the Management Board shall receive salaries established by the Broadcasting Council out of the budget of the Azerbaijan Public Television and Radio Broadcasting Company.

Article 26. Termination of authorities of the member of the Management Board

26.1. Authorities of members of the Management Board may be terminated only upon following circumstances:

26.1.1. in accordance with application of the member;

26.1.2. in the event of holding a position contravening to the membership in the Management Board;

26.1.3. upon leaving citizenship of the Azerbaijan Republic, accepting citizenship of a foreign state or upon acceptance of obligations before a foreign state;

26.1.4. confirmation of lack of action capacity or confirmation of availability of limited action capacity, accusation of committal of a crime through an effective decision of the court or declaration as missing or deceased through procedures stipulated by the legislation;

26.1.5. failure to participate in meetings of the Management Board for three months without solid reason;

26.1.6. failure to perform professional duties.

26.2. Favourable vote of at least six members of the Broadcasting Council shall be required for termination of authorities of the chairman of the Management Board (General Director) upon the ground referred to in Article 26.1.6 of this Law.

26.3. In the event of termination of authorities of other members of the Management Board in accordance with Article 26.1.6 of this Law, new members shall be appointed in accordance with requirements stipulated under Article 24.1.6 of this Law.

Article 27. Authorities of the Management Board

27.1. Management Board shall have the following authorities:

27.1.1. in association with the General Director to pass decisions related to human resources, creative activities and financial matters;

27.1.2. to provide General Director with advice in relation to production and broadcasting of programs and establishment of business relationships;

27.2. Consent of the Management Board shall be required for the following cases:

27.2.1. establishment of new program services for the purpose of expansion of scope of choice of television viewers and radio listeners;

27.2.2. entering into agreements with labour unions;

27.2.3. determination of terms and conditions applicable to employment contracts made with employees, as well as termination of such employment agreements;

27.2.4. sale and purchase of interest in business enterprises;

27.2.5. purchase, sale or encumbrance of immovable property;

27.2.6. taking bank loans or undertaking of financial liabilities;

27.2.7. compensation of other expenses not provided for in the budget of public broadcaster.

Article 28. General Director

28.1. General Director shall be elected by the Broadcasting Council and shall be approved to the position for a term of 4 years in accordance with section 32 of Article 109 of the Constitution of the Azerbaijan Republic.

28.2. General Director shall:

28.2.1. nominate deputies of the General Director, directors, chief editors and chief producers for the approval by the Broadcasting Council;

28.2.2. exercise control over and be responsible for production of programs in accordance with requirements specified by this Law and other acts of legislation of the Azerbaijan Republic;

28.2.3. manage day-to-day activities of public broadcaster;

28.2.4. represent public broadcaster in courts, state authorities, overseas and in international organisations;

28.2.5. issue orders, enter into contracts, exercise control over compliance with requirements of such documentation;

28.2.6. be responsible for protection of property and use property exclusively for the purposes of public broadcasting.

28.3. General Director shall have discretion in adopting the following decisions:

28.3.1. preparation of creative ideas for, and production of, programs;

28.3.2. preparation of schedules of programs;

28.3.3. airing operative news and materials under his (her) edition;

28.3.4. organisation of broadcasting activities, settlement of day-to-day matters;

28.3.5. except for circumstances specified by this Law, exercise of rights of possession, use and disposal over property of public broadcaster;

28.3.6. establishment of correspondent points, branches and representative offices;

28.3.7. except for circumstances specified by this Law, selection of personnel and entering into employment agreements and carrying out management of human resources;

28.3.8. except for circumstances specified by this Law, sale and purchase, rent (lease) and use of goods and services;

28.3.9. except for circumstances specified by this Law, establishment of contacts, engaging into negotiations and entering into agreements;

28.3.10. except for circumstances specified by this Law, preparation and implementation of the budget.

28.4. General Director shall have the right for re-appointment.

Article 29. Legal control over public broadcaster

29.1. Legal control over activities of public broadcaster shall be exercised by the relevant state authority.

29.2. The relevant state authority may submit to management authorities of public broadcaster inquiry related to actions (inactions) which breach or may breach requirements imposed by this Law or may require prevention of breaches of the law.

29.3. Where management bodies of public broadcaster fail to submit sufficient response to an inquiry or fail to exercise their controlling duties, the relevant state authority shall:

29.3.1. require undertaking of stricter actions and establish precise time frame for elimination of breaches of the law;

29.3.2. apply to the court.

29.4. Public broadcaster shall have the right to file court appeal against requests made by the relevant state authority.

29.5. No action undertaken for the purpose of implementation of requirements imposed by this Article shall limit the right of public broadcaster to obtain information or to express an opinion.

CHAPTER V FINANCING OF PUBLIC BROADCAST

Article 30. Financing the Public Broadcasting

30.1. The sources of financing the public broadcasting shall be as follows:

30.1.1. unless this Law specifies otherwise, the subscriber's fee;

30.1.2. the sponsor's welfare;

30.1.3. the pecuniary aid of physical and legal persons;

30.1.4. the income proceeding from advertising;

30.1.5. the income proceeding from sale of audio and audiovisual programs

30.1.6. the income proceeding from sale of features films and serials prepared directly by itself;

30.1.7. the arrangement of concerts and performances;

30.1.8. other resources not forbidden by legislation of Azerbaijan Republic.

30.2. Prior to the effective date of Article 31 of this Law, funds sufficient for realisation of purposes, uninterrupted operation and perspective development of public broadcasting shall, subject to consideration of revenues obtained from other sources, on an annual basis be allocated out of the state budget.

30.3. Financing on the account of the state budget shall not constitute grounds for interference by state authorities with public broadcasting.

Article 31. Subscription fee

31.1. Revenues from subscription fees shall constitute principal source of financing for public broadcasting.

31.2. Financing of public broadcasting through subscription fees shall be regulated by the legislation of the Azerbaijan Republic.

CHAPTER VI

THE RESPONSIBILITY FOR VIOLATION OF PRESENT LAW.

Article 32. Protection of Rights of Subscribers

32.1. Each person can send to the public broadcaster his wish and proposals related to the public broadcasting programs.

32.2. The Chief Director shall carefully analyse the transmitted wishes and proposals, take measures if needed, and no less than once in three months report about the measures done in print media.

32.3. In the case the honor and dignity of physical or legal persons have been humiliated as well as if their business authority have been damaged then public broadcaster shall be obliged to observe the principals of disproof, giving the response and correction provided by legislation on mass media.

32.4. In the case when received the petition on violation of rights, each person can get the video or audio copy of the very program for his own account.

Article 33. The responsibility for Violation of Present Law.

The physical, legal persons and officials who break the provisions of present Law shall bear the administrative, civil and criminal responsibility.

CHAPTER VII FINAL PROVISIONS

Article 34. Suspension or termination of public broadcasting activities

Public broadcasting activities may be suspended or terminated only upon effective court decision.

Article 35. Entry Into Force.

35.1 The present Law shall enter into force on the date of its publication.

35.2. Article 31 of this shall come into force on January 1, 2010.