

LATEST LEGISLATION AMENDMENTS RELATING TO MASS MEDIA

IMPORTANT!

19 June 2024 marked the adoption of the [Law](#) of the Republic of Kazakhstan on Mass Media (the "Law"). Concurrently with this, certain amendments relating to mass media were introduced into a number of codes and laws of the Republic of Kazakhstan. The Law (same as amendments to other legislative acts) will be put into effect on 20 August 2024, except for the provisions of the Law relating to grants for mass media, which will be put into effect starting 1 January 2025. Entry into force of the Law will concurrently result in the loss of force of the Mass Media Law¹ and the Television and Radio Broadcasting Law².

Please see below the novelties and amendments, which we deem most important for business.

■ Key Amendments Introduced by the Law

- Establishment of the limitation period for the mass media materials in connection with violation of rights – 1 year of the date of publication (previously proposed term – 3 years).
- The time for providing responses to the mass media inquiries was reduced from seven (7) to five (5) business days.
- From now on, the Ministry of Foreign Affairs of the Republic of Kazakhstan may reject accreditation of foreign mass media and their journalists in case of a threat to national security of the Republic of Kazakhstan. Furthermore, there is a ban on activities of foreign mass media in Kazakhstan without accreditation.
- The Law provides for the percentage increase in broadcasting of national television and radio programs in the state language, reduction of re-broadcasting of foreign programs, and gives definition to the concept of "mass communication means" and a broader concept of "mass media".

■ Conceptual Framework of Mass Communication Means and Related Risks

- According to the new Law, the concept of mass communication means includes mass media and Internet resources.
- From now on, the concept of mass media also includes the Internet publications in addition to periodicals, television and radio channels. In turn,

¹ Law No. 451-I of the Republic of Kazakhstan "On Mass Media" dated 23 July 1999.

² Law No. 545-IV of the Republic of Kazakhstan "On Television and Radio Broadcasting" dated 18 January 2012.

according to the Law, an Internet publication is an Internet resource, including an information agency, which undergone the registration procedure with an authorized agency as a mass medium and whose information and communications infrastructure is placed in the Kazakhstan territory. At the same time, the Law secures an obligation on provision of the Internet publication name and date of issue in the materials. The Law also prescribes to include a reference to an information agency when distributing its messages and materials by other mass media.

- The concept of an Internet resource is contained in another regulatory act – Informatization Law³, which includes information (in the text, graphical, audio and visual or any other form) placed on hardware and software complex with a unique network address and/or a domain name and functioning on the Internet.
- In light of the above conceptual framework, one may definitely conclude that any website (including corporate websites of companies) may be referred to an Internet resource and falls under the concept of the "mass communication means" and, accordingly, owner of such website must comply with imperative rules established by the Law with respect to the mass communication means.
- At the same time, this gives rise to the issue of while being an Internet resource, is a corporate website considered as an Internet publication, which must undergo registration with an authorized agency as mass media in accordance with requirement of the Law? It follows from the literal interpretation of the rules of the new Law that the answer is "yes". We received clarifications from the Ministry of Culture and Information of the Republic of Kazakhstan (dated 1 February 2024 under No. 3T-2024-02837376), according to which an *"Internet resource, which has not been registered with an authorized agency as an Internet publication is a mass medium"*. Therefore, there is a risk of recognizing a corporate website as a mass medium with all ensuring legal implications. Please note that such risk had formed even before the adoption of the new Law and was considered by us as a system risk of legislation, which remained to be a "latent" state mechanism in case of changes in the state policy or approaches of governmental agencies to legal entities, including with foreign participation. According to the Law, an Internet publication is registered in accordance with the procedure determined by the authorized agency. Only time will show the formation of the law-application practice subject to the adoption of the new Law and relevant subordinate regulatory legal acts.
- Among other things, the Law introduces the concept of "mass communication means monitoring", which is the process of collection and analysis of the mass communication means products as to compliance with legislation of the Republic of Kazakhstan and as to any damages caused to the moral development of the society and violation of the universal human, national, cultural, and family values. The Law does not have exhaustive information on what is meant by "damages to the moral development of the society and violation of the universal human, national, cultural, and family values", in which connection interpretation of this rule is left at the discretion of the relevant governmental agencies of the Republic of Kazakhstan.

³ Law No. 418-V of the Republic of Kazakhstan "On Informatization" dated 24 November 2015.

Should you have any additional questions in connection with this Legal Update, we would be happy to provide more detailed information.

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