

RUSSIA

Law of the Russian Federation

ON MASS MEDIA

NO. 2124-1 OF DECEMBER 27, 1991
as of July 7, 2000

(with the Amendments of January 13, June 6, 1995 and July 19, 1995)
Concerning the state support of the mass media and book-publishing in the Russian Federation see
Federal Law No. 191-FZ of December 1, 1995

CHAPTER I

GENERAL PROVISIONS

Article 1

Freedom of Mass Communication

In the Russian Federation, the retrieval, receipt, production and dissemination of mass communication, the foundation of mass media, the possession, use and disposal of these media, the manufacture, acquisition, storage and use of technical facilities and equipment, raw and auxiliary materials designed for the production and spread of products of mass information media; shall not be liable to restrictions, with the exception of those prescribed by the legislation of the Russian Federation on mass media.

Article 2

Mass Media: Basic Notions

For purposes of the present Law:

- mass communication shall be understood to mean printed, audio and audio-visual and other messages and materials intended for an unlimited range of persons;
- mass media shall be understood to mean a periodical printed publication, a radio, television or video program, a newsreel program, and any other form of periodical dissemination of mass information;
- the periodical printed publication shall be understood to mean a newspaper, magazine or journal, almanac, bulletin, any other publication with a constant name, current issue and coming out at least once in a year;
- mass media products shall be understood to mean the total print or part of the total print of the separate issue of a periodical printed publication, a separate issue of a radio, TV or newsreel program, the total print or part or part of the total print and audio or video recording program;
- the dissemination of mass media products shall be understood to mean the sale (subscription, delivery or distribution) of periodical printed publications, audio and video recording programs, broadcasting of radio and TV programs, demonstration of newsreel programs;
- specialized mass media shall be understood to mean such mass media for the registration or dissemination of whose products the present Law provides for special rules; mass media editor's office shall be understood to mean an organization, institution, enterprise or a private citizen and association of private citizens, which produce and issue mass media;
- the editor-in-chief shall be understood to mean a person heading the editorial staff (regardless of the name of the post) and taking final decisions on the production and issue of mass media;
- the journalist shall be understood to mean a person who edits, creates, collects or prepares messages and materials for the editor's office of a mass medium and is connected with it with labor and other contractual relations or engaged in such activity, being authorized by it;
- the publisher shall be understood to mean a publishing house or any other enterprise (entrepreneur) who is responsible for material and technical supplies of the production of mass medium products and also a legal entity or a private citizen who is equated with the publisher and for whom this activity is not the key one or does not serve as the main source of income;
- the distributor shall be understood to mean a person who disseminates mass medium products under the agreement with the editor's office and publisher or on any other legal grounds.

Article 3

Inadmissibility of Censorship

No provision shall be made for the censorship of mass information, that is, the demand made by officials, state organs, organization, institutions or public associations that the editor's office of a mass medium shall get in advance agreement on a message and materials (except for the cases when the official is an auditor or interviewee) and also for the suppression of the dissemination of messages and materials and separate parts thereof.

No provision shall be made for the creation and financing of organizations, institutions, organs or offices whose functions include the censorship of mass information.

Article 4

Inadmissibility of Misuse of the Freedom of Mass Communication

No provision shall be made for the use of mass media for purposes of committing criminally indictable deeds, divulging information making up a state secret or any other law-protective secret, calling for the seizure of power, violently changing the constitutional system and the state integrity, fanning national, class, social and religious intolerance or strife, propagating war, and also for the spreading of broadcasts propagandizing pornography or the cult of violence and cruelty.

It shall be prohibited to use-in the television, video and cinema programs, in documentary and feature films, and also in information computer files and in the programs of the processing of information texts belonging to special mass information media concealed in-sets influencing the subconscious of human beings and/or affecting their health.

It shall be prohibited to disseminate in mass media, as well as in via computer networks information on the means, methods of development, production and use, places of trade of narcotics, psychotropic substances and their precursors, propagating of any advantages of use of separate narcotics, psychotropic substances, their analogues and precursors with the exception of advertising of narcotic means and psychotropic substances, included in lists II and III in accordance with the Federal Law "On Narcotic Means and Psychotropic Substances", - in mass media, targeted for the medical and pharmaceutical workers, as well as any other information, dissemination of which is prohibited by federal laws.

Article 4 of the present Law was changed by Federal Law No. 114-FZ of July 19, 1995. The third paragraph was added by Federal Law No. 90-FZ of May 24, 2000.

Article 5

Legislation on Mass Media

The legislation of the Russian Federation on Mass Media consists of the present Law and other legislative acts promulgated in accordance with it, and also of legislative acts on mass media adopted by the Republics within the Russian Federation.

If an inter-state agreement concluded by the Russian Federation provides for the organization and functioning of mass media the rules different from those established by the present Law, the rules of the inter-state agreement shall be applicable.

Article 6

The Application of the Law

The present Law shall be applicable to mass media founded in the Russian Federation and to those set up beyond its borders only in respect of the dissemination of their products in the Russian Federation.

Legal entities and citizens of other States and stateless persons shall enjoy the rights and bear the duties envisaged by the present Law on a par with the organizations and citizens of the Russian Federation, unless otherwise stipulated by law.

CHAPTER II ORGANIZATION OF MASS MEDIA ACTIVITY

Article 7

Founders

An individual, association of individuals, enterprise, institution, organization or a state body may be a founder (co-founded) a mass medium.

The following persons and bodies may not act as founders:

- a private citizen who has not reached 18 years of age,

- an individual who serve his order punishment in places of confinement according to the court's sentence or an insane person recognized as legally unfit by a court of law;
 - an association of private citizens, enterprise, institution and organization whose activity is banned by law;
 - a citizen of another State or a stateless person who is not domiciled in the Russian Federation.
- Co-founders shall act jointly as a mass media founder.

Article 8

Registration of a Mass Medium

The mass medium editor's office shall carry on its activity after its registration.

The application for the registration of a mass medium whose products are intended for the dissemination chiefly:

- in the entire territory of the Russian Federation, beyond its borders and in the territory of several Republics within the Russian Federation, several territories and regions
- shall be submitted by its founder to the Ministry of the Press and Information of the Russian Federation;
- in the territory of a Republic within the Russian Federation, a territory, region, district, town, other populated locality, ward, and a micro-district shall be submitted by its founder to the respective territorial bodies of the State

Inspectorate for the Protection of Freedom of the Press and Mass Information under the Ministry of the Press and Information of the Russian Federation.

A notification about the receipt of an application with the indication of its date shall be sent to the founder or the person authorized by it therefor. The application shall be subject to consideration by the registration body within a month since the said date.

A mass medium shall be deemed to be registered since the issue of a registration certificate.

The founder shall retain the right of putting out its mass medium's products during one year since the day of the issue of the registration certificate. If this term is missed, the registration certificate shall be recognized as null and void.

Article 9

Inadmissibility of a Repeated Registration

A registered medium may not be registered for the second time by the same or different registration body.

If a court of law ascertains the fact of a repeated registration, the first registration shall be recognized.

Article 10

The Application for Registration

The application for the registration of a mass medium shall indicate:

- information about the founder (co-founders) provided for by the present Law;
- the name of a mass medium;
- language (languages) to be used;
- address of its editor's office;
- a form of periodical dissemination of mass communication;
- the supposed area of the spread of products;
- approximate topics and (or) specialization;
- the supposed periodicity of issue and maximum extent of a mass medium;
- sources of financing;
- information about the mass media in which the applicant is a founder, owner, editor-in-chief in the editorial office or distributor.

The document certifying the payment of a registration fee shall be appended to the application.

It shall be forbidden to make any other demands during the registration of mass media.

Article 11

Re-registration and Notification

The replacement of a founder, the change of co-founders and the alteration of the name, language, and form of the periodical dissemination of mass communication, the area where the mass medium products are spread shall be allowed subject to the re-registration of this mass medium.

Mass media shall be re-registered in the same order as they are registered.

A mass medium whose activity is terminated by decision of a court of law shall not be re-registered.

If the editorial office changes its place of location, alters the periodicity of its issue and maximum size, the founder shall be obliged to notify in written form the registration body within a month.

Article 12

Release from Registration

No registration is required for the following mass media:

- the mass information media founded by the organs of legislative, executive and judicial power to publish nothing but their official communications and materials, normative and other acts;
- periodicals with a total print of not less than one thousand copies;
- radio and television programs disseminated through cable networks, limited by the premises and area of one governmental institution, educational establishment industrial enterprise or organization that has not more than ten subscribers;
- audio- and video-programs spread in recording with a total printing of not more than ten copies.

Article 13

Refusal of Registration

The registration of a mass medium is possible on the following grounds alone:

- if an application is filed on behalf of a private citizen, association of individuals, an enterprise, institution or organization not possessing the right of instituting mass media in keeping with the present Law;
- if information indicated in an application does not correspond to the reality;
- if the name, approximate topics and (or) the specialization of a mass medium represent an abuse of the freedom of mass communication in terms of the first part of Article 4 of the present Law;
- if the respective registration body or the Ministry of the Press and Information of the Russian Federation has registered earlier a mass medium with the same name and form of dissemination of mass communication.

A notification about the refusal of registration shall be forwarded to the applicant in written form with the indication of the grounds for the refusal provided for by the present Law.

The application for the registration of a mass medium shall be returned to the applicant without consideration, with the indication of a ground for the return:

- if the application has been filed with the violation of the requirements of the second part of Article 8 or the first part of Article 10 of the present Law;
- if the application on behalf of the founder has been filed by the person who has no authority for this;
- if a registration fee has not been paid.

The application shall be accepted for consideration after the removal of violations.

Article 14

The Registration Fee

A registration fee shall be collected for the issue a registration certificate in the order and amounts defined by the Government of the Russian Federation. A higher registration fee shall be established for mass media specializing in the issue of communications and advertising and erotic materials, while a reduced registration fee shall be introduced for mass media specializing in the issue of communications and materials intended for children, adolescents and disabled persons and used for educational, cultural and enlightening purposes.

In case of a refusal of registration and equally of a refusal to undergo registration the applicant shall have the right to refund the registration fee during three months beginning with the date of receipt of a registration application indicated in the notification. The document testifying to the payment of a registration fee shall be a ground for the return of money in the place of its payment. At the request of the applicant the note ("Not registered") shall be made on this document by the registration body.

Article 15

Recognition of a Registration Certificate as Null and Void

A certificate of the mass medium registration may be recognized as null and void exclusively by a court of law in civil proceedings upon the statement by the registration body or the Ministry of the Press and Information of the Russian

Federation only in the following cases:

- if a registration certificate has been obtained by fraud;
- if a mass medium does not appear (does not go on air) for a term exceeding one year;
- if the statutes of an editorial office or the agreement replacing them has not been adopted and (or) has not been approved during three months since the first publication or airing of the given mass medium;
- if the given mass medium has been registered for the second time.

The registration fee shall not be subject to return upon the recognition of a registration certificate as invalid.

Article 16

Termination or Suspension of Activity

The functioning of a mass medium may be terminated or suspended only by decision of its founder or by a court of law in civil proceedings at the suit filed by the registration body or the Ministry of the Press and Information of the Russian Federation.

The founder shall have the right to terminate or suspend the functioning of a mass medium exclusively in cases and in the order envisaged by the statutes of the editorial office or the agreement concluded between the founder and the editorial office (editor-in-chief).

Repeated (during twelve months) breaches by the editorial office of the requirements of Article 4 of the present Law, on whose occasion the registration body or the Ministry of the Press and Information of the Russian Federation has made written warnings to the founder and (or) the editorial office (editor-in-chief) and likewise the non-execution of the court's ruling on the suspension of the mass medium shall be grounds for the termination of the activity of the mass medium by the court of law.

Only the need for the security for a suit, envisaged by the first part of this Article may serve as a ground for the suspension by a court of law of the activity of a mass medium. The termination of the functioning of a mass medium shall entail the invalidity of the certificate of its registration and the statutes of the editorial office.

Article 17

Accrual of Rights and Duties

The rights and duties of the founder and the editorial office stipulated by the present Law shall emerge since the time of registration of a mass medium, while those envisaged by the statutes of the editorial office shall emerge since the time of their approval. The founder, editorial office, publisher or distributor may in addition institute mutual rights and duties on a contractual basis. The provisions of the statutes and agreements shall not run counter with the present Law and other legislative acts of the Russian Federation.

Article 18

The Status of a Founder

The founder shall approve the statutes of an editorial office and (or) conclude an agreement with the editorial office of a mass medium (editor-in-chief).

The founder shall be free to oblige the editorial office to feature free of charge or within the specified period a message or material on his behalf (the statement of the founder). The maximum scope of the founder's statement shall be determined by the statutes of an editorial office, its agreement or any other contract concluded with the founder. The founder shall be liable for claims and suits connected with his statement. If the fact that the said message or material belongs to the founder has not been stipulated by the editorial office, the latter shall act as a co-defendant.

The founder shall have no right to interfere in the activity of a mass medium, except for the cases provided for by the present Law, the statutes of its editorial office or the agreement concluded between the founder and the editorial office (editor-in-chief).

The founder may transfer his rights and duties to a third person with the consent of the editorial office and the co-founders. If the founder-the association of private citizens, the enterprise, institution, organization, state body-is liquidated or reorganized, its rights and duties shall transfer in full to the editorial office, unless otherwise provided for by its statutes.

The founder may act as an editorial office, publisher, distributor or owner of the editorial office's property.

Article 19

The Status of an Editorial Office

The editorial office shall carry on its activity on the basis of its professional independence.

The editorial office may be a legal entity or an independent business subject organized in any form admitted by the law. If the office of a registered mass medium is organized as an enterprise, it shall also be subject to registration in accordance with the legislation of the Russian Federation on enterprises and business activity and shall be free to carry on in a statutory manner a different activity not banned by the law in addition to the production and issue of a mass medium.

The editorial office shall be exempted from tax payments during two years since the day of the first publication (airing) of a mass medium. The re-registration of a mass medium shall not influence the estimation of the given period. If the founder has ceased the functioning of a mass medium till the expiration of said period, payments shall be collected in full amount for the entire term.

The editorial office may act as a founder of a mass medium, publisher, distributor or owner of the editorial office's property.

The editorial office shall be directed by the editor-in-chief, who discharges his powers on the basis of the present Law, the office's statutes or the agreement concluded between the founder and the editorial office (editor-in-chief). The editor-in-chief shall represent the editorial office in his relations with the founder, publisher, distributor, private citizens, their associations, enterprises, institutions, organizations and state organs, and also in court. He shall bear responsibility for the fulfillment of the requirements made on the activity of a mass medium by the present Law and other legislative acts of the Russian Federation.

Article 20

The Statutes of an Editorial Office

The statutes of a mass medium's editorial office shall be adopted at the general meeting of the collective of journalists (the editorial office employees on the staff) by a majority vote in the presence of not less than two thirds of its membership and shall be endorsed by the founder.

The statutes of the editorial office shall define:

- the mutual rights and duties of the founder, editorial office and the editor-in-chief;
- the powers of the collective of journalists, the editorial office employees on the staff;
- the order of appointment (election) of the editor-in-chief, editorial board and (or) other organs of management of the editorial office;
- the grounds and order of termination and suspension of the functioning of a mass medium;

- the transfer and (or) preservation of the right to the name, other legal consequences of the change-over of the founder, changes in the composition of the co-founders, the termination of the mass medium's activity, the liquidation or reorganization of the editorial office, and the alteration of its organizational structure and legal status;
- the order of confirmation and alteration of the statutes of the editorial office, and also other provisions envisaged by the present Law and other legislative acts.

Pending the confirmation of the statutes of the editorial office and also in case when the latter consists of less than ten persons, its relations with the founder, including the questions listed in Items 1-5 of the second part of the present Article, may be determined by the agreement between the founder and the editorial office (editor-in-chief) that replaces the statutes.

The statutes of the editorial office organized as an enterprise may be simultaneously the statutes of the given enterprise. In this case the editorial office's statutes shall correspond to the legislation on enterprises and business activity.

The copy of the editorial office's statutes or the agreement that replaces them shall be forwarded to the registration body not later than three months since the day of the first publication (airing) of the given mass medium. In this case the editorial office shall be entitled to specify which information contained in its statutes or the agreement that substitutes the latter constitutes a commercial secret.

Article 21

The Status of a Publisher

The publisher shall implement its rights and bear its duties on the basis of the present Law, the Federal Law on the Procedure of Giving Information about the Activity of the Bodies of State Power in the State Mass Media, the legislation on publishing business, enterprises and entrepreneurial activity.

The publisher may act as a founder of a mass medium, editorial office, distributor or owner of its property.

Federal Law of the Russian Federation No. 6-FZ of January 13, 1995 amended the first part of Article 21 of this Law.

Article 22

Agreements

The agreement concluded between the co-founders of a mass medium shall determine their mutual rights, duties, responsibility, the order, terms and the legal consequences of changes in the composition of the founders, and the procedure for the adjustment of disputes between them.

The agreement concluded between the founder and the editorial office (editor-in-chief) shall determine the production, property and financial relations between them: the order of assignment and use of monetary resources on the upkeep of the editorial office, the allocation of profit, the formation of funds and the compensation for losses, the obligations of the founder to provide proper production, welfare, living and working conditions of the editorial office's employees. Every co-founder or all the co-founders together may act as a party to the agreement with the editorial office.

The agreement concluded between the editorial office and the publisher shall determine the production, property and financial relations between them, the mutual distribution of the right of publication, the obligations of the publisher for the material and technical supply of the production of the mass medium items, and the responsibilities of the parties.

The founder, editorial office (editor-in-chief) and the publisher may also conclude other agreements between themselves, and with the distributor as well.

Article 23

News Agencies

The status of the editorial office, publisher, distributor and the legal treatment of mass media shall also extend to the news agencies in the process of applying the present Law.

A bulletin, newsletter, any other publication or program with a permanent name set up by a news agency shall be registered in the order prescribed by this Law.

When messages and materials of a news agency is disseminated by another mass medium, reference to the news agency shall be obligatory.

Article 24
Other Mass Media

The rules introduced by this Law for periodical printed publications shall be applicable to the periodical dissemination with a total print of 1,00 and over copies of the texts formed with the aid of computers and (or) kept in their data banks or data bases, and also to any other mass media whose printed output is spread in the forms messages, materials and pictures.

The rules introduced by this Law for radio and TV programs shall be applicable to the periodical dissemination of mass communication through teletext and videotext systems and other telecommunication networks, unless otherwise provided for by the legislation of the Russian Federation.

CHAPTER III
MASS COMMUNICATION

Article 25
The Order of Dissemination

Private citizens, their associations, officials, enterprises, institutions, organizations and state agencies shall not be allowed to prevent the lawful dissemination of mass communication products.

The dissemination of mass communication products shall be deemed to be commercial, if payments are made for them. Products designed for non-profit dissemination shall have the note "gratis" and may not be an object of commercial circulation.

The demonstration of video recordings in living quarters and also the taking of single copies of them, unless a payment is made directly or indirectly, shall not be regarded as the dissemination of mass communication products in the meaning of the present Law.

The retail sale of periodical publications, including sale from hand to hand, shall not be liable to limitations, except for the publications provided for by the present Law. The retail sale of the total print of periodicals in places which are not of public resort-in special premises or in other facilities where a special regime has been instituted by their owner or the person authorized to manage his property-shall be allowed only with the consent of said persons. In case the editorial office, publisher or distributor violates the author's property or personal non-property rights and in other cases provided for by the law, the dissemination of mass communication products may be terminated by decision of a court of law.

Article 26
Airing

Mass communication products shall be disseminated only after the editor-in-chief permits publication or airing.

Article 27
Publisher's Imprint

Every issue of a periodical printed publication shall contain the following information:

- the name of the publication;
- the founder (co-founders);
- the full name of the editor-in-chief;
- the ordinal number of the issue and the date of its appearance and for newspapers also the time of signing for press (under the adjusted schedule and actual time);
- postal index for publications distributed by post offices;
- total circulation;
- price or the note "free-market price" or "grants";
- the addresses of the editorial office, publisher and the printing house.

With every airing of a radio or TV program and during the uninterrupted broadcasting at least four times a day the editorial office shall be obliged to announce the program name.

Every copy of audio-, video- or newsreel program shall contain the following information:

- the program name;
- the date of appearance (or run) and the issue number;
- the name and initials of the editor-in-chief;
- total circulation;
- the editorial office and its address;
- price or note "free-market price" or "grants."

Reports and materials of a news agency shall be accompanied with its name.

If a mass medium is not released from registration, the import shall also indicate the registration body and the respective registration number.

Article 28

Total Circulation

The total circulation of a periodical printed publication, an audio-, video- and newsreel program shall be determined by the editor-in-chief by agreement with the publisher.

The confiscation and also the destruction of the circulation or the part thereof shall be allowed only by the decision of a court of law that has entered into force.

A circulation fee shall be instituted for mass media specializing in the production of advertising or erotic products and collected in the order determined by the Government of the Russian Federation.

Article 29

Deposit Copies

Obligatory free deposit copies of periodicals, including those released from registration on the strength of Article 12 of the present Law shall be sent upon the manufacture of the initial issue of the print by the editorial office to the founder (co-founders), the body that has registered the given mass medium, the Ministry of the Press and Information of the Russian Federation, the Scientific and Production Association of the All-Union Book Chamber, the Lenin State Library of the USSR, the Saltykov-Shchedrin State Public Library, the Library of the Supreme Soviet of the Russian Federation and the Library of the President of the Russian Federation.

The Ministry of the Press and Information of the Russian Federation shall have the right to oblige the editorial offices to send paid copies to other institutions and organizations as well.

Article 30

The Federal Television and Radio Broadcasting Commission

The Federal Television and Radio Broadcasting Commission shall elaborate the state policy in the field of licensing radio and TV broadcasting and pursue it both directly or through the territorial TV and radio broadcasting commissions.

The order of forming and operating the Federal Television and Radio Broadcasting Commission and territorial commissions shall be determined by the Law of the Russian Federation.

Federal Law No. 87-FZ of June 6, 1995 on Amending the Law of the Russian Federation on Mass Media amended Article 30 of this Law.

Article 31

Licenses for Broadcasting

Broadcasting licenses shall be issued by the Federal Television and Radio Broadcasting Commission and territorial commissions.

The broadcasting licenses shall give to its holder the right to disseminate mass media products registered in keeping with the present Law by using the technical means of air or cable television or radio broadcasting, including that owned by him subject to the observance of the license terms.

If there is no technical possibility of broadcasting with stated characteristics or with those related to them, the broadcasting license shall not be issued.

The broadcasting license may be denied on the grounds provided for by the competition terms, if applications are considered on a contest basis.

The concession of a broadcasting license to another person shall be allowed only with the consent of the body that has issued it with the appropriate reissuing of the license.

The amount and order of collecting the payment for a broadcasting license, and also for the reissuing of the license shall be established by the Government of the Russian Federation.

Federal Law No. 87-FZ of June 6, 1995 on Amending the Law of the Russian Federation on Mass Media amended paragraph 1 of Article 31 of this Law.

**Article 32
Cancellation of a License**

A license shall be cancelled in the following cases:

- if it was received by fraud;
- if license terms have been repeatedly broken or the rules for disseminating radio and TV programs, provided for by the present Law, have been violated, in connection with which warnings have been made in written form;
- if the broadcasting commission has ascertained the fact of concealed concession of a license.

The laws of the Russian Federation may provide for additional grounds for the cancellation of licenses.

The license shall be cancelled by decision of the body that has granted it or by the Federal Television and Radio Broadcasting Commission.

When a license has been cancelled, the payment for it shall not be returned.

**Article 33
Radio and Television Jamming**

The creation of jamming that prevents the sure reception of radio and TV programs, that is, the spread of radio, TV and other technical signals in the frequency band in which broadcasts are made under the license, shall entail responsibility in keeping with the legislation of the Russian Federation.

Industrial jamming arising during the operation of technical devices in the course of economic activity shall be removed at the expense of the persons owning or managing the source of this jamming.

**Article 34
The Storekeeping of Radio and TV Broadcasting Materials**

In order to obtain evidence of importance for the proper adjustment of disputes, the radio and TV program sections shall be obliged:

- to preserve the materials of their own broadcasts recorded and aired;
- to fix broadcast that have gone on air in their registration log;

The registration log shall indicate the date and time of going on air, the topic of a broadcast, its author, announcer and participants.

The terms of storekeeping shall be as follows:

- for broadcast materials-not less than one month since the day of going on air;
- for the registration log-not less than one year since the date of the latest entry in it.

**Article 35
Obligatory Reports**

The editorial office shall be obliged to publish free of charge and in the prescribed period:

- the court's decision that has come into force and contains the demand for its publication in a given mass medium;
- the report on the functioning of an editorial office, received from the body that has registered the given mass medium.

The editorial offices of the mass media founded by state agencies shall be obliged to publish on the demand of these agencies their official reports in the order regulated by their statutes or the agreements that replace them, and also other materials whose publication in these mass media is provided for by the legislation of the Russian Federation.

The state mass media must publish information and materials of the federal bodies of state power and of the bodies of state power of the entities of the Russian Federation in the procedure established by the Federal Law on the Procedure of Giving Information about the Activity of the Bodies of State Power in the State Mass Media. The editorial offices of the state mass media must release (broadcast) without delay and free of charge upon demand of the State Fire-Fighting Service of the Ministry of the Interior of the Russian Federation operational information on issues of fire safety.

Federal Law of the Russian Federation No. 6-FZ of January 13, 1995 introduced the third part to Article 35 of this Law.

Federal Law of the Russian Federation No. 211-FZ of December 27, 1995 introduced the fourth part to Article 35 of this Law.

**Article 36
Advertisement Distribution**

Dissemination of advertising in mass media shall be carried on according to the rules set by the legislation of the Russian Federation on advertising.

As formulated in the Federal Law of the Russian Federation No. 30-FZ of March 2, 1998.

**Article 37
Erotic Publications**

A mass medium specializing in erotic reports and materials shall be understood to mean for purposes of the present Law a periodical edition or a program, which in general and systematically use public interest in sex. The distribution of the issues of specialized radio and TV erotic programs without signal coding shall be allowed only from 23 hours p.m. to 4 hours a.m., local time, unless otherwise stipulated by the local administration. The retail sale of the products of mass media specializing in erotic reports and materials shall be allowed only in sealed transport packages and specially designed premises, the arrangement of which is determined by the local administration.

**CHAPTER IV
RELATIONS OF MASS MEDIA WITH PRIVATE CITIZENS AND ORGANIZATIONS**

**Article 38
The Right to Information**

Through mass media private citizens shall have the right to the operative receipt of authentic information about the activities of state organs and organizations, public associations and their officials. State organs and organizations, public associations and their officials shall submit information about their activities to mass media in reply to the inquiries of editorial offices or broadcasting sections, and also by holding press conferences, circulating reference and statistical materials and other forms.

**Article 39
Information Inquiry**

The editorial office or broadcasting section shall have the right to request information about the activities of state organs and organizations, public associations and their officials. The request for information is possible both in oral and written form. This information shall be submitted by the heads of said organs, organizations and associations, their deputies, press service workers or other persons authorized within their terms of reference.

**Article 40
Refusal to Submit Information and Delayed Information**

Refusal to submit requested information is possible if only the latter contains the data comprising a state, commercial or any other secret specially protected by the law. A notification about the refusal shall be handed over to the representative of an editorial office within three days since the day of the receipt of the inquiry about said information.

The notification shall indicate:

- the reasons why requested information can not be separated from the information comprising a specially law-protected secret;
- the official who refuses to submit information;
- the date of decision-taking on the refusal.

A delay in submitting requested information is possible, if the required data cannot be presented within seven days. A notification about the delay shall be handed over to the representative of an editorial office within three days since the day of receipt of the written inquiry of information.

The notification shall indicate:

- the reasons why the requested information cannot be presented within seven days;
- the date on which requested information will be presented;
- the official who fixed the delay;
- the date of decision-taking on the refusal.

Article 41

Confidential Information

The editorial office shall not have the right to divulge in distributed reports and materials the information submitted by a private citizen with the proviso of keeping this information secret.

The editorial office shall be obliged to keep the source of information secret and shall not have the right to name the person who has submitted information with the proviso of non-divulgence of his name, except for the case when the corresponding demand came from a court of law in connection with case it disposes of.

The editorial office shall not have the right to divulge in distributed reports and materials the information, that directly or indirectly points to the identity of a minor who committed a criminal offence or is suspected in doing it, as well as one who committed a juvenile delinquency or a misdemeanor, without permission of the minor and his/her legitimate representative.

The editorial office shall not have the right to divulge in distributed reports and materials the information, that directly or indirectly points to the identity of a minor who is found a victim, without permission of the minor and (or) his/her legitimate representative.

The third and fourth paragraphs were added by Federal Law No. 110-FZ of July 7, 2000.

Article 42

Author's Works and Letters

The editorial office shall be obliged to observe the rights to the used works, including copyrights, the rights of publication and other rights to intellectual property. The author or any other person who possesses the right to a work may stipulate the special terms and character of using the work he presents to the editorial office.

The letter addressed to an editorial office may be used in reports and materials of the given mass medium, unless its meaning is distorted and the provisions of this Law are violated. The editorial office shall not be obliged to answer the letters sent by private citizens and to send these letters to the organs, organizations and officials which are competent to consider them.

No one has the right to oblige the editorial office to publish the work, letter or any other communication it has declined, unless otherwise provided for by law.

Article 43

The Right of Refutation

A private citizen or organization shall have the right to demand from the editorial office disproof of information that does not correspond to the reality and denigrates their honor and dignity and that was spread by the given mass medium. The same right shall belong to the lawful representatives of the person, if he himself or she herself has no opportunity of demanding refutation. If the editorial office of a mass medium does not possess evidence of the fact that the information it has disseminated corresponds to the reality, it shall be obliged to refute this information in the same mass medium.

If a private citizen or organization has submitted the text of refutation, this text shall be subject to dissemination provided it complies with the requirements of the present Law. The radio or television program section, which is obliged to spread the refutation, may enable the person or the representative of the organization who demanded the refutation to read out his own text and transit it in transcription.

Article 44

The Order of Refutation

The refutation shall indicate which information does not correspond to the reality, when and how it was spread by the given mass medium.

Refutation published in a periodical printed publication shall be set up with the same type and featured under the heading "Refutation", as a rule, in the same place where the refuted report or material is placed. Over radio and television the refutation shall be transmitted at the same time of a day and, as a rule, in the same broadcast that the refuted report or material is transmitted.

The scope of refutation may not exceed twice as much the scope of the reflected fragment of the report or material. It shall not be demanded that the text of the refutation be shorter than one standard page of the typewritten text. The refutation transmitted over radio or television shall not take up less airtime than is required for the announcer to read out one standard page of the typewritten text.

The refutation shall follow:

- in mass media that are to be published or go on air at least one time in a week during ten days since the receipt of the demand about the refutation or of its text;
- in other mass media, in the prepared or in the text planned issue.

During one month since the day of receipt of the demand for refutation or its text the editorial office shall be obliged to notify in written form the interested person or organization about the supposed time-limit of the dissemination of the refutation or about the refusal of its spread with the indication of the grounds for the refusal.

Article 45

Grounds for the Refusal of Refutation

The refutation may be refused, if the respective demand or the submitted text of the refutation:

- represents the abuse of the freedom of mass communication in the sense of the first part of Article 4 of the present Law;
- contradicts the court's decision that has entered into legal force;
- is anonymous.

The refutation may be denied:

- if somebody disproves the information that has been disproved by the given mass medium;
- if the demand for refutation or the submitted text was received by the editorial office upon the expiration of one year since the day of the spread of the refuted information by the given mass medium.

The refusal of refutation or the infringement of the order established by the present Law may be appealed against with a court law during one year since the day of the spread of the refuted information in accordance with the civil procedure legislation of the Russian Federation.

Article 46

The Right to Answer

A private citizen or organization, in respect of whom a mass medium has spread information that runs counter to the reality or impinges on the rights and lawful interests of the citizen, shall have the right to give the answer (commentary or retort) in the same mass medium.

The rules contained in Articles 43-45 of the present Law shall be applicable to the answer or refusal to this reply. The answer to the reply shall be featured at least in the next issue of a mass medium. This rule shall not extend to editorial commentaries.

CHAPTER V THE RIGHTS AND DUTIES OF THE JOURNALIST

Article 47

The Rights of the Journalist

The journalist shall have the right:

- to look for, inquire, receive and spread information;
- to visit state organs and organizations, enterprises and institutions, the press organs or press services of public associations;
- to be received by officials in connection with the inquiry of information;
- to get access to documents and materials, with the exception of their fragments containing information comprising a state, commercial or any other specially law-protected secret;

- to copy, publish, announce or reproduce by any other method documents and materials subject to the observance of the requirements of the first part of Article 42 of the present Law;
- to make recordings with the use of audio- and video-equipment, photography and cine-photography, except for the cases provided for by law;
- to visit specially protected places of natural disasters, accidents and catastrophes, mass disorders and mass gatherings, and also localities where a state of emergency is declared; to attend meetings and demonstrations;
- to verify the authenticity of the information he or she has received;
- to set forth his or her personal judgements and assessments in reports and materials intended for dissemination under his or her signature;
- to refuse to prepare under his or her signature reports and materials inconsistent with his or her convictions;
- to remove his or her signature put under the report or material whose content was distorted, in his or her opinion, in the process of editorial preparations or to ban or stipulate in any other way the conditions and character of using this report or material in keeping with the first part of Article 42 of the present Law;
- to spread reports and materials he or she prepared under his or her signature, under pseudonym or without any signature.

The journalist shall enjoy other rights granted to him by the legislation of the Russian Federation on mass media.

Article 48

Accreditation

The editorial office shall have the right to file its application with a state organ, organization, and the organ of a public association for the accreditation of its journalists to them.

State organs, organizations, institutions and organs of public associations shall accredit said journalists, provided the editorial offices observe the accreditation rules established by these organs, organizations, and institutions.

The organs, organizations, and institutions which accredited journalists shall be obliged to notify them in advance about their meetings, conferences and other events, to supply them with verbatim reports, minutes and other documents, and to create favorable conditions for making entries.

The accredited journalist shall have the right to attend the meetings, conferences and other events held by the accrediting organs, organizations, and institutions, except for the cases when decisions have been taken to hold closed gatherings.

The journalist may be deprived of his or her accreditation, if he or she and the editorial office have infringed the accreditation rules or information which denigrates the honor and dignity of the organization that accredited the journalist and which runs counter to the reality, which fact has been confirmed by the court's decision that has entered into legal force.

The mass media offices' own correspondents shall be accredited in keeping with the requirements of this Article.

Article 49

The Duties of the Journalist

The journalist shall be obliged:

- to observe the statutes of the editorial office with which he maintains labor relations;
- to verify the authenticity of the information he supplies;
- to satisfy the requests of the persons who submitted information concerning the indication of its source, and also the authorization of a cited pronouncement, if it is made public for the first time;
- to preserve the confidential character of information and (or) its source;
- to receive the consent of a private citizen or his lawful representatives (except for the cases when it is necessary to protect public interests) to the spread in a mass medium of information about his personal life;
- to inform private citizens and officials about audio- and video-recording, photography and cine-photography upon the receipt of data from these persons and officials;
- to inform the editor-in-chief about possible suits and the presentation of other claims envisaged by law in connection with the spread of the communication or material prepared by him;
- to decline the assignment given to him by the editor-in-chief or his editorial office, if its fulfillment involves the infringement of law;
- to produce as soon as required the identity card issued by his editorial office or any other document that certifies his identity and rights, when he carries on professional activities.

The journalist shall also bear other duties established by the legislation of the Russian Federation on mass media.

In his professional activities the journalist shall be obliged to respect the rights, lawful interests, the honor and dignity of private citizens and organizations.
The State shall guarantee for the journalist, who carries on his professional activities, the protection of his honor, dignity, health, life and property as a person discharging his civil duty.

Article 50
A Hidden Record

The dissemination of reports and materials prepared with the use of hidden audio- and video-recording, photography and cine-photography shall be allowed in the following cases:

- if this does not infringe the constitutional rights and freedoms of man and citizen;
- if this is necessary to protect public interests and if measures have been taken to prevent a possible identification of outside persons;
- if the record is demonstrated by decision of a court of law.

Article 51
Inadmissibility of Abusing the Journalist's Rights

The rights of the journalist stipulated by this Law shall not be used with the purpose of the concealment or falsification of publicly important information, the spread of rumors under the guise of authentic reports, the collection of information in favor of an outside person or organization, which is not a mass medium.

It shall be forbidden to use the journalist's right to spread information with the aim of discrediting a private citizens or particular categories of private citizens exclusively on account of sex, age, race, nationality, language, religion, profession, place of residences and work, and also of political convictions.

Article 52
The Special Status of Journalists

The professional status of journalists established by the present Law shall extend to:

- staff workers of the editorial offices engaged in editing, writing, collecting or preparing communications and materials for newspapers with a large circulation and other mass media whose products are disseminated exclusively within one enterprise (association), organization or institution;
- authors who are not connected with the editorial office or section of a mass medium by labor or other contractual relations but are recognized by it as its free-lance authors or non-staff correspondents when they fulfil the editorial office's assignments.

CHAPTER VI
INTERSTATE COOPERATION IN THE SPHERE OF MASS COMMUNICATION

Article 53
Interstate Treaties and Agreements

Interstate cooperation in the sphere of mass communication shall be effected on the basis of treaties and agreements concluded by the Russian Federation.

The editorial offices, sections and the professional associations of journalists shall take part in international cooperation in the sphere of mass communication on the basis of agreements concluded with individuals and legal entities from other States, and also with international organizations.

Article 54
The Dissemination of Foreign Information

Citizens of the Russian Federation shall be guaranteed unimpeded access to reports and materials of foreign mass media.

The reception of programs of direct TV broadcasting shall be limited not otherwise than in cases provided for by interstate treaties and agreements concluded by the Russian Federation.

To disseminate its products, the foreign periodical printed publication, which is not registered in the Russian Federation, has the place of the permanent stay of its founder or editorial office beyond the Russian Federation, and which is financed by foreign States, legal entities or individuals, shall be obliged to receive the permit of the Ministry of the Press and Information of the Russian Federation, unless the procedure for dissemination is established by the interstate agreement concluded by the Russian Federation.

Article 55

Foreign Correspondents

The representative office of foreign mass media shall be set up in the Russian Federation with the permission of the Ministry of Foreign Affairs of the Russian Federation unless otherwise provided for by the interstate agreement concluded by the Russian Federation. The foreign representative offices of mass media registered in the Russian Federation shall be set up in the order prescribed by the legislative acts of the Russian Federation and the host country, unless otherwise provided for by the interstate agreement concluded by the Russian Federation.

Foreign correspondents who stay in the Russian Federation shall be accredited by the Ministry of Foreign Affairs of the Russian Federation in keeping with Article 48 of the present Law.

Foreign correspondents, not accredited in the Russian Federation in a statutory manner, shall enjoy the rights and bear the duties as representatives of a foreign legal entity. The following persons shall be released from the obligatory accreditation to carry on professional activities in the Russian Federation:

- foreign correspondents accredited earlier in the USSR or in the sovereign States incorporated in it;
- correspondents of mass media registered earlier by the state organs of the USSR or the sovereign States incorporated in it.

The professional status of the journalist established by the present Law shall extend to the correspondents accredited in the Russian Federation, regardless of their citizenship. The Government of the Russian Federation may introduce retaliatory restrictions with regard to mass media correspondents of the State where there are special limitations on the professional activities of the journalists of the mass media registered in the Russian Federation.

Foreign correspondents of the mass media registered in the Russian Federation, shall enjoy, regardless of their citizenship, the rights and duties of the journalist established by the present Law, unless this runs counter to the legislation of the host country.

CHAPTER VII

RESPONSIBILITY FOR BREACHING THE LEGISLATION ON MASS MEDIA

Article 56

Placement of Responsibility

The founders, editorial offices and sections, distributors, state agencies, organizations, institutions, enterprises and public associations, officials, journalists, and the authors of disseminated reports and materials shall bear responsibility for breaching the legislation of the Russian Federation on mass media.

Article 57

Absolution from Responsibility

The editorial office, editor-in-chief and journalist shall bear no responsibility for the dissemination of information that does not conform to the reality and denigrates the honor and dignity of private citizens and organizations or infringes on the rights and lawful interests of individuals or represents an abuse of the freedom of mass communication and (or) the rights of the journalist:

- if this information is available in binding reports;
- if this information was received from news agencies;
- if this information is contained in the reply to its inquiry either in the materials of the press-services of state organs, organizations, institutions, enterprises, and organs of public associations;
- if this information is the literal reproduction of the fragments from the speeches of People's Deputies at the congresses and sessions of Soviets of People's Deputies, delegates of congress, conferences and plenary meetings of public associations, and also from the official statements by the office-bearers of state organs, organizations and public associations;
- if this information is to be found in the author's works that go on air without preliminary recording or in the texts not subject to editing in keeping with the present Law;

- if this information is the literal reproduction of reports and materials or of their fragments disseminated by another mass medium, which can be ascertained and called to account for a given breach of the legislation of the Russian Federation on mass media.

Article 58

Responsibility for the Infringement on the Freedom of Mass Communication

The infringement of the freedom of mass communication, that is, the prevention by individuals, officials of state organs and organizations, and public associations of the lawful activity of the founders, editorial offices, publishers and distributors of mass media products, and also by journalists by means of:

- censorship;
- interference in the activity and breach of the professional independence of the editorial office;
- illegal termination or suspension of the functioning of a mass medium;
- breach of the right of the editorial office in reply to the inquiry and receipt of information;
- illegal seizure and also destruction of the print or part thereof;
- compulsion of journalists to spread information or to refuse to spread it;
- establishment of limitations on the contracts with journalists and transfer of information to them, except for the data comprising a state, commercial or any other specially law-protected secret;
- breach of the rights of journalists established by the present Law;
- shall entail criminal, administrative, disciplinary or any other responsibility in accordance with the legislation of the Russian Federation.

The identification of organs, organizations, institutions or officials whose functions cover censorship of mass communication shall entail the immediate termination of their financing and their liquidation in the order prescribed by the legislation of the Russian Federation.

Article 59

Responsibility for Abusing the Freedom of Mass Communication

Abuses of the freedom of mass communication expressed in the breaches of the requirements of Article 4 of this Law shall entail criminal, administrative, disciplinary or any other responsibility in conformity with the legislation of the Russian Federation.

Abuses of the rights of the journalists expressed in the breaches of the requirements of Article 50 and 51 of this Law shall entail criminal or disciplinary responsibility in accordance with the legislation of the Russian Federation.

Article 60

Responsibility for Other Breaches of the Legislation on Mass Media

The following breaches of the legislation of the Russian Federation on mass media shall entail criminal, administrative, disciplinary or any other responsibility in keeping with the legislation of the Russian Federation:

- the foundation of a mass medium through a false person, the receipt of information about registration or of a license for broadcasting by fraud, the hidden concession of a license, the evasion of the payment of a circulation or increased registration fee, and the illegal receipt of privileges instituted for specialized mass media;
- the illegal manufacture of products of mass media without their registration or after the adoption of a decision on the termination or suspension of their activities, the evasion of re-registration, and also the presentation of requirements not provided for by the present Law during registration;
- the prevention of the spread of mass media products put out on the lawful grounds, the introduction of illegal restrictions on the retail sale of the printing of a periodical publication'
- the illegal dissemination of products of mass media without their registration or after the adoption of a decision on the termination or suspension of their activities, or without the permission to be published (or to go on air), the illegal commercial dissemination, and the broadcasting without a license or with the infringement of license terms;
- the violation of the rules for spreading obligatory reports, advertisement, erotic publications and programs;
- the violation of the order of declaring imprints, submitting deposit copies of books and journals and of storing TV and radio broadcasting materials;

- the creation of jamming that prevents the stable reception of radio and TV programs.

Article 61 **The Order of Appeal**

In accordance with the civil and civil procedure legislation of the Russian Federation the following actions may be appealed with a court of law:

- the refusal to register mass media, the violation by the registration body of the order and terms of registration and other illegal actions of the registration body;
- the decision of the commission for TV and radio broadcasting on the cancellation of a license for broadcasting;
- the refusal to submit requested information or the delay in its submission, or the non-observance of the requirements of Article 40 of this Law by officials, press-service workers of state organs, organizations, institutions, enterprises, and the organs of public associations;
- the refusal to accredit journalists, their deprivation of accreditation, and also the infringement of their rights.

If the court of law recognizes the appealed decision or action (inaction) as illegal, it shall pass its decision on the validity of a complaint and the duty to remove the committed infringement and compensate the losses, including the lost income incurred by the founder, editorial office or section, and the license holder.

Article 62 **Compensation of Moral Damage**

The moral (non-property) damage inflicted to a private citizen as a result of the spread by a mass medium of information running counter to the reality and denigrating the honor and dignity of the person or causing to him any other non-property damage shall be compensated by decision of a court of law by the mass medium, and also by the guilty officials and private citizens in the amount estimated by this court.