



NEW REGULATION OF MASS MEDIA

Law No 471-VIQ, dated 30 December 2021, of the Republic of Azerbaijan, *On Mass Media* (the “**Law**”), came into effect as of 9 February 2022. Upon the Law’s coming into effect, the earlier Laws on Mass Media and on Television and Radio Broadcasting cease to be effective.

The Law applies to media subjects and editorial offices founded in the territory of the Republic of Azerbaijan, their materials, as well as all media subjects, while located and operating outside Azerbaijan, focusing on the territory and population of the Republic, part of the media materials established outside the Republic distributed/broadcast in its territory, as well as journalists. A media subject is an individual (excluding journalists) or entity primarily operating as a publisher of mass media and/or broadcaster. A journalist is a person consistently engaged, based on an employment agreement by media subjects or solely based on a civil law agreement covering copyright, primarily in collecting, preparing, editing, producing, and transmitting information as well as opining on such information with the purpose to derive income.

Where a founder of a media subject is an individual, such must be a national of the Republic of Azerbaijan permanently residing here and, where the founder is an entity, at least 75 per cent participating interest in the charter capital of it must belong to a national of the Republic of Azerbaijan permanently residing here and/or an entity established in the Republic of Azerbaijan.

Distribution in the territory of the Republic of Azerbaijan of a foreign print media material of an editorial office permanently located outside Azerbaijan is permitted in the cases provided for in international agreements acceded to by the Republic of Azerbaijan. If there is no such stipulation, such matters are determined by the Agency for Developing Media.

Branch and representative offices of foreign media subjects are opened in the Republic of Azerbaijan in a manner provided for by international agreements that the Republic has acceded to. Foreign journalists are accredited by the Ministry of Foreign Affairs.

Unlike earlier legislation, the scope of the Law now includes media broadcasting mass information on a website (online media). To found a print or online media subject, no permit is required from the state authorities. To operate as a print or online media subject, an entity and individual must notify the Agency for Developing Media seven days before generating a print media material or publicising a material, respectively.

Except for official information circulated by the state authority and information of information agencies, a media subject may use information and programs of other media subjects by referring to them based on a subscription or another agreement with them. Absent such, a media subject may use each piece of information of another media subject by referring to no more than a third part of it.

The Law establishes the Audio-Visual Council that is considered a legal successor to the National Television and Radio Council discharging the latter’s duties. To systemise information of the Agency for Developing Media as well as the information managed by it of media subjects, including editing offices as well as journalists, in the Republic of Azerbaijan, an electronic information recourse, the Media Register is established. Upon implementation by other states of special restrictions on the professional activities of journalists listed in the Media Register, journalists from the states that have implemented such restrictions can be subject to the same restrictions in the Republic of Azerbaijan.

The law determines the rules of issuing to subjects of audio-visual media licenses as well as issuing them on a competitive basis.

Persons found delinquent of violating the requirements of the Law are liable based on the relevant legislation. Upon discovering violations of the requirements of the Law in activities of media subjects located outside Azerbaijan, the Council and the Agency for Developing Media take actions determined by the international agreements acceded to by the Republic of Azerbaijan and the Law.

**PLEASE CONTACT US FOR ANY QUESTIONS AND FURTHER
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