

Final report
on the draft law “On principles of broadcasting of
territorial communities in Ukraine”
and
on the implementation of community media
into the Ukrainian media legislation

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1. Executive summary

Considering the volume of research conducted in the field of community media in the recent years and having carefully examined all the related documents, it is safe to say that it is legally possible to implement the notion of community media into the Ukrainian media legislation. In this paper an overview of the development of media systems and the European media legislation are presented. There are nine key features that should be taken into consideration when a country wants to introduce community media into the system.

The intention of the draft law “**On principles of broadcasting of territorial communities in Ukraine**” is twofold: to introduce a new type of media entity into the legislation and to solve the current problems with communal television and radio stations. Both intentions are supportable and justifiable, but the draft law is mixing these two, which may only end in an incoherent confused solution. **Because of the draft law’s problems and weakness showed in the report, the draft law should be withdrawn and should not be submitted to the Ukrainian parliament.**

As there is a legal obligation from the Parliament to the Cabinet to implement community media into the system, there are several suggestions in the paper to facilitate reaching this goal. **The best solution** to implement community media into the system – which, as stated above, it should not be used purely as a legislative term – is by using **the planned The Law of Ukraine on audiovisual services**. This law would replace The Law of Ukraine on Television and Radio Broadcasting and the Law of Ukraine on National Television and Radio Broadcasting Council of Ukraine. If it is not a possible due to the short period of time available, the amending of the current legislation could serve the purpose too. If that is the case, the ‘mother-law’, **The Law of Ukraine on Television and Radio Broadcasting should be amended as a second-best solution**. In this case a separate paragraph should be implemented into the Act and all the related provisions should be handled together.

The third and least suggested possibility would be to implement community media into an operative Act, e.g. **The Law of Ukraine on the System of Public Broadcasting**. In this case two major concerns should be addressed and without answering

them satisfactorily, this solution should by no means be chosen. The first question to be dealt with is that the public service broadcasting and the community broadcasting should be well separated in the Act as these are two different notions. The second issue is that the implementation should not in any way be used to step back in the field of public service broadcasting, so the amendment shouldn't be used to insert any background or political agenda into the current Act. If any of these cannot be guaranteed, I would not suggest this solution.

If either of the above is chosen, the following standards and safeguards of community media should be implemented in the regulations:

- A legally established recognition (of a separate third media sector),
- Definition should provide a clear distinction (it is not the same as communal or municipal media),
- Complete independence from political, economical and/or religious influence,
- Similar but not the same standards to other media types,
- A separate license granting process as diverse as possible, and frequency allocation to avoid monopolies,
- Competition at the licensing process should be encouraged,
- During the licensing process the limited resources of the applicants should be taken into account (minimal, but non zero-standards),
- Community media should be set up by NGOs (civil society, associations, foundations, etc.)
- Community media should be able to take part in the digitalisation (fit-for-purpose solution), access for all platform (analogue and digital),
- A 'must-carry' obligation for multiplex operators for community media,
- Regular evaluation and monitoring of the duties and activities by the national or regional Media Authority.

2. Detailed report

2.1. General overview

The project "Freedom of Media in Ukraine" was implemented in the framework of the European Union and the Council of Europe Partnership for Good Governance program. One of the goals of the project was to find ways to implement community media into the Ukrainian media system. As an expert in the field I was asked to hold a presentation entitled „Toward a European-style legislation...” at a workshop “Community media: European practices and Ukrainian reality”. In my presentation I showed the relevant European and national level legislative regulations of community media in Europe and the current situation in the relevant countries. The field-trip helped to understand the Ukrainian media system and as a result I was able to compare it with other nations’ legislations and to show the ‘best-practices’. In this final draft I shall present an overview of the European media legislation and the community media and provide an analysis and my remarks on the Draft Law “On principles of broadcasting of territorial communities in Ukraine”. In my analysis, I made reference to a variety of academic papers as well as normative legislations of different countries in Europe.

2.2. Overview of the development of media systems

As media developed, four main models of media broadcasting have emerged¹. The first two models have developed in a different order in Europe and the USA: while in the USA the model of commercial media broadcasting was the first to emerge, in Europe it was public service broadcasting that people first encountered. The remaining two models mentioned by relevant literature on media are the media of dictatory systems, characterised by propaganda, and the fourth is community/alternative type of media broadcasting. At the present, the propaganda model no longer exists in the European media landscape, and a media model consisting of three actors, i.e. public service, commercial and community broadcasters.

¹ Giovannini, Giovanni (ed.): From Flint to Silicon. History of Mass Media. Gutenberg, Torino, 2000, O'Sullivan, Tim - Dutton, Brian - Rayner, Philip: Studying the Media (2nd edition). Arnold, London, 1998, Barbier, Frédéric - Bertho-Lavenir, Cathrine: Histoire des médias, de Diderot à Internet. A. Colin, Paris, 1996

Various terms used in different countries for community media have almost identical meanings: it is a type of media broadcasting that is different from the mainstream media, usually operated in a democratic manner, with programmes prepared mostly by volunteers for their own communities about topics most relevant and interesting for them, and it is not a goal of the medium to make financial profit.

2.3. Overview of the European media legislation and the community media

The need for a common European media regulation and for a joint audiovisual policy have first emerged with the beginning of satellite broadcasting at the beginning of the 1980's. However, according to the principle of subsidiarity, a guiding principle of European Union, media legislation issues are still subject to the legislation of the member countries. As Section 94 of the preamble of the Audiovisual Media Services Directive² is putting it:

“In accordance with the duties imposed on Member States by the Treaty on the Functioning of the European Union, they are responsible for the effective implementation of this Directive. They are free to choose the appropriate instruments according to their legal traditions and established structures, and, in particular, the form of their competent independent regulatory bodies, in order to be able to carry out their work in implementing this Directive impartially and transparently. More specifically, the instruments chosen by Member States should contribute to the promotion of media pluralism.”

The emphasised importance of audiovisual regulation is ensured by the fact that the European Commission, according to the 'Copenhagen criteria'³, is entitled to investigate both legally binding and non-binding documents in the case of countries wishing to join the EU.

In the legal system of the EU, besides 'hard law', the rules of 'soft law' are also known, and this, of course, applies to audiovisual regulation as well⁴. 'Soft law' includes the statements, opinions and recommendations of various European institutions, which do not have a binding legal force for member states. However, in certain instances 'soft law' might be a significant regulatory tool, first, because it might influence the change of legislation and practice in

² Audiovisual Media Services Directive (AMS), HL L 095, 15/04/2010 0001 – p. 0024.

³ http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html

⁴ Tamás Kende – Tamás Szűcs – Petra Jeney (ed.): Európai közjog és politika. ('European public law and politics') Complex, Budapest, 2007

member states, and second, because there is a chance that with time, due to the change of circumstances, the parties will transform these rules into 'hard law'. 'Soft law' solutions are usually applied in politically sensitive situations, when parties agree to the fundamental principles, but cannot come to a consensus concerning the mode of implementation or the details. In such cases, releasing a 'soft law' document provides an opportunity for laying the fundamentals, and for the later (detailed) discussion of the issue.

Alternative community media has not yet reached the level of attention for European politicians and policy makers to have the special rules of the sector laid down in legally binding norms, but several 'soft law' document was released on the subject in the past couple of years⁵. The drafting of these documents can be considered as a first initial step leading to the sector taking its deserved position on a European level.

A country wishing to implement community (alternative) media into its media system should consider the following nine key features of community media when setting up the necessary legislative framework and administrative processes:

- providing citizens with the opportunity of **participation** (even on an international level), thus strengthening social **cohesion** and intercultural **dialogue**,
- helping **marginalised social groups** not favoured or ignored by social service and commercial media outlets ("give voice to the voiceless"),
- providing **added values** (access and openness) that other media actors are unwilling or unable to provide ('media-literacy'),
- characteristically **not-for-profit**, but that does not exclude the possibility of profits that can be re-invested into operations,
- horizontal, **democratic organisational structures**, run mostly by volunteers,
- emphasising the role of **locality**,
- **demystifying** mass communication (mass media),
- thus the creation of an **experimental, critical and independent, free and alternative** voice (from political, economical or religious influence) and

⁵ E.g. 'The state of community media in the European Union'; Recommendation Rec(2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content; European Parliament resolution of 25 September 2008 on Community Media in Europe; Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue.

- creating a large alternative public space, an **alternative publicity**.

As a conclusion we could say that it seems that the diversity and pluralism of media and the existence of the third type of media services in democratic media markets is a very relevant issue today⁶, and this is reflected in a growing number of legal and other media regulatory documents of legal nature in the past few years in Europe and all over the world⁷.

2.4. Opinion on the Draft Law “On principles of broadcasting of territorial communities in Ukraine”

As one could read on the website of the Council of Europe:

“The draft law ‘On principles of broadcasting of territorial communities in Ukraine’ was registered in December 2016. If the law is adopted, it will create a legal framework to reform communal TV and Radio as well as establish new community media.”⁸

I was asked to read and comment on the draft law: not only in legal terms, but from the perspective of the implementation of community media into the Ukrainian legal system.

The intention of the draft law is twofold: to implement a new type of media entity in the legal system and to solve the current problems with the communal television and radio stations. Both intentions are supportable and justifiable, but the draft law is mixing these two together, which can only end in an incoherent solution. As seen in 2.2., the three different media types cannot be mixed: communal media is not the same as community media. I absolutely agree with the Central Scientific Experts Office in its Opinion on the draft law:

- in the draft law it is not clear at all who would be the **owners** of these new media types,

⁶ Some national regulation with community media in Europe: e.g. The Community Radio Order 2004 of the United Kingdom, Broadcasting Act 2009 of Ireland, Act CLXXXV of 2010 on Media Services and Mass Communication of Hungary, Staatsvertrag für Rundfunk und Telemedien 2016 of Germany. For more information, see: Peissl, Helmut – Tremetzberger, Otto: Community media in Europe: the legal and economic framework of the third audiovisual sector in UK, Netherlands, Switzerland, Niedersachsen (Germany) and Ireland. In: Telematics and Informatics, (27:2), 2010, 122-130. o.

⁷ For more information, see: Gosztanyi Gergely: Alternative media in the European media regulation, Annales Universitatis Scientiarum Budapestinensis de Rolando Eötvös Nominatae - Sectio Iuridica LIV: pp. 191-222.

⁸ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=60789

- the overwhelming majority of the draft law provisions **lack legal certainty**, they are not clear and precise enough,
- the intention of the **selection process** of the Public Board is noble, but it is **way too complicated** (it could be seen as a smaller level public-service broadcasting selection process, but it is definitely unnecessary on this small scale),
- the draft law is **full of questions of minor importance** which should be regulated on a lower (sub) legislative level (e.g. detailed selection methods of the Board, allocation of profit, payment, bonuses and pension of journalists, travel of journalists, etc.),
- the **structure** of the draft law **is not clear enough**, it was very difficult to follow (very long and undivided Articles),
- the **terminology is often mixed** (and I should point out that in a case so sensitive, punctuality is vital),
- the parts concerning the **license fee** are not clear enough and could raise several questions in practice,
- if the **local municipalities** ('local self-government authority') could establish community media, none of the above (2.3.) mentioned key figures would be served,
- if the **local municipalities** have any editorial, financial and/or other influence on the community broadcasters, they will not be authentic community media anymore,
- after the competitive selection process, the self-government authority should approve the winners (Article 10): this is the perfect case of the **influence** we would like to avoid,
- Board members' power should be terminated after a **guilty verdict** that came into force: the question here is that this is so for all crimes? Homicide and theft too?
- the obligation of **24 hours a day broadcasting** could be too much,
- the obligation of **100% minimum (!) percentage of national audiovisual product** could be only a misunderstanding (Article 11),
- the **free of charge broadcasting** obligation of the National Public Service Broadcasting Company's programme should be avoided (and the draft law says 'shall be allocated') as it is again a mixture of different media types, needs and characteristics,

- the **networking** duties should be reconsidered carefully,
- there is no sign of the **sanctions** in the Act for the violation of the regulations,
- if the **journalist** working in the new media are basically public service workers, their independence as community broadcasters would vanish,
- the proposed **amendment of other Acts** with this draft is not serving the purpose of clearness and could hide background wishes.

I would like to point out that although municipal (or communal) media is a very important part of the democratic system, it is definitely different from the notion of community media. Communal media is usually run (or supported) by local government, and as such, it is usually a tool to inform local community about the news the local government finds important. It is definitely not by the community itself, it could more be seen as a local public service broadcaster. The communal broadcaster is more influenced by the local politics than the community media should be.

As it could be seen, this draft – acknowledging its good intentions – has several vulnerabilities and could damage severely the notion of community media in Ukraine for years. Unfortunately, I am sure if this law will be accepted, it will cause more problems than it will solve. I am sure that the question of communal media and even the question of community media is not an independent subject that needs to be handled in a separate Act: it should be implemented into the system via amendments to the current legislation. The system of the Ukrainian media legislation is way too complex at the moment : simplifications should be made (in terms of Acts and in terms of structure too, see in Article 3 and 11 of the Law of Ukraine On Television and Radio Broadcasting).

Considered all the above stated, the draft law "On principles of broadcasting of territorial communities in Ukraine" should be withdrawn and should not be submitted to the Ukrainian Parliament.

2.5. Suggestions

“On 19 March 2015, the Verkhovna Rada of Ukraine adopted the Law of Ukraine ‘On Amendments to Certain Laws of Ukraine in Respect of the Public Television and Radio

Broadcasting of Ukraine’ which called for the Cabinet of Ministers of Ukraine to prepare and submit, within six months, to the Verkhovna Rada of Ukraine legislative proposals for the introduction of community broadcasting on the principles of public broadcasting.”⁹

To the withdrawal of the draft law and the legal obligation from the Parliament to the Cabinet to implement community media into the system, we could add a third issue too: a possible solution to the renewal of the Ukrainian communal media.

After meeting with local experts and reading carefully all the documents the following suggestions can be made:

- A. All the three different main types of media are equally important: they cannot function without each other.
- B. The communal media plays an important part of the system to broadcast the official announcements, news and events or to stream the meetings of the local authorities. It should not be mixed with community media, it should serve as communal media in the future too. If any other purposes are to be served, communal media should transform into a private broadcaster or into a ‘small public service broadcaster’ - a local branch of the national public service broadcaster. The daily broadcasting time of these communal media broadcasters could be reconsidered: usually four hours per day is enough to inform the local public on the news and events of the local municipalities. There should be a legal possibility to broadcast even less without breaching the rules.
- C. Community media is not legislated on the European level, only best-practices exist in different European countries.
- D. The implementation of the notion ‘community media’ and the European best-practice is vital to have the needed diversity and pluralism in the media-field in Ukraine.
- E. The **best solution** to implement community media into the system – as stated above, it should not be handled as a purely legislative term – is by using the planned **The Law of Ukraine on audiovisual services**. That law could replace The Law of Ukraine on Television and Radio Broadcasting and the Law of Ukraine on National Television and Radio Broadcasting Council of Ukraine, so it could solve the above-mentioned complexity problems.

⁹ Explanatory note to the draft Law of Ukraine ‘On Principles of Broadcasting by Territorial Communities in Ukraine’

- F. If it is not possible within a short period of time, then the amending of the current legislation could serve the purpose too.
- G. In that case, the ‘mother-law’, **The Law of Ukraine on Television and Radio Broadcasting should be amended as a second-best solution**. The term ‘community broadcasting organisations’ can be found in it (Article 1: “*Broadcasting organisations which under the law are non-profit organisations established to meet the information needs of territorial communities*”), but it should be broadened with the communities of interest too.
- H. In this case a separate paragraph should be implemented into the Act and all the related provisions should be handled together (e.g. Article 18 and all the new provisions)
- I. “*Despite the existence of the category of ‘community broadcasting organisation’ in Article 18, there is no specific provision elsewhere in the legislation to differentiate the process of licensing and regulation of this sector from private commercial and other broadcasters.*”¹⁰ This one is a key point in the success or the failure of the legislation: can the legislators find the ‘*differentia specifica*’ of the three media types and can it be regulated separately? European examples show it is possible.
- J. The key point should be the following as stated in the Recommendation CM/Rec(2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content: “*Member states should encourage the development of other media capable of making a contribution to pluralism and diversity and providing a space for dialogue. These media could, for example, take the form of community, local, minority or social media. The content of such media can be created mainly, but not exclusively, by and for certain groups in society, can provide a response to their specific needs or demands, and can serve as a factor of social cohesion and integration.*”¹¹
- K. **It could be only the third possibility** to implement community media into an operative Act, e.g. **The Law of Ukraine on the System of Public Broadcasting**. In this case two major concerns should be addressed and without answering them properly, this path should not be followed whatsoever. The first question to be dealt

¹⁰ Policy paper “Community media in Ukraine: A spectrum for development” Prepared by Council of Europe expert Mr. Steve Buckley, p.8.

¹¹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d6be3

with is that the public service broadcasting and the community broadcasting should be well separated in the Act as these are two different notions. The second issue is that the implementation should not in any way be used to step back in the field of public service broadcasting, so the amendment should not be used to insert any background or political agenda into the current Act. If any of these raise any problems, I would definitely not propose this solution.

L. If either of the above is chosen, the following standards and safeguards of community media should be implemented into the regulations:

- A legally established recognition (a separate third media sector),
- Definition¹² should provide a clear distinction (it is not the same as communal or municipal media),
- Complete independence from political, economical and/or religious influence,

¹² **The Community Radio Order 2004 of the United Kingdom:**

2. (1) “community radio service” means a local service having the characteristics set out in article 3

(3) Those objectives are—

(a) the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;

(b) the promotion of economic development and of social enterprises;

(c) the promotion of employment;

(d) the provision of opportunities for the gaining of work experience;

(e) the promotion of social inclusion;

(f) the promotion of cultural and linguistic diversity;

(g) the promotion of civic participation and volunteering.

Act CLXXXV of 2010 on Media Services and Mass Communication of Hungary:

Article 66 (1) Linear community media services

a) are intended to serve or satisfy the special needs for information of and to provide access to cultural programmes for a certain social, national, cultural or religious community or group, or

b) are intended to serve or satisfy the special needs for information of and to provide access to cultural programmes for residents of a given settlement, region or reception area, or

c) in the majority of their transmission time such programmes are broadcasted which are aimed at achieving the objectives of public media services as defined in Article 83.

Broadcasting Act 2009 of Ireland:

2. “community broadcaster” means a person holding a contract under sections 64

64.— The Authority, on the recommendation of the Contract Awards Committee, may enter into a class of sound broadcasting contract (“ community sound broadcasting contract ”) with 2 or more members of a local community or of a community of interest if it is satisfied that—

(a) those members are representative of, and accountable to, the community concerned, and

(b) the supply of programme material in pursuance of the contract will be effected with the sole objective of—

(i) specifically addressing the interests of, and seeking to provide a social benefit to, the community concerned, and

(ii) achieving a monetary reward of no greater amount than is reasonably necessary to defray the expenses that will be incurred in effecting that supply.

- Similar but not the same standards as other media types,
- Separate and as diverse as possible license granting process and frequency allocation to avoid monopolies¹³,
- The competition at the licensing process should be encouraged,
- At the licensing process the limited resources of the applicants should be taken into account (minimal, but non- zero standards),
- Community media should be set up by NGOs (civil society, associations, foundations, etc.)¹⁴
- Community media should be able to take part in the digitalisation (fit-for-purpose solution), access for all platform (analogue and digital),
- A ‘must-carry’ obligation for multiplex operators for community media,
- Regular evaluation and monitoring of the duties and activities by the national or regional Media Authority.

M. Community media should have at least four hours of daily broadcasting time (it could be up to twenty-four also). The unique content should be at least two hours per day.

N. Community media should broadcast the public service announcements of the national disaster management agency free of charge.

O. In addition to those, an acceptable broadcasting coverage area and transmission power should be defined. At least a 5 km broadcasting radius should be set up in urban areas and at least a 10 km radius in rural areas with corresponding transmission power. I suggest that community media should not be allowed on national level.

¹³ Best practice from the United Kingdom: <http://www.commedia.org.uk/go/community-radio/licensing/>

¹⁴ A good way could be to implement WANGO NGO criterias (http://www.wango.org/ngo_criteria.aspx) or ICFO International Standards (<https://www.icfo.org/our-members/international-standards>)

¹⁵	PSB	Commercial	Community
National	√	√	X
Regional	√	√	√
Local	(√) ¹⁶	√	√

P. Community media broadcasters may only create networks with other community media broadcasters, but even in that case, it cannot reach the broadcasting coverage area of a national broadcaster.

Q. No broadcasting fee should be paid by community broadcasters.

R. A stable national funding mechanism should be set up in the legislation and at least some part of the financial background of the community broadcasters should be provided to them. The best way to support community media is to distribute 1% of the Media Authority's yearly revenue or part of it (e.g. broadcasting fees, tender fees, penalties, fines, subsidies from the central budget, business activities, interests). The most important is not the sum itself, but the foreseeability. All should understand that this sum is paid not for the community media, but for the democratic media system.

¹⁷	PSB	Commercial	Community
State support	√	X	(√)
Commercials	(√)	√	(X)
Audience's support	X	X	√ ¹⁸

¹⁵ X = no, √ = yes, (√) or (X) = more yes or more no, but depends on the regulators' decision.

¹⁶ Can be called communal media.

¹⁷ X = no, √ = yes, (√) or (X) = more yes or more no, but depends on the regulators' decision.

¹⁸ Could be restricted to broadcast commercial for local products and events. The duration of the advertisements and teleshopping broadcasted in the community media service may not exceed three (or six) minutes within any 60-minute period.

S. It should be allowed and/or encouraged that an umbrella organisation¹⁹ is established and strengthened to be able to raise awareness for the sector, to be more effective with dealing the national or regional Media Authorities and to help them to let the community media sector grow.

T. Concerning the legal indicators for the community media field, a research in two directions can be performed in every county: first, to the existence of such legal regulation (A), and second, to the utilisation of legal regulation (B). The Independent Study on Indicators for Media Pluralism in the Member States²⁰ discusses the following issues:

(A.) How to check the existence (E) of such safeguards:

	YES	NO
E.1. Does the media law contain specific provisions on minority and community media (granting legal recognition to such media as a distinct group alongside commercial and public media)?	+	-
E.2. Are frequencies reserved for minority and community media?	+	-
E.3. Does the media legislation ensure access by regional and/or local media to platforms of electronic communication network providers (in particular, via must carry rules)?	+	-
E.4. Does the State, regional and/or local authority actively support minority and community media through direct or indirect subsidies or other policy measures?	+	-

(B.) How to check the effective implementation (I) of such safeguards:

	YES	NO
I.1. Was this specific regulation designed in close collaboration with the minority or community it is destined for?	+	-

¹⁹ Community Media Association (CMA), United Kingdom: <http://www.commedia.org.uk>, Union nicht-kommerzorientierter Lokalradios (UNIKOM), Switzerland: <http://www.unikomradios.ch>, Szabad Rádiók Magyarországi Szervezete (HFFR), Hungary: <http://www.szabadradiok.hu>, Community Radio Forum of Ireland (CRAOL), Ireland: <http://craol.ie>, Syndicat National des Radios Libres (SNRL), France: <http://www.snrl.fr>, Organisatie Lokale Omroepen in Nederland (OLON), Netherlands: <http://www.olon.nl>, Verband Freier Radios Österreich (VFRÖ), Austria: <http://www.freie-radios.at>

²⁰ Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-Based Approach, http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/pfr_report.pdf

I.2. Is this regulation sufficient (transparent, well-known within the minority community) to stimulate minority or community media to surface?	+	-
I.3 Does this regulatory framework guarantee independence of the minority or community media, meaning that they are de facto owned by or accountable to the community or the minority that they seek to serve (e.g. they can elect their own board/management bodies)?	+	-
I.4. Are these media de facto open to participation (both in programme making and management)?	+	-
I.5. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints and Is this supervision over these media done in an objective way?	+	-
I.6. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.7. Are there effective appeal mechanisms in place: - before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty, - the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.8. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic political censorship, interference or manipulation of these media?	+	-

In 2017-2018 a community media pilot-project could be set up with proper funding in Ukraine to examine and evaluate the process of the establishment of these new media types and their implementation into the legal system. A best practice to consider would be definitely from the United Kingdom, where “*16 pilot community radio stations which took to the air in 2002 reflected the wide variations in what we can mean by ‘community’. Old, young, urban, rural, Christian, Muslim, Asian, African-Caribbean and artistic groups were all recognised.*”²¹ In a fifteen years of time by March 2017 there are approximately 250 community radio stations in the United Kingdom²². Already in 2009 the story was “*hailed as a triumph by the media regulator, Ofcom*”²³. In 2015 Ed Vaizey, Minister for the Digital

²¹ <http://www.communityradiotoolkit.net/starting-out/great-community-radio-switch/#item4>

²² A full map of those stations: <http://a-bc.co.uk/community-radio-station-map/>

²³ <https://www.theguardian.com/media/organgrinder/2009/mar/09/community-radio-ofcom-plunkett-blog>

Economy, said that “community radio stations are at the heart of the localities they serve. They provide an important relevant service alongside the BBC and commercial radio.”²⁴

²⁴ More information on community radio policy frames of the United Kingdom, see: <https://www.gov.uk/government/news/government-announces-boost-for-community-radio-stations>

More information on the Community Radio Consultation in the United Kingdom in 2017, see: <https://www.gov.uk/government/consultations/community-radio-consultation>

More information about the pilot project, see: Scifo, Salvatore (2011) The origins and development of community radio in Britain under New Labour (1997-2007). Doctoral thesis, University of Westminster, http://westminsterresearch.wmin.ac.uk/12210/1/Salvatore_SCIFO.pdf

More information about the Licensing Community Radio Consultation in the United Kingdom in 2004, see: https://www.ofcom.org.uk/__data/assets/pdf_file/0022/42745/c_radio.pdf

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