

MEDIA AND DIGITAL RIGHTS REGULATION IN UKRAINE

Digest #23 - May 2025

DSLU monthly digest on media and digital rights regulation in Ukraine provides an overview of the proposed and adopted legislation in the spheres of freedom of expression, media regulation, privacy and data protection, Internet regulation in general, and the activities of the National Council on Television and Radio Broadcasting of Ukraine (hereinafter -NBC) in the area of Media Law implementation.

FREEDOM OF EXPRESSION AND MEDIA REGULATION

On 13 May, **Draft Law** <u>**#13150**</u> on Ensuring Legality in the Activities of Local **Self-Government Bodies and Officials**, analysed in detail in the <u>April Digest</u>, **was adopted in the first reading**. The draft suggests the creation of the Unified State Register of Local Self-Government Acts, containing both open and limited-access information, along with the designation of responsible authorities for its coordination and maintenance. The Parliamentary Committee on Organisation of State Power, Local Self-Government, Regional Development and Urban Planning is currently preparing the draft for the second reading.

On 19 May, the second reading text of the Draft Law <u>#12111</u> on Amendments to Certain Laws of Ukraine on Media Activities, analysed in the October Digest, was published. The draft provisions on the protection from aggressor-state media resources under Section IX of the Law on Media, and the procedures of the NBC members' appointment and dismissal mainly remained unchanged, with the relevant amendments extending certain transparency of ownership requirements to all types of media to begin the process of the European Media Freedom Act implementation. This publication may signal the potential for the draft's adoption in the near future. There was no progress on drafts described in the previous digests, including Draft Law #7033-d on the prevention of disclosure of certain information in the texts of court decisions, Draft Law #12191, decriminalising the dissemination of pornography, Draft Law #13001 on the prevention of antisemitism, Draft Law #12253, which improves the legal provisions of the Law on Advertising, Draft Law #11533 on Specifics of Providing Information from Public Electronic Registers, and two draft laws regarding the activities of the Antimonopoly Committee of Ukraine (#12440 and #12440-1). Draft Law #11321 on improving journalists' access to official events, Draft Law #11153 amending the rules on journalists' work trips to the emergency area, and Draft Law #5870-d on conditional access to media services are still awaiting the President's signature.

PRIVACY AND DATA PROTECTION

There was no progress on any <u>previously analysed documents</u>, such as the drafts on <u>a unified system of public security video monitoring</u>, <u>the</u> <u>criminalisation of electronic communication fraud</u>, and <u>counterintelligence</u> <u>activities</u>. Draft Law <u>#12349</u> on the Cyber Forces of the Armed Forces of Ukraine, described in the <u>March Digest</u>, and Draft Law <u>#13181</u> on the Ukrainian Parliament Commissioner for Human Rights, analysed in <u>April</u>, did not undergo any legislative steps. Draft Law <u>#8153</u> on Personal Data Protection is still being prepared for the second reading.

INTERNET REGULATION

On 23 May, **Draft Law** <u>#13311</u> was registered in Parliament, proposing to impose liability on the members of the National Security and Defence Council of Ukraine (known as RNBO) for adopting unlawful decisions while applying sanctions. In particular, it suggests that the Presidential decree, which enforces RNBO's decision, after entering into force, may be declared unlawful by the court. In this case, the draft establishes an obligation for full compensation of damages to the claimant. Its provisions can potentially be applied to the RNBO members who used <u>the sanctions</u> in the form of website blocking, which is not directly contained in Ukrainian legislation. The Parliamentary Committee on National Security, Defence, and Intelligence processes the draft, although its prospects for adoption are slim since the opposition members submitted the draft. No legislative steps were taken regarding other submitted initiatives, namely <u>Draft Law #11115</u> on Regulation of Information-Sharing Platforms That Disseminate Mass Information (analysed in the <u>March 2024 digest</u>) and three sanctions-related drafts (<u>#11492</u>, <u>#11492-1</u>, and <u>#12406</u>).

NATIONAL COUNCIL ON TELEVISION AND RADIO BROADCASTING OF UKRAINE

The NBC continued advancing its co-regulating efforts. On 9 May, the NBC <u>announced</u> a call for membership in the co-regulatory body in the sphere of print media, which subsequently <u>welcomed</u> 13 print media outlets as new members. This move was aimed at boosting the body's influence in standard-setting.

On 16 May, the NBC <u>announced</u> the **initiation of proceedings against the audiovisual media services provider "Telkom" for a potential gross violation** of the <u>Law on Media</u>. The official monitoring of the channels distributed by the "Telkom" revealed the **retransmission of 17 foreign linear media outlets, which were not officially registered by the regulator and mainly originated from the aggressor state**. On 30 May, the NBC <u>established</u> **a gross violation on behalf of "Telkom" imposing a fine of 248,000 UAH** (approximately 5,293 EUR). This is the **first time the Council has imposed a fine under the special procedure** established for periods of martial law or state of emergency.

The NBC <u>has also expanded</u> the **List of Aggressor State On-Demand Audiovisual Media Services and Services of Audiovisual Service Providers** by requesting the blocking of 27 websites related to six media services (ONLINE TV, Kinozed etc.).

Digital Security Lab Ukraine is a non-government organisation aiming to create a human-rights-centered digital environment in Ukraine. We work toward achieving this goal by providing digital security support for high-risk Ukrainian human rights and media organisations and contributing to policy development in the field of human rights on the Internet through conducting legal monitoring, research and analysis, advocacy, and awareness-raising campaigns.

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