WHEREAS, there is a need to enact a law that accommodates the social, economic, political and technological developments in Ethiopia and fully enforce the right to freedom of expression and citizens’ freedom of the media which is guaranteed under the Constitution of the Federal Democratic Republic of Ethiopia, as well as international human rights instruments which are binding on Ethiopia;

WHEREAS, it is important to enact law to entertain the situation of the significance of freedom of expression and of the media in ensuring respect for fundamental rights and freedoms guaranteed by the Constitution, and aware that the media plays an irreplaceable role for the success of efforts towards building a democratic system in Ethiopia;
WHEREAS, ensuring the expansion of media services that are accessible and of high quality enables to create an informed society, which is key to accelerate sustainable and holistic political, social and economic development;

WHEREAS, by understanding the need to have a legal framework and system that ensure the media operate responsibly by respecting the public peace, security and competing rights and interests;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE
GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as the “Media Proclamation No. 1238/2021.”

2. Definition

In this Proclamation unless the context requires otherwise:

1/ “Media” means, excluding books, social media, blogs, and photos, images and cartoons that are not part of a periodical, news agencies and all organs established to provide news or programs or news and programs to the public via periodicals, broadcasting service, and online media;
2/ “Periodical” means printed material which is scheduled to appear in regular intervals of at least twice a year, has a fixed title, is aimed at the entire public or a section thereof and includes newspapers and magazines;

3/ “Broadcasting service” means the transmission of images or sound or both images and sound, to inform, educate or entertain the general public or sections of the public who have equipment appropriate for receiving these services; whether the delivery is through terrestrial transmitters, radio frequency spectrum, cable, satellite, or a combination of these, whether by subscription to such a service or not, through radio and/or television broadcast receivers; but does not include a service which provides no more than data or text, with or without associated still images; or communications internal to a private organization or a government body;

4/ “Online media” means an internet-based information dissemination service by an organization whose principal business involves the collection, production, processing and dissemination of news or programs or news and programs, through online images, audio, video and websites or through a combination of the aforementioned means, in accordance with the editorial responsibility of a media service provider;
5/ “Editorial responsibility” means the exercise of effective control over both the selection of the news or programs and over their organization;

6/ “News” means transmission of report on current affairs having local, regional, national or international content presented through periodicals, or broadcasting service, or online media;

7/ “Program” means a continuous feed of audio, visual or audiovisual content, produced and transmitted locally through any broadcasting service and online media whether over 24 hours or extensive period of time, intended to inform or educate or entertain the public, or inclusive of all;

8/ “Broadcasting license” means a license issued by the Authority granted to an applicant for the purpose of providing a broadcasting service;

9/ “Broadcasting licensee” means a person that has been granted a broadcasting service license in accordance with this Proclamation or Regulations or Directives issued hereunder;

10/ “License area” means the geographical target area of a broadcasting service as specified in the relevant broadcasting license;
11/ “Public service broadcasting” means a radio or television transmission established at National or Regional State level, accountable to the House of Peoples’ Representatives or to Regional Councils; wholly or substantially financed by government budget with a mandate to provide contents that guarantee public interest while remaining neutral and independent of government;

12/ “Special public service broadcasting” means a radio or television broadcast service established by a civil society organization formed on the basis of the Civil Society Organization Proclamation with a mandate to provide content that guarantee public interest;

13/ “Commercial broadcasting service” means a broadcasting service provided by a business organization conferred with a legal personality or an organization that is privately owned and operated for profit or as part of a profit entity and available to the public free of charge or through payment;

14/ “Community broadcasting service” means a non-profit broadcasting service provided for a specific community free of charge via a radio or television station whose ownership and management are representative of the community for which the service is provided; and it encourages members of the community it serves, persons associated with it or those that promote the interests of such communities to participate in the selection and provision of programs.
"Community" means people bound by a distinctive identity, by virtue of living in one place or locality, or by common interests and objectives; or a sector of the public bound by a specific, ascertainable common interest;

"Terrestrial broadcasting service" means analogue or digital radio or television broadcasting service in which information can be transmitted by radio waves assigned to Ethiopia for broadcasting use by the International Telecommunications Union (ITU), as per International Agreements;

"Free broadcasting service" means broadcasting service that can be received by the end user through conventional broadcast receiving equipment without payment to the broadcasting service licensee;

"Satellite broadcasting service" means a broadcasting service which is broadcasted by transmitters situated on a satellite;

"Cable broadcasting service" means a television broadcasting service provided to subscribers via cable;

"Subscription broadcasting service" means a broadcasting service made available permanently or on-demand to the general public only upon payment of fee by subscribers;
21/ "On-demand television program" means a media service, particularly television programs, provided to the public via electronic communications networks, upon the request of the user, at a time chosen by the user, and from a catalogue of programs that the provider has prepared for selection;

22/ "Analog broadcasting service" means a broadcasting service that is transmitted using analog modulation technique;

23/ "International broadcasting service" means a broadcasting service that provides news and programs which significantly target audiences outside Ethiopia, where the means of delivering the services involves the use of a radio communications transmitter situated in Ethiopia, either exclusively or in combination with other transmission systems;

24/ "National transmission" means broadcasting service provided by a broadcasting service licensee the transmission of which has a nationwide coverage;

25/ "Regional transmission" means broadcasting service provided by a broadcasting service licensee the transmission of which is limited to only one Regional State;

26/ "Local transmission" means broadcasting service provided by a broadcasting service licensee the transmission of which is limited to administrative structures below Regional States;
27/ “Domestic content” means a broadcasting service program, music, drama, and documentary, excluding transmission of sporting events and compilations thereof, and advertisements, which is produced; by a broadcasting service licensee; by a natural person who is a citizen of, and permanently resident in, Ethiopia; by a juristic person, the majority of the directors, shareholders or members of whom are citizens of, and permanently resident in, Ethiopia; or in a co-production in which persons referred to above have at least a 50 percent financial interest; by persons referred to above, in circumstances where the prescribed number of key personnel who are involved in the production of the program, are citizens of, and permanently resident in, Ethiopia;

28/ “Election campaign advertisement” means radio, television, periodical or online media promotions made upon payment or promise of payment by a political organization or private candidate during election period to publicize themselves and their objectives;

29/ “Editor-in-chief” means a natural person who exercises editorial responsibility over a periodical or an online media;
30/ “Program director” means a natural person who exercises editorial responsibility over a broadcasting service;

31/ “Publisher” means any person who publishes or distributes a periodical or an online media;

32/ “Printer” means any person who has been designated by or enters into a contract with a publisher for the purpose of printing a periodical;

33/ “Regulation” means the work of following-up, ensuring and assisting broadcasting service licensees and online media so that they can operate and discharge their responsibilities in line with the law by setting and applying administrative rules relating to the operation of the media;

34/ “Media self-regulation” means a voluntary peer review and learning process used by media institutions by setting up and abiding by editorial guidelines, professional ethics and Codes of Conduct to enhance professional expertise and devise a mechanism to entertain complaints and ensure public accountability;
35/ “Information diversity” means, to the extent possible and reasonable, provision of content that covers a range of manners, views, and perspectives, and balance proportional inclusion and reflection, of gender, ethnicity, disability, religion, age, economic participation and political views and opinions in news, programs, analysis and commentaries of the media presented to the public;

36/ “Public interest” means the need of the wider public – whether of a security, economic, cultural, political or other nature – as opposed to a private or a limited group's interest;

37/ “Stakeholder consultation” means a process by which the Authority reaches out to hear the views of interested stakeholders in a matter under consideration;

38/ “Public body” means any ‘body’ established under the Federal Constitution or State Constitution or any other law and any other body which forms part of Federal or Regional Government or owned, controlled or directly or indirectly substantially financed by funds provided by the Federal or Regional Governments or accountable to the Federal or Regional States;
39/ “Region” means a Regional State established under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia, and for the purpose of this Proclamation shall include Addis Ababa and Dire Dawa;

40/ “Relative” means persons related by consanguinity or by affinity in the ascending or the descending or the collateral lines;

41/ “Authority” means Ethiopian Media Authority established under Article 4 of this Proclamation;

42/ “Person” means a natural or juridical person;

43/ Any expression in the masculine gender includes the feminine.

3. Scope of Application

This Proclamation shall be applicable to the following:

1/ media established in accordance with this Proclamation, periodicals that reregister and broadcasting services that amend license;

2/ any foreign periodical which focuses on national issues and entered into Ethiopia with the intention of disseminating in the country; and,

3/ whether or not it has a branch office or an agent in the country, any broadcast service provider established and licensed abroad, that transmits programs from abroad through any means of broadcast transmission:
a) with more than 50 percent of its content focuses on Ethiopia;

b) providing services to Ethiopian audiences in local languages; and,

c) whose revenue derived from advertising and sponsorship within the country.

PART TWO

MEDIA AUTHORITY

4. Establishment

1/ The Ethiopian Media Authority (hereinafter referred to as the “Authority”) is hereby established as an autonomous Federal Government Agency having its own legal personality.

2/ The Authority shall be accountable to the House of Peoples’ Representatives of the Federal Democratic Republic of Ethiopia.

3/ The Authority shall have its head office in Addis Ababa and may establish branch offices elsewhere in the country as may be necessary.

5. Objectives

The Authority shall have the following objectives:

1/ creating enabling environment to fully enforce the rights of freedom of expression and of the media which is guaranteed under the Constitution of the Federal Democratic Republic of Ethiopia, as well as International Human Rights Instruments which are binding on Ethiopia;
2/ regulate broadcasting media to ensure they are operating in accordance with the law; provide proper support to strengthen media self-regulation;

3/ issue broadcasting license; ensure diversity and plurality in the utilization, ownership, production or distribution of broadcasting services; and,

4/ facilitate a regular discussion forum for stakeholder consultation; establish and strengthen a good working relationship between the media and the government.

6. **Power and Duties of the Authority**

The Authority shall have the following power and duties:

1/ determine the licensing condition of broadcasting services; and issue, renew, suspend and revoke broadcasting license;

2/ prepare a Directive that sets the criteria to determine the competency and technical standards of broadcasting services and get it approved by the Board; issue certificates of competency and technical competency based on the Directive;

3/ give legal recognition to a periodical or news service activity or an online media the dissemination of which covers more than one regional state by registering and issuing certificate of registration;
4/ collect periodical, online media and news service registration; broadcasting license; license renewal and the provision of the competency and technical standards of broadcasting services fees in accordance with the rate approved by the government;

5/ regulate broadcasting media to ensure that they are operating in accordance with the Constitution, this Proclamation, other pertinent laws and Regulations and Directives issued hereunder;

6/ regulate advertisement as per the Advertisement Law;

7/ investigate and give decisions on grievances lodged by individuals and organizations against broadcasting services and online media as well as on disagreements that arise among the licensees;

8/ conduct researches that contribute to the advancement and improvement of the media services; compile and archive data related to the media sector;

9/ formulate laws and policy issues in consultation with relevant stakeholders and submit for government approval; and enforces these when approved;

10/ establish and strengthen good working relationship between the media and the government bodies, including facilitating regular discussion forum for stakeholder consultation;
11/ perform consent based capacity building activities including technical and financial support to enhance the capacity of the media; and work in collaboration with civil society, education, research and think-tank institutions working in these areas; organize training center which enables building the capacity of the media;

12/ issue detailed Code of Conduct that directs programs to be disseminated through broadcasting service and online media; ensure that the self-regulation structure of the media are given an opportunity to provide comments on the Code of Conduct and participate in its implementation;

13/ provide proper support to strengthen the organizational structure and operation of media self-regulation mechanisms;

14/ provide necessary support, upon request, to reporters or news agents, coming from foreign countries to Ethiopia or resident foreign media correspondents to ensure that their freedom of movement is respected; conduct registration after ensuring that all the necessary documents are presented;

15/ allocate radio wave spectrum for broadcasting service in collaboration with the Communication Authority;

16/ in cooperation with the Agency for civil society organizations, regulate the organization, finance and operation of civil society organizations that provide a special public broadcasting services;
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<th>Number</th>
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<tr>
<td>17/</td>
<td>determine the site and coverage of a broadcasting station upon verifying that it does not overlap with any radio communication service;</td>
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<td>18/</td>
<td>determine, notify and regulate the type, quality, capacity and technical competence of transmitter and receiver equipment to be used for broadcasting services;</td>
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<td>19/</td>
<td>determine technical standard for different categories of broadcasting services; supervise and provide support to ensure that services rendered meet expected standards;</td>
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<tr>
<td>20/</td>
<td>promote and facilitate the development of a diverse range of broadcasting services in Ethiopia in line with the public interest;</td>
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<td>21/</td>
<td>facilitate and encourage the development of domestic content in media programs;</td>
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<td>22/</td>
<td>develop standards for broadcasting services and ensure that these standards are met;</td>
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<td>23/</td>
<td>encourage the development of human resources through capacity building initiatives within the broadcasting industry;</td>
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<td>24/</td>
<td>promote the development of the broadcasting sector;</td>
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<td>25/</td>
<td>promote the use of new, up-to-date and appropriate information and communication technologies in broadcasting;</td>
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<td>26/</td>
<td>work in collaboration with the Communications Authority and with concerned bodies to discharge its functions as necessary;</td>
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27/ participate in international meetings on matters related to media, without prejudice to the other relevant laws and government decisions; and

28/ own property, enter into contracts, sue and be sued in its own name.

7. **Impartiality and Independence of the Authority**

1/ The Authority shall be independent and free from any interference and influence contrary to its objectives while exercising its powers and functions.

2/ Notwithstanding the general provision of Sub-Article (1) of this Article, the Authority shall be independent and free mainly from influence from the government, political parties, the media sector it regulates, religious institutions, commercial and other social groups and institutions.

8. **Organization of the Authority**

The Authority shall have:

1/ a Management Board (hereinafter referred to as the “Board”);

2/ a Director General appointed by the House of Peoples’ Representatives and, as appropriate Deputy Directors Generals; and,

3/ the necessary staff.

9. **Members of the Board**

1/ The Board shall have nine members which are selected by considering gender composition and shall be appointed by the House of Peoples’ Representatives, upon recommendation by the Prime Minister.
2/ Members of the Board must be appointed in an open and transparent manner and, shall in the process:

   a) give the public the opportunity to nominate and share their opinions of candidates;

   b) publish the selection process of candidates and a shortlist of candidates via media and other electronic means of dissemination, taking into account the objectives and principles of this Proclamation; and,

   c) ensure fair representation of Ethiopian diversity in the selection of candidates.

3/ The rules in the Sub-Article (2) of this Article shall apply to the replacement nomination process of a candidate board member by the Prime Minister.

4/ The Prime Minister shall nominate one of the members of the Board referred to in Sub-Article (1) as Chairperson and another member as a Deputy Chairperson and have them approved by the House of Peoples’ Representatives.

5/ Among the Board members,

   a) two of them shall be drawn from civil society organizations, two of them from media and two of them from other institutions that have relevance to the media sector;
1. **Members of the Board**

The Board shall consist of 5 members, of which 2 shall be drawn from relevant government organs.

2. **Remuneration of Members**

The remuneration fees or allowances for expenses to Board members shall be determined in accordance with the relevant laws and Directives.

3. **Criteria for Appointing Board Members**

A person will qualify to be appointed to the Board if such person-

1. is a citizen and permanent resident of Ethiopia;

2. possesses suitable qualifications and expertise or experience in the media sector;

3. possesses good conduct and personality;

4. is capable and willing to discharge duties with responsibility;

5. had no personal direct or indirect conflicting commercial interest in the sector regulated under this Proclamation in the last 6 months immediately preceding the appointment;

6. is not a member or employee of a political party; and,

7. Members of the Board must function independently and free from either political and economic interferences or pressures.

8. The Director-General shall be an *ex officio* member of the Board but shall have no right to vote at any meeting of the Board.

b) the other three shall be drawn from relevant government organs.
7/ has not been compelled to resign or been removed from government offices as a result of conviction or judicial suspension of civil rights, on account of abuse of office.

12. **Powers and Functions of the Board**

The Board shall have the following powers and functions:

1/ oversee the implementation of this Proclamation and the activities of the Authority;

2/ review the work plan, budget and activity reports of the Authority at least twice a year;

3/ prepare administrative and employment Directives that officials and employees of the Authority abide by; and decide on salary, allowances and other benefits;

4/ recruit and nominate to the government a candidate for a Director General of the Authority, to be appointed in accordance with the criteria under this Proclamation in an open and transparent process;

5/ review the decisions of the Authority on appeal, examine and decide on complaints brought by applicants and licensees, examine and decide on public grievances concerning licensees and review complaints regarding decisions made in the course of implementing this Proclamation;

6/ has not been compelled to resign or been removed from government offices as a result of conviction or judicial suspension of civil rights, on account of abuse of office.
6/ organize independent complaints hearing committee within the Authority which investigates any complaints of citizens and broadcasting service licensees related with media as well as monitoring results provided by the Authority and submit recommendations to the Board; make decisions based on the recommendations

7/ review and approve Directives prepared on the matters clearly stipulated to facilitate the implementation of this Proclamation; and

8/ deliberate on any policy matter pertaining to the implementation of this Proclamation, and submit for government decision, as may be appropriate.

13. **Delegation by the Board**

1/ The Board may, by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Proclamation.

2/ The delegation referred to under Sub-Article (1) of this Article is not applicable to the adoption of Directives, appeal, the awarding, and revocation of licenses, and the powers of the Board under Article 12 Sub Article (2) and (3) of this Proclamation.
14. Term of Office of Board Members

1/ The term of office of Board members shall be four years.

2/ Five members of the Board may be re-appointed for one additional term upon the recommendation of the Prime Minister, subject to the conditions set out in Article 9 Sub Article (2) and the procedure set out in Sub-Article (3) of this Article. A Board member shall not be elected for more than two terms.

3/ When any board member who had at least 6 months left in his term dies, resigns, is dismissed, or is permanently absent, the Prime Minister shall present replacement nominees to the House of Peoples’ Representatives within 3 months. However, the member who fills the vacancy must hold office for the unexpired portion of the period for which the vacating member was appointed.

15. Termination of Appointment

1/ The office of the any member of the Board shall be terminated if the holder:

a) resigns from office by submitting a written notice to the Chairperson of the Board or Director General of the Authority;

b) dies;

c) is removed from office for:

2/ submitting a written notice to the Chairperson or Director General of the Authority.
(1) gross misconduct or inability to perform duties efficiently as a Chairperson or member of the Board, after due inquiry;

(2) physical or mental incapacity;

(3) being absent from five consecutive meetings or half of the meetings of the Authority in a year without prior notice and good cause; and,

(4) not declaring a clear breach of the rules of conflict of interest.

2/ The member against whom a complaint is lodged via the Chairperson, Deputy Chairperson or the secretary shall have the opportunity to be heard and forward his comments before the Board decides to terminate his appointment in accordance with Sub-Article (1) paragraph (c) of this Article.

3/ When the Board decides with two-third vote that all conditions to terminate membership are present, that membership shall be terminated by the decision of the House of Peoples' Representatives upon the recommendation of the Board communicated via the Board Chairperson or secretary.
16. Meeting Procedure of the Board

1/ The Board shall meet once every month. However, it may convene at any time when called by the Chairperson or by the request of three Board members, or when the Director General faces urgent issues requiring Board decisions via the Chairperson or the Deputy.

2/ The Board Chairperson shall give a seven days advance notice of board meetings, indicating the time and place of the meeting and the proposed agenda, which members may then add to. In exceptional cases, with justification, shorter notice may be provided.

3/ The Board Chairperson will chair Board meetings, or, in his absence, the Deputy Chair and, in his absence, the member selected by the other members to Chairperson.

4/ There shall be a quorum where more than half of the members are present at a meeting of the Board.

5/ Decisions of the Board shall be passed by a simple majority vote; in case of tie, the Chairperson shall have a casting vote.

6/ Minutes of each board meeting shall be taken and kept by the Secretary, and shall be approved at the next meeting of the Board and signed by the persons acting as Chairperson and secretary at that meeting.
Without prejudice to the provisions of this Article, the Board may adopt its own rules of Procedures for its meetings.

17. **Powers and Duties of the Director General**

1/ The Director General shall be assigned by the House of Peoples’ Representatives with the nomination of the government after selected by the Board.

2/ A Director General selected as per Sub-Article (1) of this Article shall meet all the criteria listed under Article 11 of this Proclamation.

3/ A person nominated to be selected as a Director General of the Authority shall be free from any political party membership.

4/ Subject to the final decision-making authority of the Board, the Director General shall be the chief executive officer of the Authority, and shall direct and administer the activities of the Authority.

5/ Without limiting the generality of Sub-Article (3) of this Article, the Director General shall:

a) exercise the powers and duties of the Authority specified under Article 6 of this Proclamation;

b) ensure that the Authority’s staff are hired and administered in accordance with a Regulation to be ratified by the House of Peoples’ Representatives having basic principles of the Federal Civil Service Law, that will be exclusively passed by the government;
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<td>a)</td>
<td>prepare the work plan and budget of the Authority and submit to the Board for approval;</td>
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<tr>
<td>b)</td>
<td>administer the budget allocated to the Authority and effect expenditure;</td>
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<td>c)</td>
<td>represent the Authority in all its dealings with third parties;</td>
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<td>d)</td>
<td>prepare and submit to the Board the activity and financial reports of the Authority; and</td>
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<td>e)</td>
<td>perform other duties as may be assigned to him by the Board.</td>
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6/ The Director General may delegate part of his powers and duties to other officials and employees of the Authority to the extent necessary for the efficient execution of the activities of the Authority.

7/ The Director General shall be appointed for a term of four years and he cannot stay in office for more than two terms.

18. **Deputy Directors General of the Authority**

1/ Deputy Directors General of the Authority shall, upon recommendation by the Director General, be appointed by the Board.

2/ A person who is appointed as a Deputy Director General as per Sub-Article (1) of this Article shall also meet all the criteria listed under Article 11 of this Proclamation.

3/ A person who is appointed as a Deputy Director General of the Authority shall be free from any political party membership.
4/ The Deputy Directors General shall:

a) assist the Director General in planning, organizing, leading and coordinating the works of the Authority.

b) direct and co-ordinate sectors assigned under their supervision in accordance with the directives of the Director General; and

c) perform other activities assigned to them by the Director General.

5/ In the absence of the Director General, the Deputy Director General especially delegated shall act on behalf of the Director General.

19. Conflict of Interest

1/ The Director General, the Deputy Director General, any member of the Board, or any staff employed by the Authority shall not hold direct ownership interest in any company that is subject to the jurisdiction of the Authority pursuant to this Proclamation.

2/ The Director General, the Deputy Director General, any member of the Board, or any staff employed by the Authority shall not involve in the decision-making process on any matter of the Authority that will affect:

a) his personal financial interests;

b) the financial interests of relatives including his spouse or children;
c) the financial interests of his business partner;
d) the financial interests of any organization in which he serves as an officer, director, general partner, employee or trustee; or
e) the financial interests of any entity with whom he has an arrangement for employment or with whom he is negotiating for employment.

3/ When the conditions referred under Sub-Article (2) of this Article exist, the Director General, the Deputy Director General, members of the Board, or any employee of the Authority are obliged to fully disclose the nature of their interest to the Board or the Director General.

4/ After discussing whether conflict of interest may arise or not, the remaining Board members may decide whether the individual should be precluded from participating in meetings because of the conflict of interest. The Director General shall decide on matters regarding employees’ conflicts of interests.

5/ If the Director General, the Deputy Director General, any member of the Board, or any employee of the Authority’s staff fails to disclose any conflict of interest as required by this provision, he shall be relieved of his responsibility. If he is present at the venue where a meeting of the Board is held or in any manner whatsoever participates in the proceedings of the Board, the relevant decisions the Board will be null and void.
6/ The Board shall enact a Directive which defines conflict of interest and related conditions.

20. **Budget**

1/ The budget of the Authority shall be drawn from the following sources:

   a) budget allocated by the government; and

   b) from Board approved donations and grants for projects designed to develop and strengthen the media sector.

2/ The financial administration of the Authority shall be governed by the relevant Federal Financial Administration law.

21. **Books of Accounts**

1/ The Authority shall keep complete and accurate books of accounts.

2/ The accounts and financial documents of the Authority shall be audited annually by the Auditor General or an auditor assigned by the Auditor General.
PART THREE

MEDIA OWNERSHIP, REGISTRATION AND LICENSING

22. Basic Principles

1/ Every Ethiopian citizen, either privately or through a legal person, has the right to be legally recognized and get certificate of registration to establish a periodical, an online media and news service based on clear criteria and without discrimination. Such a registration system for periodicals and online media shall not impose substantive restrictions on the right to freedom of expression.

2/ Anybody that is conferred with a legal personality in accordance with Ethiopian law has the right to apply for and get a broadcasting license upon meeting the criteria.

3/ Broadcasting licensing processes shall be fair, transparent, and seek to promote diversity in broadcasting; licensing requirements shall not constitute undue infringements on the right to freedom of expression.

4/ Media ownership regulations shall only be interpreted to prevent monopoly and ensure plurality and diversity of views.

23. Media Ownership

1/ Ethiopian citizens either privately or through a juridical person may own periodicals and online media.
2/ Anybody that is conferred with a legal personality in accordance with Ethiopian law may own a broadcasting service and news agency.

3/ Foreign citizens and organizations, and an Ethiopian organization where foreign citizens own less than 25 percent of the shares and remaining shares owned by citizens may own less than 25 percent of the shares of periodicals, online media and broadcasting service.

4/ Civil Society Organizations that have ownership stake in broadcasting service shall have only Ethiopian members.

24. Cross-Ownership and Concentration

1/ Anybody that is conferred with a legal personality in accordance with Ethiopian law may establish one television, one radio, one newspaper, one magazine and one online media.

2/ Notwithstanding Sub-Article (1) of this Article, the organization or its shareholders may not directly or indirectly control more than the effective control threshold from the capital or shares of other media.

3/ Without prejudice to Sub-Articles (1) and (2), a person who directly or indirectly exercises effective control over a periodical or online media may buy shares from other periodical or online media without any limit, make acquisition and take total control over
another periodical or online media, or merge with another periodical or online media.

4/ The procedure for assessing effective control referred to in Sub-Articles (1) and (3) may be laid down by law but, in the absence of proof to the contrary, a person shall be regarded as exercising such control if he holds 25 percent or more of the shares or assets of the entity either directly or through any company or companies.

5/ The Authority may change the rules on ownership restrictions and the percentage of effective control referred to in Sub-Articles (1) to (4) every three years after evaluating the state of the media, the capital and financial situation of the media sector, ownership status and its impact on market concentration and monopoly of ideas.

6/ A civil society organization that has special public broadcasting service license cannot own another media save for what is provided for under Sub-Article (1) of this Article.

25. Non-Transferability of License

1/ A licensee may not be let, its control may not be assigned by sale or other appropriate means, or in any way transferred, to any other person without the prior written permission of the Authority.

2/ For the purposes of Sub-Article (1), transfer includes:
a) change in control of the operator;  
b) voluntary transfer of a right under the licensee to another person; and  
c) any action to changes specified to constitute a transfer in the conditions of license.

3/ An application for permission to transfer license shall be made to the Authority in the prescribed manner.

4/ The prior written permission of the Authority may only be granted if:
   a) the acquiring party has adequate financial and technical resources to broadcast during the entire term of the license;  
   b) the transfer will not increase the concentration of ownership among those with licenses to broadcast more than a limited extent; and  
   c) the transfer will not cause a reduction of diversity in the range of media services requiring license.

5/ A party that acquires a license takes over the transferor’s rights and obligations under this Proclamation and Regulations and Directives issued hereunder upon the consent of the Authority.

6/ The transfer referred under Sub-Article (1) of this Article is not applicable to a transfer of shares without effective control.
### Registration of Periodical

1/ Any Ethiopian citizen who desires to publish a periodical shall obtain a certificate of registration and legal recognition from the Authority by submitting the following information:

   a) name(s) and address(es) of the founder(s);  
   b) ownership condition;  
   c) nationality condition;  
   d) tax payer identification number;  
   e) name and address of the Editor-in-Chief; and  
   f) trade license or main registration.

2/ A periodical the distribution of which is restricted to one regional state shall obtain a certificate of registration and legal recognition from the relevant regional body. The registering bodies in each region shall be free and independent.

3/ The Authority, by making sure that the criteria are met, shall issue certificate of registration and legal recognition within 30 days of request to a person seeking to establish a periodical.

4/ Legal recognition is presumed if certificate of registration is not issued after 30 days of the application.

5/ A periodical shall wait for response and can start publication and distribution after 30 days if a certificate of registration has not been issued to the applicant but the Authority has obtained the application meeting all the required conditions.
6/ Registration may only be refused within 30 days only if the applicant does not provide the necessary information to the Authority or if the name the applicant want to use for the periodical is already taken.

7/ Where publishing a periodical is either:
   
   a) inherent in the activities of an already legally registered organization; or
   
   b) requirement to a government body to fulfil duties given to it by law; it shall, for the purpose of Sub-Article (1), be deemed to have obtained the requisite legal recognition.

27. **Registration of Online Media**

1/ Ethiopian citizens either privately or through juridical person may request for an online media registration after fulfilling the following conditions:
   
   a) Name and address of entity: Name of owner/company, office telephone number, and email address (s);
   
   b) Ownership conditions;
   
   c) Name and address of online media owner/company
       
       (1) Domain name;
       
       (2) Proof of ownership of domain name;
3/ The Authority has to complete the registration and issue certificate of registration within 30 days of request by the person seeking online media registration. Legal recognition is presumed if certificate of registration is not issued after 30 days of the application.

4/ Online media can start operations after 30 days if a certificate of registration has not been issued while the Authority has obtained the application meeting all the required conditions.

5/ Registration may only be refused within 30 days only if the applicant does not provide the necessary information to the Authority or if the name the applicant want to use for the online media is already taken.
28. **Media Information and Registry**

1/ The Authority shall ensure that media entities make at least the following information easily, directly and permanently accessible to the recipients of a service:

   a) The name or trade name and geographical address of the media service provider;

   b) Details of the media service provider, including postal address, telephone number, email address and website; and

   c) names and address of the representatives of the media service provider organization.

2/ The Authority shall establish a registry of those legal persons which:

   a) are registered pursuant to Articles 26 or 27; and

   b) hold the type of license referred to in Articles 29 and 31.

3/ The registry shall be maintained with the help of automatic data processing. It may contain only such information as is referred to in Sub-Article (1) of Article 26 and Sub-Article (1) of Article 27, and Articles 33 and 36.

29. **Means of Broadcasting Service Transmission**

Means of broadcasting service transmission shall be the following:

1/ terrestrial analogue radio broadcasting service;
2/ terrestrial analogue television broadcasting service;

3/ terrestrial analogue free broadcasting service;

4/ terrestrial analogue subscription broadcasting service;

5/ terrestrial digital radio broadcasting service;

6/ terrestrial digital television broadcasting service;

7/ terrestrial digital free broadcasting service;

8/ terrestrial digital subscription broadcasting service;

9/ satellite free broadcasting service;

10/ satellite subscription broadcasting service;

11/ satellite on demand broadcasting service;

12/ cable subscription broadcasting service;

13/ cable on demand broadcasting service;

14/ internet free broadcasting service;

15/ internet subscription broadcasting service;

16/ internet on demand broadcasting service; and

17/ any other class of license prescribed by the Authority.
30. Prohibition of Provision of Service without License

No person may undertake broadcasting service by using means of broadcasting service transmission without obtaining a broadcasting license from the Authority or by using a suspended or revoked license.

31. Categories of Broadcasting Service Licenses

1/ The categories of broadcasting service license shall be the following:
   a) public service broadcasting license,
   b) special public service broadcasting license,
   c) commercial broadcasting service license, and
   d) community broadcasting service license.

2/ When it finds it necessary, the Authority may grant special public, commercial or community broadcasting service license upon the approval of the Board to an applicant who applies to transmit a broadcasting service whose program focuses on special issues not covered or given enough attention by existing broadcasting services.

32. Authority’s Power of Determination of Additional Criteria or Clarification of Existing Criteria

1/ The Authority may, after properly consulting and notifying the relevant stakeholders, determine additional criteria pursuant to Sub-Article (2) of Article 37 or clarify the criteria specified in this Proclamation for the purpose of distinguishing between categories of broadcasting services.
Different criteria or clarifications may be determined or made for radio services and television services.

The Authority shall take the following directions into account when making determinations and clarifications in relation to broadcasting services:

a) the geographic coverage of those services;

b) the number of persons who receive or are able to receive those services; and,

c) whether the accessibility of those services is restricted because of technology, high cost of equipment required to receive the services, the duration and frequency of those services, the nature of the audience to which the services are targeted and the nature of the programs being provided by those services, the social and cultural impact of those programs and the like.

1/ If the license requested is not using the limited radio spectrum, the Authority shall grant the broadcasting service license within 30 days when the applicant fulfils all the requirements under this Proclamation and meets the technical and capacity criteria required for the license as specified in the Directive. The applicant may apply to the Director General to get a response within 15 days if the license is not...
issued within the specified period. The applicant may petition to the Board within 30 days if the Director General fails to respond within the specified period. The Board shall give its decision within 30 days.

2/ The Authority shall create options and ensure that the application processes for a broadcasting service license pursuant to this Proclamation are done online by making the forms that the applicants are required to fill available in its website to reduce the paper-processing burden. However, the applicants who are unable to use this option for different reasons shall access the service in person.

3/ When broadcasting service license that uses radio spectrum are available, the Authority shall invite applicants by a notice published on the Authority's website, in appropriate wide circulation newspapers or by other media. The Authority shall receive information on the available broadcasting service licenses that use radio spectrum from the relevant organ every budget year.

4/ The notice to be published pursuant to Sub-Article (3) of this Article shall contain the following information:

a) the category of broadcasting service for which the license is intended to be issued;

b) the geographic area to be covered by the license.
c) the available radio frequency spectrum;
d) terms and conditions of license;
e) major format obligations;
f) the length of the license period;
g) the criteria upon which the license will be awarded;
h) the time and place of submission of the application, and
i) the amount of application and license fees.

5/ When new broadcasting service license that use radio spectrum is available, it should always be openly advertised on the Authority's website, in appropriate wide circulation newspaper or by other media in order to ensure a fair and competitive process.

6/ A person who intends to obtain a license for broadcasting service shall fill and submit the license application form prepared by the Authority within the time specified in the notice published in accordance with this Article.

7/ Potential applicants for a radio and a television license shall be given 3 months and 9 months time, respectively to prepare their work plan documentations.
34. **Public or Community Broadcasting Service License**

The Authority may grant license to public or community broadcasting license applicants any time without competition.

35. **Application Process for License**

1/ The Authority shall issue an application form which must be completed by all the applicants.

2/ Any potential applicant who responds to the advertisement shall be given identical and sufficient information by the Authority to ensure that all applicants are treated fairly.

3/ The Authority may require the applicant to provide such additional information as it may consider necessary in considering the application.

36. **Terms and Conditions for License**

1/ The detailed issues stated on the application of any licensee who applies to obtain a license as well as those prescribed in the license pursuant to this Proclamation and Regulations and Directives issued hereunder shall be deemed terms and conditions of license. The terms and conditions may vary according to the different types of licenses.

2/ Before a decision has been made regarding a license, the applicant is to be given an opportunity to access, and express an opinion on, the conditions that the Authority intends to apply to the license.
3/ Members of the public shall be given the opportunity to comment and make representations on applications received by the Authority and provide valuable additional information and issues to consider when awarding a license.

4/ Any broadcasting license term and condition should cover the following fundamental issues:

- Members of the public shall be given the opportunity to comment and make representations on applications received by the Authority and provide valuable additional information and issues to consider when awarding a license.
- Any broadcasting license term and condition should cover the following fundamental issues:
  a) the geographic area to be covered by the license,
  b) technical specifications,
  c) the date by which the service should commence broadcasting, and for how long the license will be in force,
  d) license renewal conditions,
  e) a fee payable on the award of a new license, the spectrum fee, when applicable, and fees paid annually to cover on-going regulatory costs,
  f) program format conditions,
  g) content standards in programming,
  h) what sanctions the Authority can apply for noncompliance with the conditions,
  i) certain pieces of information that the Authority requires either on a regular basis, or from time to time,
  j) the terms upon which the license may be amended, and
  k) the protection of the interests of the subscribers and end-users of broadcasting service, including, but not limited to:
37. **Criteria for Issuance of License**

1/ A broadcasting service license may be issued when the applicant meets the conditions in the call for license applications, the criteria provided under this Proclamation and Regulations and Directives issued hereunder.

2/ The Authority shall issue detail criteria that enable it to evaluate the capability of applicants. The detail criteria to be set by the Authority shall include the following:

a) expected technical quality of the proposed service and the capability of equipment and technologies listed in the applicant’s project proposal to render the service, having regard to developments in broadcasting technology;
b) suitability, organizational capacity, experience and expertise of the applicant in as far as carrying out such broadcast service is concerned;

c) the applicant’s financial capacity and means, reliability and adequacy to run the service and business record, if any;

d) the program schedule listed in the applicant’s project proposal and social needs covered by the programs; and

e) the transmission time allocated for the service.

38. **Public Hearing for License**

1/ An application for broadcasting service license may be subject to a public hearing convened by the Authority for the purpose of considering the application.

2/ The requirements for the public hearing shall be prescribed by the Authority. The Authority shall convene a public hearing to consider an application where there is significant public interest in holding a hearing on an application.

3/ The public hearing shall be held at a location within the area to be covered by the broadcasting service or in the district in which the station is located.
39. **Unacceptable Application**

Any broadcasting service license application may be rejected and notified in writing without going into detail screening, if the applicant:

1/ fails to produce evidence to ascertain the availability of potential loan or its financial capacity and source of financing;

2/ fails to produce detail project proposal; or

3/ is a body that may not be entitled to a license as provided for under Article 40 of this Proclamation.

40. **Persons not to be Issued with Broadcasting Service License**

1/ The following persons shall not be issued with any categories of broadcasting service licenses:

a) any

(1) political party, movement, organization, body or alliance which is of a party-political nature;

(2) organization of which a political organization is a shareholder with effective control or a member of a political organization’s top leadership is a shareholder with effective control; or

(3) organization of which member of its management, at any level, is in the leadership of a political party.
2/ The following persons shall not be issued with broadcasting service license using the limited radio spectrum:

a) a body that is conferred with a legal personality and established by foreign nationals or an organization conferred with a legal personality under Ethiopian law where more than 25 percent of its capital shares are owned by foreign nationals; or

b) religious institutions registered by the relevant organ.

3/ The following persons may be issued with broadcasting service licenses not using the limited radio spectrum:

a) a body that is conferred with a legal personality established by Ethiopian nationals and less than 25 percent of its capital shares are owned by foreign organizations or foreign nationals; or

b) religious institutions registered by the relevant organ.

4/ Unless otherwise permitted under exceptional considerations by law, governmental institutions can not be issued broadcasting service licenses.
41. Decision Making and Complaints Handling Procedure

1/ After considering any application for a license made in terms of this Proclamation, the Authority shall:

   a) notify the applicant of its decision, the reasons for that decision and any license terms and conditions applicable; and

   b) publish such information in the its website, newspaper with wider circulation or other media outlets.

2/ Where the application is accepted, the applicant shall be issued with a certificate of license, upon signing terms and conditions of a license agreement, prepared by the Authority and payment of the required license fee.

3/ The Authority shall consider the following in its decisions on the grant of a license:

   a) an assessment of information from the written application and any written presentations made to it where a public hearing is not held;

   b) the proceedings of the public hearing including oral and written presentations made at the hearing or soon after the hearing; and

   c) other information solicited or made available to it outside the public hearing.
4/ The Authority shall, upon examining the application submitted to it pursuant to Sub-Article (6) of Article 33 of this Proclamation, consider the fulfillment of the criteria provided under Article 37 or decide in accordance with Article 39 if it is rejected.

5/ To ensure the efficient utilization of frequencies to broadcasting, when allocating licenses to broadcasting service applicant, the Authority shall take particular care to the following:

a) the existence of different broadcasting services that appeal to a variety of interests and tastes;

b) measures on proportionately balancing national, regional and local broadcasting services;

c) number of broadcasting service licensees that remain independent of each other; and

d) with regard to broadcasting services using radio spectrum, the demand for the proposed broadcasting service within the proposed licensed area.

6/ Where the application is rejected by the Authority because of public interest, the decision thereof shall be communicated to the applicant in writing within 14 days.
7/ Any applicant who has been denied a license in accordance with Sub-Article (6) of this Article may appeal to the Board within 30 days.

8/ The Board shall review and decide on the appeal submitted to it in accordance with Sub-Article (7) of this Article. Any applicant aggrieved by the decision of the Board may appeal directly to the Federal High Court.

9/ The Board shall give a copy of its decision to the applicant within 14 working days.

42. **Validity Period of Broadcasting License**

1/ A television broadcasting service license that uses radio wave granted for the first time shall be valid for 10 years.

2/ The validity period of a radio broadcasting service license that uses radio wave granted for the first time shall be as follows:

a) where the transmission is at the national level, for 10 years;

b) where the transmission is limited to a regional state, for 8 years;

c) where the transmission is limited to local level, for 6 years;

d) where the transmission is community broadcasting service, for 10 years; and

e) for short-term community broadcasting service 1 year.
43. Renewal of Broadcasting License

1/ The broadcasting service licensee shall renew the license not earlier than one year and not later than six months before the expiry of the validity period of the license determined pursuant to Article 42 of this Proclamation by filling and submitting the license renewal application form prepared by the Authority.

2/ The form prescribed by the Authority in accordance with Sub-Article (1) of this Article must specify, among other things, the form and content of applications for renewal and the time period for applying for renewal.

3/ A license shall continue to subsist until the Authority has taken the decision as regards the application for the renewal of the license.

4/ The validity period for a license renewed pursuant to Sub-Article (1) of this Article shall be in accordance with Article 42 of this Proclamation.

5/ The Authority may renew the license of a broadcasting service for a period less than provided in Sub-Article (4) of this Article for stated reasons.

6/ The authority shall grant an application for renewal unless it is in the public interest to refuse the same.
7/ Before the Authority renews a license, it shall take into account records if the applicant has consistently complied with the terms, conditions and obligations of its license under this Proclamation, applicable Regulations and Directive issued hereunder and any administrative measure taken.

8/ Where the Authority decides not to grant the renewal for license, it shall state the grounds for its contemplated refusal of the renewal and give the licensee the opportunity to present its views and submit a written statement of objections to the Authority within 14 days. The Authority shall take into account the views and the written statement of the licensee before taking its final decision.

9/ The Authority shall give the licensee advance notice of not less three months of its intention not to renew the license.

10/ Appeal may be made to the Board if the applicant is denied renewal of a license. The applicant can appeal to the Federal High Court if aggrieved by the decision of the Board.

44. Amendment of Broadcasting License

1/ The Authority may amend a license under the following conditions after consultation with the licensee:

a) to make the terms and conditions of the license consistent with the terms and conditions being imposed generally in respect of all licenses of the same type;
Section 1 - License Amendments

A) for the purpose of ensuring fair competition between licensees;

b) to the extent requested by the licensee provided it will not prejudice the interests of other licensees and the overall public interest;

c) to the extent necessitated by technological change;

d) if the amendment relates to changed circumstances in the market; and

e) change in legislation and the implementation of an international obligation by the Authority and the Communications Service Authority require the amendment.

Section 2 - Prior Notice to Licensee

Notwithstanding the consultation with the licensee stated under Sub-Article (1) of this Article, the Authority shall give prior notice to the licensee stating, among others:

a) the particulars of the amendment;

b) detailed reasons for the amendment; and

c) the date on which the amendment is to take effect.

Section 3 - Opportunity for Representation

The licensee shall be given sufficient opportunity to make representations on the amendment to the Authority.
4/ Where the amendment is required for reasons relating to the management of the radio spectrum the amendment shall be effected in accordance with the Communications Service Proclamation.

5/ A broadcasting service licensee shall, as appropriate, obtain an expansion license from the Authority when it intends to:
   a) upgrade the capacity of the station to provide additional transmission or to upgrade the capacity of the transmitter to make technological changes;
   b) change the capacity of the transmitter from the permitted level or change the place;
   c) change the type and the length of the pillar holding the antenna or place of the antenna or;
   d) obtain additional radio wave.

6/ When a broadcasting service licensee requests an expansion license for the radio wave license issued earlier for technological expansion and to comply the criteria under Sub-Article (5) of this Article, the Authority shall ascertain:
   a) the efficiency of the proposed expansion area for intended service;
A) that the equipment proposed is compatible with the expansion plan of the service to expand broadcasting service;

b) that it does not interfere with the operations of other communication service rendering equipment;

c) the existence or non-existence of registered radio wave in the area where the license is requested;

d) the requested additional wave is not held by another broadcasting service or not required for other service; and

e) the demand of the community of the area for which the license is requested.

f) Notwithstanding Sub-Article (6) of this Article, the Authority shall have the discretion to refuse an expansion request relating to use of the spectrum, taking into account the overall public interest.

8/ A licensee who has been granted an expansion license in accordance with Sub-Article (5) of this Article shall notify to the Authority the place where the equipment is to be fixed with the necessary detailed information.
Duty to Notify

1/ A broadcasting service licensee shall notify as appropriate the following changes to the Authority in writing within 14 days:

a) commencement of transmission service;

b) termination of transmitting its service;

c) change of program schedule and transmission hour;

d) change of name of the station, logo and address; and

e) change of manager or member of board or the person who is responsible to the program.

2/ A broadcasting service licensee shall notify in writing to the Authority and obtain the Authority’s prior approval before making the proposed changes on the following:

a) to increase or decrease the amount of a share of the station and the station’s shareholders or to transfer to other person or to buy other mass media business organization or to merge as well as to make other similar change; and

b) to receive and transmit program transmitted by foreign broadcasters.
3/ A broadcasting service licensee shall submit and notify performance report that shows the general activity, audit report, document of financial sources and yearly financial report of the organization, to the Authority within 3 months at the end of the budget year.

4/ Broadcasting service licensee who transfers the station’s air time to other associate program producer shall ensure that the associate program producers have issued business license and shall submit and notify to the Authority list of names and types of program they disseminated, within 3 months at the beginning of the budget year.

5/ The Board shall give its decision within 30 days.

46. **License, Annual Fee and License Renewal Fee**

1/ Any broadcasting service licensee shall pay license fee, the spectrum fee, when applicable, annual fee and license renewal fee, when the license is renewed.

2/ The Authority shall, as may be necessary, review from time to time and submit for decision to the Government the amount of fee to be paid pursuant to Sub-Article (1) of this Article and other fees to be paid to it.
3/ The annual fee and the license renewal fee, when the license is renewed, shall be paid within 60 days after the end of the fiscal year. Where it is not paid within 60 days after the end of the fiscal year, a penalty of 5 percent shall be imposed for the delay of each month; provided, however, that the total amount of penalty shall not exceed 50 percent of the annual fee or the license renewal fee.

PART FOUR

RIGHTS AND OBLIGATIONS OF MEDIA

47. Basic Principles

1/ Media organizations are expected to discharge their legal duty in a responsible manner with high ethical standards and professionalism. They are expected to encourage free flow of ideas, entertain diversity of views and contribute to strengthen dialogue among the public.

2/ The media should be free from governmental, political or economic influence; and influence of those in control of the material and infrastructure resources essential for the production and dissemination of its publications and services.

3/ Regulation of the content of broadcast material should only be conducted to ensure that the media operates with responsibility by respecting public peace and security, to work with impartiality, to protect the public from harm and consumers from misleading advertisement and unfair trade competition.
### Sub-Section One

#### Rights of the Media

1. **Rights of Media**
   
   Any media, in order to discharge its function, has the right to:
   
   (a) gather, receive and disseminate news or information;
   
   (b) express opinions and engage in critical reporting on issues;
   
   (c) use information technology and methods;
   
   (d) gather, record public opinion using different methods; and
   
   (e) bring charges or complaints to the Federal High Court when there is an action that interferes with, contravenes, or influences its constitutionally guaranteed freedom of the press, or threatens its wellbeing.

2. The media have the right to form legal associations as they deem fit.
3/ Rights stated above under Sub-Article (1) and (2) of this Articles are applicable *ipso facto mutates mutandis* to journalists who are part of the media.

49. **Source Protection**

1/ Journalists may not be forced to reveal a source that provided information on a confidential basis.

2/ Notwithstanding Sub-Article (1) of this Article, the court may order the disclosure of a confidential source when:

   a) it is a critical information necessary for prosecution or defence of a serious crime or for preventing clear and imminent danger to the national security; and

   b) there is no alternative means of obtaining the information needed to prosecute or defend the case, or avert the imminent danger.

SUB-SECTION TWO

**OBLIGATIONS OF THE MEDIA**

50. **Obligation to Reply or to Correct**

1/ Anyone whose name and reputation has been affected due to false and inaccurate information reported in the media, have the right to demand correction free of charge, in a proportional manner and at the same time in the media outlet in which the information appeared.
Anyone whose name and reputation has been affected due to information reported by violating applicant’s civil right, has a right to reply in proportional manner free of charge in the media outlet in which the information appeared.

The rights provided in Sub-Articles (1) and (2) of this Article shall be implemented based on the following rules:

a) In the case of periodicals, the correction or reply shall be posted within 24 hours of receipt if it is disseminated via internet, inserted within 3 days for daily periodical, within 14 days in case of a weekly periodical and, in other publications, in the next issue.

b) In the case of a broadcast program, the correction or reply shall be transmitted within 5 days of receipt.

c) If the editorial team of the media is convinced that additional investigation is required, the periodical or the broadcast program shall entertain the correction or reply not more than 3 weeks after receiving the complaint. The media shall notify the applicant of this decision via electronic communication or a letter.
<table>
<thead>
<tr>
<th>Media shall ensure that the reply is related to the report, accurate, proportional and lawful. The right to reply should not be used to negate an accurate reporting ascertainable with facts by providing false responses.</th>
</tr>
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<tbody>
<tr>
<td>During election periods, only on issues in relation to election, notwithstanding to Sub-Article 3 paragraph (a) and (b) of this Article, the 3 days time limit shall be presumed to be reduced to 24 hours and the 14 days to 7 days to transmit the reply or correction.</td>
</tr>
<tr>
<td>If the publication of the periodical is terminated after the demand to publish the reply or correction has been made, the media organization shall cover the cost to publish it in a similar media outlet.</td>
</tr>
<tr>
<td>Sub-Article (3) paragraph (e) of this Article shall only be enforced when the correction or reply is submitted to the media outlet at least 24 hours prior to that edition being sent for printing or program being aired. The correction or reply shall be inserted in the next edition or program when it is not submitted within the 24 hours limit.</td>
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4/ ከሚሆን የመስጠት መብቱን የተነፇገ በተነፇ መስጠት ወይም ያባቸው ከአንቀጽ ያወጣ ያት ለቀርበሇት በ፲፫፪ ያስው በሆነ ያት በክፈ ቡለ ከመነሳሳት መሌሱን ይክፉ የሆነ ያት ከተረዲ ለቅሬታ ይስ ᇽቃዯኛ ከአያስቀሩም፡፡

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6/ ይህ ከሚሆን የቀረበ የሆነ ያት ይህ ከተረዲ ከቅሬታ ያስ ᇽቃዯኛ ከአያስቀሩም፡፡

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8/ ይህ ከሚሆን የቀረበ የሆነ ያት ያስ ᇽቃዯኛ ከአያስቀሩም፡፡

9/ ያገንዘብ ቫር ይህ ያው ያለበት ከተረዲ ከቅሬታ ያስ ᇽቃዯኛ ከአያስቀሩም፡፡

Correction or reply shall be inserted in the same section or program, or page or segment of the periodical, the broadcasting service and the online media where the information that gave rise to the claim was published or aired.

Where a media outlet refuses to honour a claimed right of correction or reply, the person affected may appeal to the court to order the media outlet editor or a person responsible to the program to transmit the correction or reply.

The court shall make its decision within 10 days from application. If the claim is during an election period, the court shall make a decision on the issue within 24 hours from application.

The court may fine the responsible editor for refusing to insert the correction or reply where the editor acted in bad faith.

The provisions of this Article shall not affect the enforcement of Article 2049 of the Civil Code.

Provisions under Sub-Article (1) to (6) of this Article shall only be enforced when the demand for reply or correction are made within 3 months from the dissemination of the media outlet which gave rise to the claim.
Editor-in-Chief

1/ The editor-in-chief of a periodical or an online media has a mandate to supervise and determine content of the periodical and ensure nothing is printed against his will. Any practice or agreement that restricts this power shall be null and void.

2/ Where the editor-in-chief of a periodical or an online media does not, for any reason, have legal capacity, another editor-in-chief who has full legal capacity shall be appointed.

3/ An editor-in-chief appointed in accordance with Sub-Article (2) of this Article, shall have a full legal responsibility for the content of the publication and has the power to ensure nothing is printed against his will notwithstanding to Sub-Article (1) of this Article.

4/ Owners or shareholders with effective control of a media organization shall not be appointed as editor-in-chief.

5/ Online media shall notify the name and contact details of the editor-in-chief, head of program, whenever available, and general manager to the Authority. The names and contact addresses including office telephone and email address of these persons, links to all social media accounts associated with the online media shall be included in the “Contacts” or “About Us” section of its website.
52. **Obligation to Notify a Person in Charge of Program and News**

1/ A broadcasting service licensee shall notify to the Authority the person assigned to be in charge of programs and news.

2/ The provision of Sub-Article (1) of this Article shall not relieve the licensee of its responsibility.

53. **Information on Periodicals, Broadcast Transmission and Online Media**

1/ Periodicals, under each publication, shall carry the name and address of the publisher, the printer and the editor in chief and; the volume and number of the periodical periodicity, date of publication and price in a discernible manner.

2/ Any broadcasting service licensee shall, at the beginning and end of each program, state:
   a) the name of the station and date of transmission; and
   b) the name of the director or producer of the program.

3/ Without prejudice to Sub-Article (2) of this Article, a television service licensee shall, include the station’s logo in each transmission of programs.
4/ In a section “About Us” or a similarly-named section of the website of the online media providing basic information about the organization, name of online media, owner or owning company profile, names and contact address of editor-in-chief and general manager or owner, the type of date or time chosen, and the date or time of the update of the page where this information is placed.

5/ In the website of the online media containing all dynamic and interactive content, name of the author and publisher and other person(s) who participated in the production of the content, date or time, according to Ethiopian calendar, of posting, and date or time, according to Ethiopian calendar, of any updates made to the content must be included.

6/ When the media fail to comply with these requirements, the Authority may give them a written warning to take corrective measure within 14 days and demand to be informed of the changes made.

54. **Gratuitous Copies**

1/ Periodicals with national distribution shall, within 5 days of print, deposit two gratuitous copies of every volume at the Agency of the National Archives and Libraries.
2/ Where the circulation of periodical is confined within the bounds of a regional state, two gratuitous copies of every volume shall be deposited within 5 days of print, at the state public library or to the concerned state bureau.

3/ When the media fail to comply with these requirements, the Authority may give them a written notice to take corrective measure within 14 days and demand to be informed of the changes made.

55. **Obligations of a Broadcasting Service Licensee**

1/ Unless it is licensed to report on a specific issue as per Article 31 Sub-Article (2), any broadcasting service licensee shall have the following obligations:

a) abide by the Code of Conduct;

b) broadcast programs that provide information, education and entertainment that reflect and accommodate the plurality, needs and values of the different sections of the Ethiopian society;

c) render a broadcast service that contributes to the country’s political, social and economic development and create shared national values on constitutional issues and other matters of public interest;
d) render a broadcast service that safeguards, strengthens and enriches the cultural, political, social and economic fabric of the society;

e) present local, regional and national news in daily program transmission;

f) ensure the legality of the content of any program before its transmission by the station with the exception of live transmissions;

g) apply appropriate and decent language use in the program transmission;

h) transmit programs in accordance with program schedule; if it cannot be transmitted in accordance with the schedule, notify in advance;

i) respect the Provisions of advertisement and sponsorship provided under the Advertisement Proclamation, and ensure that advertisements, either in terms of content, tone or treatment, are not deceptive or are not repugnant to good taste;

j) respect laws issued to protect copyright and neighbouring right as well as inventions, minor inventions and industrial design;

k) ensure that multi-national identity is developed and maintained in programs while promoting the local culture and languages of the country;
2. The licensee of any broadcasting service shall ensure that the services and the personnel comply with:

a) the constitutional principle of equality;

b) the equitable treatment of all segments of the Ethiopian population;

c) reasonable efforts to entertain different views on the issues, either in the same program or in other programs;

d) broadcast programs with content especially adapted for persons with disabilities;

e) provide a platform for participation and critical public debate in matters of good governance; and

f) ensure that the general content of broadcasting services promote a society that is democratic, self-reliant, well-informed, open-minded, scientific, creative, tolerant and reflective of national priorities, experiences and aspirations.
c) the constitutional requirement of equitable treatment of all working languages;
d) the rights of all Ethiopians to receive and impart information and ideas;
e) the mandate to provide for a wide range of audience interests, beliefs and perspectives; and
f) a high standard of accuracy, fairness and impartiality in news and programs that deal with matters of public interest.

3/ The licensee of any broadcasting service shall cooperate with other broadcasting service licensee on technical issues with the aim of promoting accessibility and competition.

56. Obligations of Public Service Broadcasting Licensee

1/ Any public service broadcasting licensee shall have the following obligations:

a) provide news and programs that reflect the country’s linguistic, ethnic, cultural, religious, gender, regional and political diversity;

b) provide comprehensive news and programs on current affairs in line with the public interest, focusing on matters of international, national, regional and local significance by maintaining fairness, impartiality, rationality and balance required by the professional standard;
c) provide news and programs concerning societal development, matters of public interest and shared values, and encourage the unity of the people based on equality;

d) provide news and programs that assist in ensuring good governance, strengthening the justice system, and encourage the realization of rule of law;

e) promote and enhance the cultures and artistic values of the public, support for traditional, indigenous and contemporary artistic talent and creative expression;

f) serve all political parties or organizations operating in accordance with the Constitution and relevant laws of the country fairly;

g) provide news and programs that contribute to the promotion of human rights and strengthen democratic systems;

h) serve vulnerable groups and provide news and programs that contribute to attracting due attention to affirmative action;

i) establish relationship with other public service broadcasting licensees; exchange news and programs related with and advancing public interest;
j) provide technical and financial support and assistance for local and community broadcasting service licensees;

k) provide high quality broadcasting service and distinctive media contents that inform, educate and entertain;

l) promote local program production, including through minimum quotas for original productions and material produced by independent producers;

m) provide a range of broadcasting service material that strikes a balance between programming of wide appeal and specialized programs that serve the needs of different audiences, including persons with disabilities, minority groups, children, the youth, and women;

n) include significant amounts of educational programming, both curriculum-based and informal and general educational themes;

o) provide programs for national sports and promote minority groups’ sports;

p) adequately cover proceedings of the House of Peoples’ Representatives;

q) broadcast important public hearings and announcements and national addresses by the executive arm of government;
r) provide programs that have significant amounts of domestic contents; and
s) strive to ensure that their transmission system covers the whole territory of the country.

2/ Any public service broadcasting licensee shall be governed by a board which is protected from interference, particularly of a political or economic nature.

3/ Editorial independence of any public service broadcasting licensee shall be guaranteed; and it shall be operationally and administratively independent from any person including government and its institutions.

4/ Any public service broadcasting licensee shall have adequate budgets to discharge its functions in full capacity.

57. **Obligations of Special Public Service Broadcasting Licensee**

1/ All obligations of public service broadcasting stipulated under Article 56 Sub-Article (1) of this proclamation shall be applicable to special public service broadcasting licensees.

2/ A special public service broadcasting licensee shall be led by a board insulated from any political and economic interferences in accordance with the Civil Society Organizations Proclamation.
3/ The editorial autonomy of any special public service broadcasting licensee shall be respected and it should operate and be administered in a manner that is impartial and neutral from governmental, political and commercial entities.

4/ In order to properly discharge its obligations a special public broadcast service licensee shall undertake its fund-raising activities in accordance with the Civil Society Organizations Proclamation.

58. **Obligations of Commercial Broadcasting Service Licensee**

The licensee of any commercial broadcasting service shall, notwithstanding its profit-making objective, have the following obligations:

1/ broadcast news and programs that promote the public interest and in particular good governance issues based on democratic principles of accountability and transparency;

2/ serve all sections of society found within the local area where the license is issued;

3/ include news and provide programs that include discussions on current affairs of local, national, regional and international significance;

4/ provide programs that in the aggregate are of diverse range and reflect and respond to the diversity of society and are in a broad range of local languages;
provides programs that promote the culture and aspirations of the society of the area covered by the service in accordance with the terms and conditions of the license for the service;

6/ provides programs that have significant amounts of domestic content; and

7/ include drama, documentaries and children’s programs that reflect Ethiopian themes.

59. **Obligations of Community Broadcasting Licensee**

1/ Any community broadcasting service licensee shall have the following obligations:

a) carry out its activities focused on peace, development, social and good governance needs of the community;

b) promote the language, cultures and artistic values of the community;

c) ensure the participation of the members of the community in the preparation of its programs;

d) transmit programs on issues of common interests of the community that are not getting coverage by other broadcasting services;

e) utilize income legally generated from different sources for the operation of the broadcasting station;
f) provide community centered informative and entertaining programs to promote the information utilization culture and knowledge of the community;

g) provide programs that reflect the needs and concerns of the community and provide particularly for the language, gender, cultural and demographic needs of the community;

h) provide programs that highlight grassroots community issues on human rights, development, health care, education and environmental matters of special concern to the poor or marginalized in the community;

i) provide programs that deepen democratic values, enrich the culture of the community and create a sense of shared community, when relevant, national ethics among the people of the community;

j) promote the improvement of the quality of life of members of the community;

k) provides programs that have significant amounts of domestic content; and

l) promote programs with local productions and local languages.
2/ Any community broadcasting service in order to meet its objective, may be funded by donations, grants, sponsorships, advertising, membership fees, or by any combination of the aforementioned.

3/ Any community broadcasting service licensee shall be obliged to notify its source of income to the Authority.

60. **Obligations of Television Broadcasting Service Licensee**

Any television broadcasting service licensee shall have the following obligations:

1/ without prejudice to exchange of program conducted between licensees, transmit its program only through program "channel" indicated on the license;

2/ provide sign language when transmitting current affair on live transmission; and

3/ accompany with audio the necessary information that it presents in writing.

61. **Obligations of Online Media**

Online media shall have the following obligations:

1/ avoid language usage which are obscene and vulgar, and contribute to previously-exist and non-existing hostilities based on gender, ethnicity, and religion and incite violence in the content production, publishing and dissemination;
2/ clearly indicate contents originating from third party affiliates, special interest groups, and advertisers so as not to create confusion with content produced by the online media;

3/ make efforts to ensure that contents, and production and dissemination processes of producers and publishers are balanced, fair, and include diverse voices;

4/ make efforts to ensure that the contents are appropriate for minors and pregnant women; include an opt-in request before the display explicitly asking users for their date of birth and option that indicates they have understood the nature of the content and accepted the risks of consuming, and prevent access to users who indicated they are 16 years of age or younger in their submission;

5/ refrain from publishing and disseminating content that is used to promote the consumption of alcohol, tobacco, and banned recreational substances;

6/ ensure that the production, publication, and dissemination of content which is pornographic, soliciting sexual acts, child grooming, and encouraging cyber bullying in its nature are prohibited;

7/ protect the data of users, and obtain explicit consent from users when situations arise to make users’ data available to third parties;
8/ comply with the electronic transaction law of the country for all transactions to be performed using their properties; publish all terms and conditions applicable in the contract with users visibly on their property and must provide an electronic copy to the users for record keeping; notify users and reseek their consent within 48 hours of any changes to the terms of usage and applicability of transactions;

9/ refrain from illegal online activities including the creation, publishing, and dissemination of disinformation and cyber-attacks; and

10/ archive written content for at least 1 year from the time of publishing and 6 months for all audio and video for the time of transmission, and shall provide a search facility on their properties so that this archive can easily be searchable.

62. Obligations of Content Aggregators

Any content aggregator and content reader website shall have the following obligations:

1/ indicate the source of the original content even if it does not protect the content aggregator from liability;

2/ notify and seek explicit permission from the originator of the content if the content will be used as part of any revenue generation through advertising and other ways; and
63. Obligations of Broadcasting Service Content Distributors

Any broadcasting service content distributor shall have the following obligations:

1/ broadcasting service content distributors such as cable, satellite or digital multiplex operators shall provide the basic service or the minimum package;

2/ shall not get involved in producing content to ensure fair treatment of other contents via the distribution system;

3/ they are required to carry the public broadcasters’ channels, other significant domestic channels, and a minimum quota of domestic channels as determined by the Authority;

4/ cable operators are required to make one channel available to the community and provide funding for community broadcasting service licensees in accordance with the Directives of the Authority;

5/ they shall notify the Authority regarding the owner of the company and the manner in which operations are financed; and shall provide information regarding its client, and the client’s address; and

6/ devise services in such a manner so that the programs will be accessible for vulnerable groups of the society.
64. **Obligation to Incorporate Domestic Content**

1/ Any national transmission program by a public service broadcasting licensee or a special public service broadcasting licensee shall allocate at least 80 percent of its weekly transmissions time to national programs.

2/ Any regional transmission program by a public service broadcasting licensee or a special public service broadcasting licensee shall allocate 70 percent of its weekly transmissions time to programs that relate to regional affairs and the rest transmissions time to national, local and other programs.

3/ Any local transmission program by community broadcasting service licensee shall allocate 70 percent of its weekly transmissions time to programs that relate to the local affairs and the rest transmissions time to national, regional and other programs.

4/ Any transmission program by commercial broadcasting service licensee shall allocate 60 percent of its weekly transmissions time to programs that relate to the affairs of the license area and the rest transmissions time to national, regional and other programs.

5/ A broadcasting service licensee shall allocate appropriate air time to news, current affairs, educational, entertainment and other different programs as well as programs concerning that part of a community who needs special attention.
6/ At least 10 percent of the annual broadcasting time or at least 10 percent of the programming budget of a broadcasting service licensee shall be used for domestic contents created by producers who are independent of broadcasters.

7/ The Authority may provide detailed Directives applicable to broadcasting service licensees regarding the commissioning of independently produced domestic contents.

8/ For purposes of this Article “domestic broadcasting content” means a broadcasting program, excluding transmission of sporting events and compilations thereof, advertisements, which is produced by:

(a) a broadcasting service licensee;

(b) by a person who is a citizen of, and permanently resident in, Ethiopia;

(c) by a juristic person, the majority of the directors, shareholders or members of whom are citizens of, and permanently resident in, Ethiopia;

(d) in a co-production in which persons referred to under sub-article 8 paragraph (a), (b) or (c) have at least a 50 percent financial interest;
9/ A musical work broadcast by a broadcasting service licensee qualifies as “Domestic music” if such work complies with at least two of the following criteria, namely:

(a) if the lyrics (if any) were written by an Ethiopian citizen;

(b) if the music was written by an Ethiopian citizen;

(c) if the music or lyrics was or were principally performed by musicians who are Ethiopian citizens; and

(d) if the musical work consists of a live performance which is recorded wholly in Ethiopia; or performed wholly in Ethiopia and broadcast live in Ethiopia.
65. **Transmission of Governmental Emergency Statements**

Any broadcasting service licensee shall transmit, free of charge, any emergency statement given by the Federal or Regional state government due to the occurrence of:

1/ an incident that endangers the peace and security of the public; or

2/ a natural disaster or an epidemic that threatens public health.

66. **Keeping Records of Program**

1/ A broadcasting service licensee shall keep the record of any transmitted program for 30 days; where the program contains a previously recorded program or film, such program or film shall be included in the record in such a way that it is accessible when required.
2/ Where a complaint is lodged against a program or when a program is the subject of judicial proceedings, dispute, complaint or other controversy before the expiry of the period specified in Sub-Article (1) of this Article, the record shall be kept by the licensee until final decision is rendered on the case in accordance with the appropriate law.

3/ Where a program is needed for inspection or to investigate a complaint lodged against it, a broadcasting service licensee shall, at its own expense, provide a copy of the program to the Authority.

67. Internal Complaint Handling Mechanism

1/ Any broadcasting licensee shall put in place and implement a compliant handling mechanism to address concerns and complaints by its audience.

2/ The Authority shall monitor whether or not licensees are properly implementing their own complaint handling mechanism.

SUB-SECTION THREE
CONTENT OBLIGATIONS

68. General Obligations

1/ Notwithstanding the Codes of Conduct of self-regulatory bodies of the media, any program or news transmitted through broadcasting service shall respect the following:
a) Program or news should be balanced and impartial in reflecting diverse viewpoints to serve the public at large; and

b) Broadcasters are expected to make reasonable effort to ensure the content and source of their program or news is accurate and put in place systems and procedures to correct mistakes when it happens.

2/ Any program or news transmitted through broadcasting service shall not:

a) violate the right to privacy of everyone subject to the requirements of the public interest;

b) offend human dignity;

c) cause actual harm, or encourage behavior which is harmful to health or safety;

d) incite crime or disturbance of peace and security; and

e) incite hatred or contempt on grounds of race, language, national or ethnic origin, colour, religion, gender, age or mental or physical disability.
3/ A broadcasting service licensee shall take reasonable care when transmitting program or news that reports on the usage of liquor, narcotic, assault, or similar horrific or frightening situations.

69. **Protecting the Well-Being of Minors**

Notwithstanding the prohibitions stated under the Criminal Code, any broadcasting service licensee who provide programs that may harm minors, morally and psychologically, shall ensure that such programs:

1/ only be transmitted from 10:00 PM in the evenings up to 5:00 AM in the morning; or

2/ render information to parents or tutors before transmission by notifying in advance the age level of program listener or viewer so that the parent or tutor take relevant caution.

70. **Religious Programs**

1/ Any broadcasting service licensee that provides religious programs shall ensure that due respect is given to all religious beliefs, and protect the basic human right to religious freedom.

2/ Any religious program which incites religious hatred or undermine any religion or belief of others, and provokes religious intolerance is prohibited.
71. Transmission of Election Period Statements

1/ Any broadcasting service licensee shall ensure that political parties or private candidates registered in accordance with relevant laws get equitable coverage during election periods.

2/ Any licensee shall provide a balanced and comprehensive coverage of election campaigns by proportionally including the views of political parties and voters on news, analysis and discussion programs.

3/ Any broadcasting service licensee shall allocate free airtime for political parties or private candidates to publicize their objectives and programs to the public or to transmit statements during the election period.

4/ The Authority in accordance with relevant laws and in collaboration with the National Electoral Board of Ethiopia (NEBE) shall allot specific amounts of free airtime to each party according to a transparent and an equitable pre-determined formula. The allocation of the airtime shall take the following four factors into consideration:

a) The number of seats political parties have in the House of Peoples’ Representatives and regional councils;

b) The number of candidates political parties present for the election;
<table>
<thead>
<tr>
<th>Article (4)</th>
<th>Equal allotment of airtime for all political parties participating in the election.</th>
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<td>5/</td>
<td>The amount of quota allotted to the four factors referred to under Sub-Article (4) of this Article shall be decided by the Authority, in consultation with the National Electoral Board of Ethiopia based on the above stated formula.</td>
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<td>6/</td>
<td>The amount of airtime allotted to all political parties equally shall be conducted with the basic principle of providing voters with information they need to make their choices. The minimum airtime allocated to political parties shall be clearly determined.</td>
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<td>7/</td>
<td>The obligations of commercial broadcasting service and special public broadcasting service providers to allocate free airtime to political parties during election period shall be lower than public service broadcasting under any circumstances.</td>
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<td>8/</td>
<td>The political party or private candidate provided with free airtime shall be responsible for the program or statement transmitted.</td>
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<td>9/</td>
<td>A broadcasting service licensee is not required to broadcast a political advertisement. But if the licensee chooses to do so, the broadcaster may not discriminate against any political party or make or give any preference to any political party or subject any political party to any prejudice.</td>
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10/ A broadcasting service licensee shall not be obliged to broadcast a political advertisement from political parties or individual candidates during an election period. However, when it chooses to do so, on its own free will, the message shall be duly approved by an authorized representative.

11/ Political parties and individual candidates are required to follow guidelines set by Electoral laws and Codes of Conduct and are responsible and subject to liability related to political advertisements and messages aired using free of charge airtime during the election period.

12/ The fee required for election campaign advertisement may not exceed the fee required for equivalent commercial advertisements.

13/ A party, or individual candidate’s election broadcast and political advertisement shall conform to a technical quality and compatibility acceptable to the broadcast licensee.

PART FIVE
ADMINISTRATIVE MEASURES

72. Basic Principles

1/ Unless expressly authorised by law, procedures, administrative actions and measures that adversely affect media freedom are prohibited.
2/ All administrative measures on sanctions shall be taken fairly and with respect to due process rights, including the right of the broadcasting service licensee to be heard.

3/ Any administrative measure taken in accordance with this Proclamation, shall take into account the gravity of the noncompliance and the past records of recidivism of the media.

73. **Administrative Measures**

1/ The Authority may step by step take, as may be appropriate, the following administrative measures, where a broadcasting service provider contravenes the provisions of this Proclamation and Regulations or Directives issued in accordance with this Proclamation:

   a) issue a written warning;
   b) impose administrative fine up to Birr 200,000 (Two Hundred Thousand Birr);
   c) suspend or terminate the program that violated the law;
   d) suspend or revoke the license of the licensee that violets the law.

2/ As an alternative to the provisions of this Proclamation, the Authority may allow the self-regulation structures of the media to enforce their Code of Conduct before appealing to the Board on certain issues after conducting an evaluation every three years to check
the effectiveness and strength of the operations of the media self-regulation bodies and their implementation of Code of Conduct.

74. **Offences that Give Rise to a Written Warning**

1/ Any media that commits the following offenses shall receive a written warning:

a) violating the provisions that deal with ownership criteria;

b) noncompliance with the obligation to notify appointment of a director or program manager;

c) noncompliance with the obligation to provide the necessary information in print and broadcasting transmissions;

d) failing to provide the gratuitous copies;

e) failing to comply with the Provisions of Article 53 and 60 of this proclamation;

f) failing to comply with obligations related with national content;

g) failing to fulfil content-related obligations;

h) notwithstanding other penalties provided under this Proclamation and other relevant laws violating provisions dealing with the duties to protect the well being of minors;
i) notwithstanding other penalties provided under this Proclamation and other relevant laws violating provision dealing with religious programs;

j) notwithstanding other penalties provided under this Proclamation and other relevant laws violating provision dealing with duties related to transmission of election period statements;

k) violating provisions dealing with transmission of governmental emergency statements;

l) violating provision dealing with internal complaint handling mechanism; or

m) committing other offences found on similar levels.

2/ A written warning shall be sent to the licensee clearly stating the reasons of the Authority, the measure that should be taken, as decided by the Authority, and the time frame in which the licensee should take the corrective measure.

75. **Fine**

1/ Any person that commits the following offenses shall be punished with the fines stated below, as the Authority deems appropriate:

a) violating Article 25, 30 or Article 44 of this Proclamation shall be punishable with a fine not exceeding Birr 150,000 (One Hundred Fifty Thousand Birr).
b) violating Article 26 and 27 of this Proclamation shall be punishable with a fine not exceeding Birr 50,000 (Fifty Thousand Birr). If the registration is not conducted as a result of the Authority’s failure, this provision is not applicable.

c) violating Article 53 of this Proclamation shall be punishable with a fine not exceeding Birr 15,000 (Fifteen Thousand Birr).

d) violating Article 45 of this Proclamation shall be punishable with a fine not exceeding Birr 15,000 (Fifteen Thousand Birr).

e) any periodical or broadcasting licensee violating Article 68 and 69 of this Proclamation shall be punishable with a fine not exceeding Birr 100,000 (One Hundred Thousand Birr).

f) any editor or program producer who has failed to publish or broadcast a reply or correction sent to him pursuant to Article 50 of this Proclamation shall be punishable with a fine up to Birr 15,000 (Fifteen Thousand Birr).

g) any licensee violating Article 71 of this Proclamation shall be punishable with a fine not exceeding Birr 50,000 (Fifty Thousand Birr).
| h) | Any person punished with the fine stated under Sub-Article (1) of this Article should be informed that they are threatened with a fine, and given an opportunity to comment, both on the alleged breach itself and on the intention to levy a fine. |
| i) | The amount of the fine should take into account the seriousness of the breach, the licensee’s record of breaches, any financial benefit the licensee might have gained as a result of the broadcast and the overall financial state of the broadcasting service licensee. |
| j) | Fines should be proportionate to the offence. In general, the Authority should not seek to levy fines of such magnitude that it seriously endangers the broadcaster’s viability. |
76. **Suspension or Termination of a Program**

1/ Depending on the gravity of the offence, the Authority may suspend or terminate a program where the licensee has failed to comply with (g), (h) and (i) of Article 74 Sub-Article (1) of this Proclamation or other similar offences and fails to take corrective measure in accordance with a written warning he received.

2/ The Authority shall give to the broadcasting service licensee an opportunity to comment on the decision before the program is suspended or terminated.

77. **Suspension of License**

1/ The Authority may suspend a license for a period not exceeding 1 month where the licensee has failed to comply materially with any of the provisions of this Proclamation or Regulations and Directives issued hereunder, keeps committing more serious offenses and does not take corrective measure;

2/ The suspension given to the licensee pursuant to Sub-Article (1) of this Article shall be in writing and shall specify the grounds of suspension and the effective date. It should be made clear to the licensee that a failure to improve will result in the licensee being revoked.
3/ If the licensee provides an evidence of a reasonable plan or action that can correct the failure, the Authority may lift the suspension before the end of the suspension period imposed.

78. **Grounds for the Suspension of License**

A broadcasting service license may be suspended by the Authority on any one of the following grounds:

1/ where a licensee does not take corrective measure after an administrative measure was taken in accordance with Sub-Article (1) of Article 74 and Sub-Article (1) of Article 75.

2/ where the transmission has been interrupted without sufficient cause for over a month;

3/ where the licensee fails to discharge its payment obligations provided under Article 46 of this Proclamation; or

4/ where a court orders suspension of the license.

79. **Revocation of License**

1/ The Authority shall revoke license when a broadcaster consistently shows disregard for the provisions of this proclamation and the subordinate Regulation and Directive and commits serious offence by ignoring instructions from the Authority.

2/ The revocation of a license pursuant to Sub-Article (1) of this Article shall be given in writing and shall specify the grounds of revocation and the effective date.
80. **Grounds for the Revocation of License**

1/ A broadcasting service license may be revoked by the Authority on any one of the following grounds:

a) where a licensee that has been suspended in accordance with Article 77 and 78 of this Proclamation does not take corrective measure within the suspension period or keeps committing the same offence;

b) where it is proved that the licensee has failed to commence transmission within 1 year from the date of obtaining the license;

c) when it is proved that the licensee has obtained the license by deception;

d) where the licensee, in his own will, stops the service;

e) where the provisions of Sub-Article (2) of Article 68 of this Proclamation are violated; or

f) when the licensee is in breach of the ownership requirements and is not able or willing to comply with.

2/ Where the licensee lodges application and the Authority proves the existence of force majeure which hindered a broadcasting licensee from commencing regular transmission within the period referred to in paragraph (b) of Sub-Article (1) of this Article, it may allow additional time not exceeding 1 year, for commencement of the transmission.
81. Decision-Making on Administrative Measures

1/ The Board shall have the power to make decisions resulting on refusal to license renewal, and suspension and revocation of licenses.

2/ Where the Board intends to refuse renewal, suspend, revoke license, it shall give the licensee the opportunity to present its views in person; submit to the Authority within the time specified by the Authority, a written statement of objections to the refusal suspension of the license; and request for holding a public hearing in connection with the issue.

3/ Decisions on giving written warning, imposing serious fine, taking measures or suspending or terminating a program can be taken by the Authority.

4/ Any person who is aggrieved by the order given by the Authority as specified under Sub-Article (3) of this Article, may submit his grievance to the Board within 14 working days from the date of receipt of the decision; and the Board shall give its decision within 30 working days from the date of receipt of the grievance.

5/ According to this Article, the Board or the Authority shall give its decisions related to administrative measures within 30 working days.

82. Petition and Appeal

1/ Any party who is aggrieved by the decision given by the Board pursuant to Sub-Article (1) or (4) of Article 81 of this Proclamation may submit his petition to the Federal High Court within 30 working days from the date of receipt of the decision.
2/ The Board shall give a copy of its decision to the applicant within 7 working days from the date of request by the applicant in writing.

3/ The Federal High Court has a power to review a question of fact and law on petition on the decision of the Authority.

4/ The Federal High Court shall give its decision within 30 days of receiving the appeal.

5/ Any party aggrieved by a decision of a court may, within 30 days, lodge an appeal before the appellate court. The court shall send a copy of its decision to the applicant within 24 hours from the date of the request.

6/ The appellate court shall give its decision within 30 days of receiving the appeal.

PART SIX
LEGAL LIABILITIES

83. Basic Principles

1/ Media shall operate respecting the law.

2/ Legal liabilities shall be imposed in accordance with the law and shall not constitute undue infringements on the right to freedom of expression.
84. Liability for Defamation

1/ When an act of defamation is committed through media, it shall result in civil liability, not criminal liability.

2/ A moral compensation for defamation by the media shall not exceed Birr 300,000 (Three Hundred Thousand Birr).

3/ In determining the amount of compensation and penalty pursuant to Sub-Article (2) of this Article, profit conditions, the seriousness of the damage and the effect the compensation would have on the viability of the media shall be taken into account.

4/ With the exception of an attack on individuals without any public interest, the following conditions shall not result in civil liability for defamation:

   a) when the content of the statement is true, and there is no intent to harm;
   
   b) when statements were made with genuine belief that the statements are true after following acceptable mechanisms and means to verify the accuracy of facts; and
   
   c) when the statement is made in the interest of the public.

5/ The following special conditions shall not result in civil liability for defamation:

   a) when the content of the statement is true, and there is no intent to harm;
   
   b) when statements were made with genuine belief that the statements are true after following acceptable mechanisms and means to verify the accuracy of facts; and
   
   c) when the statement is made in the interest of the public.
a) statement made by the Federal Democratic Republic of Ethiopia President, Prime Minister, members of the House of Peoples’ Representatives, members of the Council of Ministers, or members of Regional Councils and Executive organ;

b) statement made on any speech or decision by Federal or Regional government appointees, Peoples’ Representatives, at Federal or Regional parliament or in their official capacity;

c) statement made by judges, attorneys, defence counsel, prosecutors, legal counsel, or witnesses in a court proceeding;

or,

d) statement made by a person who has a legal obligation.

6/ The special conditions listed under Sub-Article (5) of this Article shall not be used to attack the personality of individuals mentioned without any public interest.

85. Impounding and Injunction

1/ Where the Federal or Regional public prosecutor, as the case may be, has sufficient reason to believe that a periodical or a broadcasting service which is about to be disseminated or transmitted contains illegal matter which would, if disseminated, lead to a clear and imminent grave danger to the national security which could not otherwise be averted through a subsequent imposition of sanctions, may apply to Federal High Court to get a grant of an order to impound the periodical or an injunction order forbidding transmission of a broadcasting service.
In cases of extreme emergency, where it is not possible for a public prosecutor to obtain a court order in time to prevent the harm, the Attorney General may order the periodical to be impounded or forbid the transmission of a broadcasting service.

3/ The Attorney General shall notify the Federal High Court of the order to impound the periodical or an injunction order forbidding transmission of a broadcasting service within 48 hours. The impounding or injunction is considered no longer enforce should the Attorney General fails to inform the court within 48 hours.

4/ The court stated under Sub-Article (3) of this Article shall determine within 24 hours whether or not the Attorney General’s order shall be upheld.

5/ The Federal High Court to which the order to impound a periodical or an injunction order forbidding transmission of a broadcasting service issued by the Attorney General, is submitted may.

a) if it deems that periodical or the broadcasting service contains unlawful matter that is likely to cause serious danger, uphold the Attorney General’s measure and order that criminal proceedings be instituted within 15 days from the date on which the court pronounced its decision. If the Attorney General fails to take such action, the court shall revoke the order to seize the periodical or the broadcasting service and bar its dissemination or transmission; or
A) if it deems that the content of a periodical or a broadcasting service is lawful and not likely to cause any damage, revoke the impoundment order issued by the Attorney General and may order the release of the publication or transmission of the barred broadcasting service. Unless otherwise the stay of execution is issued by an appellate court the order shall be executed after the lapse of 48 hours.

b) Once criminal proceedings have been instituted for offences committed through a periodical or a broadcasting service or an application is made to the court for a periodical to be impounded or forbid the transmission of a broadcasting service, the court shall have the power to order the publication to be impounded and its further dissemination be barred or forbid the transmission of a broadcasting service, or revoke an order, that has been issued under Sub-Article (4).

6/ An order for the impoundment of a periodical shall contain a statement indicating the offending passage or passages in the publication which occasioned the order and shall specify the volume, part, issue, or installment in which these passages occur. An order for the impoundment of a periodical shall relate only to copies intended for dissemination.
8/ The prosecutor shall be legally liable for a malicious exercise of his powers under this Article. Administrative sanctions and fine may be imposed on the individuals within the government institutions for a malicious exercise.

86. Manner of Instituting and Hearing Media Related Cases

1/ Any person charged with committing an offence through the media by the public prosecutor shall be brought promptly before a court, without being remanded for further investigation pursuant to the provisions of Criminal Procedure Code.

2/ The court having jurisdiction over the case shall commence the hearing of the case within 15 days of the filing of the charge.

3/ The court shall cause the accused person to obtain a copy of the charge, together with a copy of any evidence, at least 5 days before the commencement of the trial.

4/ The court shall pronounce its judgment within 1 month from the commencement of the trial.

5/ Where it has not been possible to deliver a summons personally to the accused person because he was not found at his address, the court shall require a notice to be posted announcing the summons and notifying the accused that the hearing shall proceed in his absence should he fail to appear within 7 days.
87. **Statute of Limitation**

1/ Notwithstanding the Provision of Article 28 Sub-Article (1) of the Constitution, no criminal proceeding for an offence committed through a periodical may be instituted after the lapse of 1 year from the date when the offending item was published.

2/ No criminal proceeding for an offence committed through a broadcasting service may be instituted if criminal investigation is not started with 6 months from the date when the offending program was broadcast.

3/ No criminal proceeding for an offence committed through an online media may be instituted if no investigation is started with 3 months from the last date on which the offending program was available online.

### PART SEVEN

**MISCELLANEOUS PROVISIONS**

88. **Transitory Provision**

1/ The broadcasting service licenses granted in accordance with the law before the coming into force of this Proclamation shall remain in force; and the licensee shall improve its organization in accordance with this proclamation.

2/ Periodicals in operation prior to the coming into force of this Proclamation shall continue in operation. But whenever the authority seeks information, it shall present it.
89. Transfer of Right and Obligation

1/ The rights and obligations of the Ethiopian Broadcasting Authority established under the Broadcasting Service Proclamation No. 533/2007 are hereby transferred to the Media Authority.

2/ The regulatory powers and duties vested in Ethiopian Broadcasting Authority as stipulated under the Advertisement Proclamation No. 759/2012 deals about advertisement are hereby transferred to the Authority.

90. Power to Enact Regulation and Directive

1/ The House of Peoples’ Representatives shall enact Regulation to implement this Proclamation.

2/ The Board shall issue Directives on clearly stipulated issues under this Proclamation and the Regulation enacted in accordance with Sub-Article (1) of this Article.

3/ In order to ensure fairness and transparency, the Authority shall publish all of its Directives and make them accessible to the public.

4/ The Authority shall organize stakeholders’ consultation and conduct public hearings in respect of a draft directive. All directives prescribed ought to be subject to a public notice.
91. Repealed and Inapplicable Laws

1/ Provisions concerning mass media on Mass Media and Access to Information Proclamation No. 590/2008 are hereby repealed with this proclamation.

2/ Broadcasting Service Proclamation No. 533/2007 is hereby repealed.

3/ No law, Regulation, Directive, order or customary practice shall, in so far as it is inconsistent with this Proclamation, have effect in respect of matters covered hereunder.

92. Effective Date

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, On this 5th Day of April, 2021.

SAHLEWORK ZEWIDIE
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA