

## **Regulations on Broadcasting and Television Administration**

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Chapter I General Provisions

**Article 1** These Regulations are formulated for the purpose of enhancing broadcasting and television administration, developing the cause of broadcasting and television and promoting the building of socialist spiritual civilization and material civilization.

**Article 2** These Regulations shall be applicable to such activities as the establishment of broadcasting stations and television stations and gathering and editing, making, broadcasting and transmitting broadcasting and television programmes within the territory of the People's Republic of China.

**Article 3** The cause of broadcasting and television should adhere to the orientation of serving the people and socialism and persevere in correct media guidance.

**Article 4** The State develops the cause of broadcasting and television. People's governments at or above the county level should integrate the cause of broadcasting and television into national socio-economic development plans and gradually increase input in the light of requirements and financial resources to improve the coverage of broadcasting and television.

The State supports the development of the cause of broadcasting and television in rural areas.

The State supports the nationalities autonomous areas and poor remote regions in the development of the cause of broadcasting and television.

**Article 5** The department of broadcasting and television administration under the State Council shall be responsible for broadcasting and television administration across the country.

The departments or agencies in charge of broadcasting and television administration (hereinafter referred to as departments of broadcasting and television administration) of local people's governments at or above the county level shall be responsible for broadcasting and television administration within their respective administrative areas.

**Article 6** National societies for the broadcasting and television trade shall practise self-disciplined management in accordance with their constitutions and conduct activities under the guidance of the department of broadcasting and television administration under the State Council.

**Article 7** The State shall give rewards to units and individuals having made outstanding contributions to the development of the cause of broadcasting and television.

## Chapter II Broadcasting Stations and Television Stations

**Article 8** The department of broadcasting and television administration under the State Council shall be responsible for the formulation of the plan for the establishment of broadcasting stations and television stations nationwide and the determination of the aggregate, distribution and structure of broadcasting stations and television stations.

The broadcasting stations and television stations referred to in these Regulations mean agencies gathering and editing, making and broadcasting broadcasting and television programmes via cable or wireless mode.

**Article 9** Establishment of a broadcasting station or television station should fulfil the following qualifications:

- (1) having specialized personnel of broadcasting and television conforming to state provisions;
- (2) having technical equipment of broadcasting and television conforming to state provisions;

(3) having necessary capital construction funds and stable fund guarantee;  
and

(4) having a necessary site.

In addition to compliance of the qualifications listed in the preceding paragraph, examination and approval of establishment of a broadcasting station or television station should also conform to the state construction plan for broadcasting and television and the technological development plan.

**Article 10** Broadcasting stations and television stations shall be established by departments of broadcasting and television administration of people's governments of counties and municipalities without subordinate districts and above, among which educational television stations may be established by departments of education administration of people's governments of municipalities with subordinate districts and autonomous prefectures and above. No other units or individuals shall establish broadcasting stations and television stations.

The State prohibits the establishment of foreign capital operated, Sino-foreign joint venture and Sino-foreign cooperative venture broadcasting stations and television stations.

**Article 11** The central broadcasting station and television station shall be established by the department of broadcasting and television administration under the State Council. For the establishment of broadcasting stations and television stations by localities, applications shall be filed by the departments of broadcasting and television administration of people's governments of counties and municipalities without subordinate districts and above and upon the examination and consent of the people's governments at the same level, submitted level by level and preparations for construction may be undertaken only upon the examination and approval of the department of broadcasting and television administration under the State Council.

The central educational television station shall be established by the department of education administration under the State Council, subject to the examination and approval of the department of broadcasting and television administration under the State Council. For establishment of educational television stations by localities, applications shall be filed by the departments of education administration of local people's governments of municipalities with subordinate districts and autonomous prefectures and above, submitted level by level upon gaining the consent of the department

of broadcasting and television administration at the same level and the examination and approval of the people's government at the same level, and preparations for construction may be undertaken only upon the examination and approval of the department of broadcasting and television administration under the State Council following the examination and verification of the department of education administration under the State Council.

**Article 12** Engineering construction of broadcasting stations and television stations the preparations for construction of which have been approved should proceed in accordance with the construction procedures and technological standards for broadcasting and television prescribed by the State.

Licences for broadcasting station and television station shall be issued to those broadcasting stations and television stations the construction of which has been completed upon examination by the department of broadcasting and television administration under the State Council which finds them to conform to the qualifications. Broadcasting stations and television stations should make and broadcast programmes in accordance with such particulars as the station name, station sign, programme scope and set number of programmes specified in the licences.

**Article 13** Changes in station names, station signs, programme scope or set number of programmes of broadcasting stations and television stations shall be subject to the approval of the department of broadcasting and television administration under the State Council.

No broadcasting station or television station shall lease or transfer broadcasting time bands.

**Article 14** Termination of a broadcasting station or television station shall be submitted in accordance with the original examination and approval procedures, and its licence shall be withdrawn by the department of broadcasting and television administration under the State Council.

A broadcasting station or television station which finds it necessary to suspend broadcasts owing to extraordinary circumstances should be subject to the consent of the department of broadcasting and television administration of the people's government at or above the provincial level; a broadcasting station or television station the continuous stoppage of broadcasting of which exceeds 30 days without approval shall be regarded as

termination and shall go through the relevant formalities pursuant to the provisions of the preceding paragraph.

**Article 15** The departments of broadcasting and television administration of people's governments at or above the county level of the localities shall be responsible for the examination and verification of the establishment of broadcasting and television stations by villages and townships therein, and the examination and approval of which shall be handled in accordance with the relevant provisions of the department of broadcasting and television administration under the State Council.

Examination and approval of establishment of cable broadcasting and television stations by organs, army units, societies, enterprises and institutions shall be handled pursuant to the relevant provisions of the State Council.

**Article 16** No unit or individual shall forcibly enter broadcasting stations and television stations, or damage the installations of broadcasting stations and television stations, or endanger their secure broadcasts.

### Chapter III Networks of Broadcasting and Television Transmission Coverage

**Article 17** The department of broadcasting and television administration under the State Council shall carry out unified planning on the coverage of broadcasting and television transmissions across the country in accordance with uniform state standards, and construction and development shall be carried out at different levels. The departments of broadcasting and television administration of local people's governments at or above the county level should, pursuant to relevant state provisions, construct and manage networks of broadcasting and television transmission coverage within their respective administrative areas.

Construction of networks of broadcasting and television transmission coverage including full exploitation of all kinds of existing resources of public telecommunications of the state should ensure the quality and unimpeded traffic of transmissions of broadcasting and television programmes.

The networks of broadcasting and television transmission coverage referred to in these Regulations shall be composed of broadcasting and television transmitting stations, relay stations (including differential relay stations and reception relay stations, the same hereinafter), broadcasting and television satellites, satellite up-link stations,

satellite reception and relay stations, microwave stations, monitoring stations (posts) and networks of cable broadcasting and television transmission coverage.

**Article 18** The department of broadcasting and television administration under the State Council shall be responsible for the designation and allocation of frequencies of special-purpose channels and bands for broadcasting and television and the verification and issuance of certificates of designation and allocation of special-purpose frequencies.

**Article 19** Establishment of broadcasting and television transmitting stations, relay stations, microwave stations, satellite up-link stations should, pursuant to relevant state provisions, go through formalities of examination and approval at the radio control agencies of the State, or the province, autonomous region and municipality directly under the Central Government on the strength of the certificates of designation and allocation of special-purpose frequencies issued by the department of broadcasting and television administration under the State Council and obtain radio station licences.

**Article 20** Broadcasting and television transmitting stations and relay stations should transmit and relay broadcasting and television programmes in accordance with the relevant provisions of the department of broadcasting and television administration under the State Council.

Frequencies, channels and bands of broadcasting and television transmitting stations and relay stations the use of which has been verified and approved shall not be leased or transferred, and all technical parameters already approved shall not be changed without authorization.

**Article 21** No broadcasting and television transmitting station and relay station shall broadcast self-sponsored programmes or insert advertisements without authorization.

**Article 22** Site selection, design, construction and installation of projects of the networks of broadcasting and television transmission coverage should be handled pursuant to the relevant state provisions and undertaken by units with acquisition of corresponding certificates of qualifications according to law.

Construction of projects of the networks of broadcasting and television transmission coverage and the technical equipment of broadcasting and

television used therein should conform to state standards and trade standards. Acceptance checks shall be organized by the departments of broadcasting and television administration upon completion of the projects which may be put into operation only upon passing the acceptance checks.

**Article 23** Regional networks of cable broadcasting and television transmission coverage shall be set up and managed by the departments of broadcasting and television administration of local people's governments at or above the county level.

Plans and construction schemes for the regional networks of cable broadcasting and television transmission coverage shall be carried out upon approval by the departments of broadcasting and television administration of people's governments of the provinces, autonomous regions and municipalities directly under the Central Government when submitted by the departments of broadcasting and television administration of people's governments at the county level or those of the municipalities with subordinate districts and autonomous prefectures, or carried out upon approval by the department of broadcasting and television administration under the State Council when submitted by the departments of broadcasting and television administration of people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

Only one regional network of cable broadcasting and television transmission coverage shall be set up in the same administrative region. Cable television stations shall be hooked up with the regional network of cable television transmission coverage according to the plan.

**Article 24** No unit or individual shall broadcast any programme via a network of cable broadcasting and television transmission coverage without approval.

**Article 25** Control and use of satellite space band resources for the transmission of broadcasting and television programmes should conform to the relevant state provisions.

Transmission of broadcasting and television programmes using the satellite mode by broadcasting stations or television stations should conform to the requirements prescribed by the State and be subject to the examination, verification and approval of the department of broadcasting and television administration under the State Council.

**Article 26** For installation and use of ground reception facilities for satellite broadcast and television, an application for the acquisition of a licence should, pursuant to the relevant state provisions, be submitted to the department of broadcasting and television administration of the people's government of the province, autonomous region or municipality directly under the Central Government. Import of decipherer, depressurizers and other ground reception facilities for satellite broadcast and television for external satellite broadcasting and television programmes shall be subject to the examination and approval of the department of broadcasting and television administration under the State Council.

**Article 27** Infringing on or occupying, gathering together to rob, or destroying in other forms facilities of networks of broadcasting and television transmission coverage by any unit or individual shall be prohibited.

**Article 28** No unit or individual shall infringe on or occupy and interfere with the special-purpose broadcasting and television frequencies, or intercept the transmission of, interfere with or descramble broadcast and television signals.

**Article 29** The departments of broadcasting and television administration of people's governments at or above the county level should adopt diverse forms of satellite transmission, radio relay, cable broadcast and cable television to improve the rate of broadcasting and television coverage in rural areas.

#### Chapter IV Broadcasting and Television Programmes

**Article 30** Broadcasting stations and television stations should run programmes according to the scope for the setting up of programmes approved by the department of broadcasting and television administration under the State Council.

**Article 31** Broadcasting and television programmes shall be made by broadcasting stations, television stations and broadcasting and television programme production and marketing units the establishment of which has been approved by the departments of broadcasting and television administration of people's governments at or above the provincial level. No broadcasting station or television station shall broadcast broadcasting and television programmes produced by units without the acquisition of licenses for broadcasting and television programme production and marketing.



**Article 32** Broadcasting stations and television stations should improve the quality of broadcasting and television programmes, increase the number of excellent Chinese programmes and ban the production and broadcast of programmes containing any of the following contents:

(1) that which endangers the unity, sovereignty and territorial integrity of the country;

(2) that which endangers state security, honour and interests;

(3) that which instigates nationality separation or disrupts nationality solidarity;

(4) that which divulges state secrets;

(5) that which slanders or insults others;

(6) that which propagates obscenity, superstition or plays up violence; and

(7) other contents prohibited under provisions of laws and regulations.

**Article 33** Broadcasting stations and television stations should conduct pre-broadcast censorship and rebroadcast censorship over the contents of their respective broadcasting and television programmes pursuant to the provisions of Article 32 of these Regulations.

**Article 34** Newscasts and television news should be true and just.

**Article 35** Establishment of a television opera production unit shall be subject to the approval of the department of broadcasting and television administration under the State Council and a licence for television opera production obtained before it may produce television operas.

Control measures for television opera production and broadcast shall be formulated by the department of broadcasting and television administration under the State Council.

**Article 36** Broadcasting stations and television stations should use standardized spoken and written languages.

Broadcasting stations and television stations should popularize the common spoken Chinese in common use nationwide.

**Article 37** Local broadcasting stations, television stations or broadcasting and television stations should relay broadcasting and television programmes pursuant to the relevant provisions of the department of broadcasting and television administration under the State Council.

Broadcasting and television stations set up by villages and townships shall not run their own television programmes.

**Article 38** Broadcasting stations and television stations should broadcast broadcasting and television programmes according to the advance programme announcements; for necessity of changing or adjusting the original programmes the advance announcements of which have been made, notices should be given to the public in advance.

**Article 39** External films and television operas to be used for broadcast by broadcasting stations and television stations must be subject to the examination and approval of the department of broadcasting and television administration under the State Council. Other external broadcasting and television programmes to be used for broadcast by broadcasting stations and television stations must be subject to the examination and approval of the department of broadcasting and television administration under the State Council or its authorized agencies.

Broadcasting and television programmes to be provided to users abroad should be reported to the departments of broadcasting and television administration of people's governments at or above the provincial level for the record pursuant to relevant state provisions.

**Article 40** The percentage of time of broadcasting external broadcasting and television programmes and the total broadcast time of broadcasting and television programmes by broadcasting stations and television stations shall be determined by the department of broadcasting and television administration under the State Council.

**Article 41** Import and relay of external broadcasting and television programmes via satellite and other modes by broadcasting stations and television stations must be subject to the approval of the department of broadcasting and television administration under the State Council.

**Article 42** Broadcast of advertisements by broadcasting stations and television stations must not exceed the time prescribed by the department of broadcasting and television administration under the State Council.

Broadcasting stations and television stations should broadcast non-profit advertisements.

**Article 43** The department of broadcasting and television administration under the State Council may, under extraordinary circumstances, make a decision to suspend the broadcast, change a particular programme or designate the relay of a particular programme.

**Article 44** Educational television stations should broadcast all types of educational and teaching programmes in accordance with the relevant state provisions, and should not broadcast films or television films not related to the contents of teaching.

**Article 45** Sponsorship of international or national exchanges and transactions of broadcasting and television programmes should be subject to the approval of the department of broadcasting and television administration under the State Council and should be handled by designated units. Sponsorship of regional exchanges and transactions of broadcasting and television programmes should be subject to the approval of the department of broadcasting and television administration of the people's government of the province, autonomous region or municipality directly under the Central Government of the locality wherein such activities are to be conducted, and they shall be handled by designated units.

No unit or individual shall sponsor any exchange or transaction of broadcasting and television programmes without approval.

**Article 46** Broadcast and use of broadcasting and television programmes having copyrights shall be handled pursuant to the provisions of the Copyright Law of the People's Republic of China.

#### Chapter V Penalty Provisions

**Article 47** Whoever, in violation of the provisions of these Regulations, establishes a broadcasting station, or a television station, or an educational television station, or a network of cable broadcasting and television transmission coverage, or a broadcasting and television station without authorization shall be banned by the department of broadcasting and television administration of the people's government at or above the county level with its equipment for illegal activities confiscated and be imposed a fine more than 100% and less than 200% of the total amount of investment.

Establishment of a broadcasting and television transmitting station, or a relay station, or a microwave station, or a satellite up-link station shall be banned by the department of broadcasting and television administration of the people's government at or above the county level with its equipment for illegal activities confiscated and be imposed a fine more than 100% and less than 200% of the total amount of investment; or it will be penalized by the radio control agency pursuant to the relevant provisions of state radio control.

**Article 48** Establishment of a broadcasting and television programme production and marketing unit without authorization or making television operas and other broadcasting and television programmes without authorization in violation of the provisions of these Regulations shall be banned by the department of broadcasting and television administration of the people's government at or above the county level with its special-purpose tools, equipment and programme carriers for illegal activities confiscated, and be concurrently imposed a fine more than RMB 10,000 Yuan and less than RMB 50,000 Yuan.

**Article 49** Production, broadcasting and providing to users abroad of programmes containing contents prohibited by the provisions of Article 32 of these Regulations in violation of the provisions of these Regulations shall be directed to stop the production, broadcasting and providing to users abroad with its programme carriers surrendered and taken over, and be concurrently imposed a fine more than RMB 10,000 Yuan and less than RMB 50,000 Yuan; where the circumstances are serious, the original approval organ shall revoke its licence; violators of public security provisions shall be penalized for public security violations by the public security organ according to law; where the offence constitutes a crime, criminal responsibilities shall be investigated according to law.

**Article 50** Whoever, in violation of the provisions of these Regulations, commits any of the following acts shall be directed by the department of broadcasting and television administration of the people's government at or above the county level to stop the illegal activity, be administered a warning with his/her illegal income confiscated and may concurrently be imposed a fine less than RMB 20,000 Yuan; where the circumstances are serious, the original approval organ shall revoke the licence:

(1) changing station name, station sign, the scope of programme set-up and set number of programmes without approval;

(2) leasing or transfer of broadcasting time bands;

(3) relay or broadcast of broadcasting and television programmes in violation of provisions;

(4) broadcast of external broadcasting and television programmes or advertisements in excess of the time prescribed;

(5) broadcast of broadcasting and television programmes produced by units without the acquisition of a production and marketing licence for broadcasting and television programmes or broadcast of a television opera produced by a unit without the acquisition of a production licence for television operas;

(6) broadcast of external films, television operas and other broadcasting and television programmes that have not been approved;

(7) broadcast by an educational television station of programmes the broadcast of which is prohibited under provisions of Article 44 of these Regulations; and

(8) sponsoring of exchanges and transactions of broadcasting and television programmes without approval.

**Article 51** Whoever, in violation of the provisions of these Regulations, commits any of the following acts, shall be directed by the department of broadcasting and television administration of the people's government at or above the county level to stop the illegal activities, be administered a warning with the illegal income and special-purpose tools and equipment for illegal activities confiscated, and may concurrently be imposed a fine less than RMB 20,000 Yuan; where the circumstances are serious, the original approval organ shall revoke the licence:

(1) leasing or transfer of frequencies and frequency bands, and changing without authorization technical parameters of broadcasting and television transmitting stations and relay stations;

(2) broadcast of self-sponsored programmes and insertion of advertisements by broadcasting and television stations and relay stations without authorization;

(3) transmission of broadcasting and television programmes via the satellite mode without approval;

(4) import and relay of external broadcasting and television programmes via satellite and other transmission modes without approval;

(5) broadcast of programmes via a network of cable broadcasting and television transmission coverage without approval;

(6) engaging in project site selection, design, construction and installation of a network of broadcasting and television transmission coverage without approval; and

(7) infringing on or occupying and interfering with special-purpose broadcasting and television frequencies, and intercepting transmissions of, interfering with and descrambling broadcasting and television signals without approval.

**Article 52** Whoever, in violation of the provisions of these Regulations, endangers the secure broadcast of a broadcasting station or a television station, or destroys broadcasting and television facilities shall be directed by the department of broadcasting and television administration of the people's government at or above the county level to stop the illegal activities; where the circumstances are serious, a fine of more than RMB 20,000 Yuan and less than RMB 50,000 Yuan shall be imposed; where infringement has been caused, the infringer shall compensate the loss according to law; where the offence constitutes a crime, the offender shall be investigated of the criminal responsibility according to law.

**Article 53** Departments of broadcasting and television administration and their functionaries that abuse power, neglect their duties and indulge in self-seeking misconduct constituting criminal offences shall be investigated of their criminal responsibilities according to law; those whose offences do not constitute a crime shall be given administrative sanctions according to law.

#### Chapter VI Supplementary Provisions

**Article 54** Broadcasting stations, television stations, educational television stations, broadcasting and television transmitting stations, relay stations and broadcasting and television programme production and marketing units already established before the implementation of these Regulations shall, within six months starting from the date of implementation

of these Regulations, renew the formalities of examination and verification pursuant to the provisions of these Regulations; those which fail to conform to the provisions of these Regulations shall be disbanded; county-level educational television stations in existence may be amalgamated with county-level television stations opening educational programme channels.

**Article 55** These Regulations shall come into force as of September 1, 1997.