

## APPENDIX 3

### **Principles for transborder satellite television broadcasting in the Asia-Pacific region<sup>1</sup> [as endorsed by the Australian Government]**

The 3<sup>rd</sup> Meeting of the Asia-Pacific Regulatory Roundtable in Seoul in September 1998:

- respecting the need to be sensitive to the social, economic, political, religious, cultural, ethnic and linguistic diversity in the region, including national interest considerations;
- recognising the global nature of transborder satellite television broadcasting and acknowledging that transborder broadcasting has a purpose for the public good and the betterment of societies, offering benefits to communities through entertainment, information and education;
- acknowledging that broadcast regulators have an important role in facilitating responsible transborder satellite television broadcasting, including safeguarding national cultures and traditional values from potential adverse effects;
- recognising that having principles for transborder satellite television broadcasting provide guidance to broadcast regulators and certainty to incumbent and aspirant transborder satellite television broadcasters;
- recognising that the principles for transborder satellite television broadcasting do not limit the capacity of countries to establish domestic laws and regulations, or to enter into bilateral and multilateral treaties and agreements, including those relating to the transmission or reception of transborder satellite television broadcasting; and
- acknowledging that the guiding law for transborder satellite television broadcasting should be that of the transmitting country;

recommends that transborder satellite television broadcasting in the Asia-Pacific region should be guided by the following principles:

#### **Principle 1. Purpose and Objective**

The purpose of these principles is to facilitate the harmonisation of regulatory arrangements concerning broadcast material on transborder satellite television. The objective is to strengthen regional cooperation through constructive dialogue on matters relating to broadcast material on transborder satellite television.

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<sup>1</sup> Tabled by the ABA at the Asia-Pacific Regulatory Roundtable in Singapore in September 1999.

## **Principle 2. Terms Employed**

For the purposes of these principles:

The term “transborder satellite television broadcasting” means the television signals which are transmitted from one country into one or more countries via a broadcasting or communications satellite.

The term “transmitting country” means any country in which the signal of transborder satellite television broadcasting originates.

The term “receiving country” means the country or countries where the television signals transmitted by satellite from another country can be downlinked or received by appropriate means, but excludes unintended and fortuitous reception.

The term “appropriate means” includes satellite dishes and methods of restricting reception such as decoders, and encryption and distribution mechanisms.

The term “broadcast material” covers all material broadcast, including drama, news and current affairs, sports, entertainment, documentaries, advertisements, sponsorships, program promotions, and community service announcements.

## **Principle 3. Field of Application**

These principles shall apply to all transborder television broadcasting, whether it is transmitted from within or outside the Asia-Pacific region via broadcasting or communications satellites.

## **Principle 4. Regional Cooperation**

The principles for transborder satellite television broadcasting in the Asia-Pacific region are based on the desire for regional cooperation. Special consideration should be given to the need for technological and human resources exchange and collaboration between developed and developing countries in the region.

## **Principle 5. Free Flow of Information**

Transborder satellite television broadcasting should aim to advance the internationally recognised principles relating to freedom of expression and the free flow of information in pursuit of enhancing the knowledge and understanding of peoples in countries in the region and between regions.

## **Principle 6. Broadcast Material**

Transborder satellite television broadcasting services should aim to promote to audiences throughout the Asia-Pacific region the availability of a diverse range of television services offering entertainment, education and information; and

All material for transborder satellite television broadcasting should meet the minimum requirements of the country from which a broadcast is made, including requirements relating to taste and decency and the handling of matters such as sex, violence, use of obscene language, criminal activity and drug use.

In addition, transborder satellite television material broadcast should also meet the following requirements:

□ **Program standards to be consistent**

Program content should be consistent with the requirements of the transmitting country, including program classifications and consumer advice on the content of material to be broadcast.

□ **Children's programs**

Children's programs should pay particular attention to their healthy physical, emotional and educational development.

□ **News and current affairs**

News and current affairs should aim to be accurate, fair and balanced, and respectful of the privacy of individuals.

□ **Advertisements**

Advertisements, including for products such as tobacco, alcohol and medicines, should comply with the domestic rules of the transmitting country.

**Principle 7. Intellectual Property Rights**

Standards relating to intellectual property rights in the transmitting country should be observed in all material provided for transborder satellite television broadcasting.

**Principle 8. Compliance**

Transmitting and receiving countries should share information on problems which arise from transborder satellite television broadcasting in their respective countries, and when necessary, incidents of non-compliance with these principles should be resolved through dialogue between the concerned parties.

**Principle 9. Remedies**

Transborder satellite television broadcasting transmitted into or within the region should afford the reasonable opportunity for reply or equivalent remedies, such as the removal of offensive material or on-air apologies.

**Principle 10. Implementation**

The application of these principles will be reviewed in the annual meeting of the Regulatory Roundtable. This does not preclude broadcast regulators from discussing, either bilaterally or multilaterally, matters covered by these principles.