

New Saudi authority for the regulation of Audio and Visual Media

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Background to the new Authority

The first radio broadcast in the Kingdom is reported to have occurred around 1931. In 1955 the first television broadcast occurred in the Kingdom, when US programs were broadcast for the personnel of the USAF Dhahran Airfield. This was followed in 1965 with the first state approved national television broadcast. The first program broadcast was a recital of the Quran.

Today in the Kingdom the state-run Broadcasting Service of the Kingdom of Saudi Arabia operates almost all domestic television broadcasting, namely the four state television channels and the Kingdom's state radio channels.

Historically, however, there were few new licenses issued to broadcast in the Kingdom, which has led to a stagnation of the market and a number of Saudi owned broadcasters operating from outside the Kingdom. The Ministry for Culture and Information, however, hope that the establishment of the new Authority will change this.

The new Authority

The new Authority is an independent legal entity, with independent finance and administration, albeit, however, one that reports to the Minister of Culture and Information. It is charged with the regulation, supervision and development of audio-visual media transmission. As such, it will serve as an authority to regulate and supervise the audio and visual media outlets operating from inside the Kingdom, and issue licenses to radio and television stations to operate from the Kingdom.

It is worth noting that enacting legislation does not specifically refer to the online sector, but seemingly aims at its provisions at the traditional broadcast media. That said; the provisions are drafted with sufficient breadth to permit the remit of the Authority to extend online.

How will the Authority Regulate?

As mentioned above, the Authority's remit is broad; however, the enacting legislation provides a number of rules by which the Authority will perform its obligations.

These rules provide that the Authority will regulate in accordance with the Kingdom's "media policy" and the following rules/mandate:

1. Reinforcing the religious, social and cultural values of the Kingdom;
2. Ensuring that the public are provided with a high quality collection of entertainment;
3. Setting-up flexible and clear mechanisms for licensing the audio-visual media transmission, in a way which keeps abreast with the advanced commercial and technological trends;
4. Ensuring that equal opportunities are provided in the markets and securing fair competition, in the area of the Authority's activity;
5. Supporting the development of audio-visual media transmission and content in the Kingdom;
6. Supporting and implementing the objectives of Kingdom's media policy and national plans through audio-visual media transmission and content.

(together the “Rules”)

What will the Authority Regulate?

The enacting legislation provides that the Authority will regulate the following areas, and shall apply the Rules while exercising its authority:

1. Managing the licensing procedures for all activities of audio-visual media transmission and content;
2. Proposing the licensing fees for audio-visual media transmission and content, suggesting the amendment thereof, and submitting the same to the competent authorities for approval.
3. Coordinating with the Communication and Information Technology Commission in respect of the frequency spectrum for audio-visual media transmission, in accordance with the communications law;
4. Coordinating with the Communication and Information Technology Commission on the technical specifications of audio-visual media transmission devices, and issuing the approvals for importing and distributing the same;
5. Monitoring all audio-visual media transmission and content services providers, to ensure that they conform strictly to the laws and implement the conditions of their respective licenses;
6. Receiving and investigating the complaints related to audio-visual media transmission and content;
7. Supporting and conducting research and studies, organizing conferences and meetings associated with audio-visual media transmission and content, whether solely or in cooperation with other similar institutions;
8. Setting-up a mechanism to resolve disputes arising between the Authority and the audio-visual media transmission and content outlets (which we interpret to mean “broadcasters”) as prescribed by the law; and
9. Performing further tasks as dictated or required by the nature of its functions or prescribed by the applicable laws.

Things to consider and likely implications

The creation of the Authority is intended to facilitate the establishment of Saudi television and radio stations, and the Authority certainly has the power to do that. While it is clear, that those Saudi television and radio stations will need to conduct business according to certain conditions and rules what those conditions and rules are is unclear. If a business is considering making an application for a license from the Authority, then this ought to be considered from the outset.

While it is likely that the incorporation of the Authority will result in an expansion and development of the broadcast media in the Kingdom, and it is the Authority’s responsibility to regulate this expansion, it is not yet clear how this will be managed.

Al Tamimi & Company’s Technology, Media & Telecommunications team regularly deals with media regulatory issues in the region. For further information please contact the author of the article.