



**Delegation of Ukraine
to the OSCE**

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Documents Distribution

Taking into account the interest shown by several Delegations to the radio “Continent” in Ukraine, Delegation of Ukraine would like to distribute information about the development around this radio station.

ON THE SITUATION REGARDING RADIO STATION “CONTINENT” IN UKRAINE

Radio “Continent” broadcasts in Kyiv on the frequency 100,9 Mhz since 1993.

According to the legislation of Ukraine, National Council on TV and Radio Broadcasting of Ukraine decided on December 23, 2003, to announce tender for the broadcasting rights on the FM frequency 100,9 Mhz, because initial license for the channel had expired.

“Media Center” Ltd., representing radio “Continent”, also participated in the tender. The winner of the tender was Kharkiv company “Onyx” (Radio “Melodiya”).

In its decision National Council took into consideration financial problems of “Media Center” Ltd., namely, not discharged financial obligations and a creditor debt.

According to tender rules, among competitors a priority right for a license has an organization, which broadcasted on this frequency before, in case of equal conditions concerning other participants in the tender. In this particular case Radio “Continent” had problems with repayment of credit. (Despite relevant court decision, the credit is not called in so far.)

On October 8, 2001 Radio “Continent” appealed against decision of Economic Court of Kyiv dated October 4, 2001 to the Kyiv Economic Court of Appeal.

On February 5, 2002 Kyiv Economic Court of Appeal with its decision #17/55-56 dismissed the appeal.

On February 20, 2002 Radio “Continent” appealed cassation against the decision of Kyiv Economic Court of Appeal to the Supreme Economic Court of Ukraine.

On April 24, 2002 Supreme Economic Court of Ukraine with its writ #17/55 abrogated decisions of Economic Court of Kyiv and Kyiv Economic Court of Appeal and brought the matter for a new assize.

On July 4, 2002 Supreme Court of Ukraine approved decision of bringing the matter for a new assize.

On August 13, 2002 Economic Court of Kyiv rejected plaintiff's claims.

On August 20, 2002 Radio “Continent” appealed against court decision to Kyiv Court of Appeal.

On February 12, 2003 the court decision to dismiss the appeal of “Media-Center” Ltd. came into legal force. Thus, from that moment the “Continent” radio broadcasted violating legislation of Ukraine. In accordance with Article 202 of Criminal Code of

Ukraine (violation of order of economic activities, work of an enterprise without license) a criminal case against officials of “Media-Center” Ltd. was started.

Early in February this year in accordance with the valid license another company began broadcasting on the same frequency as “Continent”. That company had to appeal to the state frequency supervising body of Ukraine Ukrchastotnaglyad to stop broadcast activities of unauthorized transmitters.

On March 3, 2004 broadcasting of the Radio “Continent” was stopped.

Taking into account the mentioned above development of events as well as actions of the parties, it is quite obvious that the conflict bears purely commercial and economic-financial nature and should be resolved exclusively in a legal framework.