LEGAL ASSESSMENT | ARMENIA

Media Ownership Monitor – Armenia
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MEDIA OWNERSHIP MONITOR ARMENIA

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Investigative Journalists NGO / Hetq is an online media operating in Yerevan since 2001. It was founded by the Investigative Journalists NGO and is considered Armenia's leading investigative media outlet. Hetq focuses on issues of corruption, crime, money laundering, and other related topics, and is frequently cited by both Armenian and international media.

As a result of Hetq's investigations, high-ranking Armenian officials have resigned, criminal cases have been initiated, and illegally privatized state-owned buildings recognized as monuments, land plots, and large sums of money have been returned to the Republic of Armenia.

Since 2019, the Investigative Journalists NGO has implemented the Hetq Media Factory educational program, a school of investigative journalism aimed at training young investigative journalists and to create innovative media products.

In 2021, Hetq launched the InFact/Pastatsi platform, which brings together several Armenian media outlets engaged in fact-checking and is intended not only for journalists, but also for other people interested in fact-checking.

Hetq is a participant in the Journalism Trust Initiative (JTI), launched by Reporters Without Borders. Website of Hetq: https://hetq.am/en

Global Media Registry (GMR) The Global Media Registry (GMR) collects, compiles and provides – either publicly available or self-reported – datasets and contextual information on media outlets around the world.

In doing so, the objective is to enhance transparency, accountability and responsibility in the information space. Thus, the GMR facilitates better choices and decision making, both algorithmic and human, of all stakeholders. These may include every citizen and consumer, regulators and donors, as well as the private sector – for example advertisers and intermediaries (a. k. a. platforms and distributors).

By providing this public service as a social enterprise, the Global Media Registry contributes to the advancement of the freedoms of information and expression at large.

It was founded as a spin-off from the Media Ownership Monitor project, which it now operates as a non-for-profit LLC registered under German law.

Description of the legislation on media concentration and ownership as well as its implementation, monitoring and transparency

1.Legal framework

Which laws are supposed to prevent media concentration and monopolies? On what hierarchy level of law (e.g. constitution, civil code, special laws or decrees; national/regional) is media concentration being addressed?

There is no comprehensive regulatory framework for media ownership and control adapted to the current media industry and corruption prevention mechanisms already present in other spheres of legislation. There are no legal frameworks and relevant mechanisms established in the audiovisual media legislation to tackle horizontal, vertical and cross-media ownership, no criteria for determining ownership and control of media companies such as proprietary, financial or voting strength within a media company that lead to exercising control, direct or indirect influence over the strategic decision-making within the company. There are not grounds and procedures stipulated in the audiovisual media legislation authorizing the regulatory body to prevent media mergers or acquisitions that could adversely affect pluralism of media ownership or diversity of media content, including authorizing the national regulator to assess the existing or expected impact of any proposed concentration on media pluralism and diversity, and to make recommendations or decisions about whether the proposed merger or acquisition should be authorized.

The audiovisual media legislation provides only grounds prohibiting audiovisual media service providers of holding not more than two broadcasting license and obligating audiovisual media service providers to disclose their owners, shareholders, real beneficiaries, including provision of breakdown report on financial income and revenues for a given period.

As it concerns the disclosure, the following legislation provides for effective disclosure rules.

The central legislation is the Law on Audiovisual Media of Armenia[1] which mandates audiovisual media service provides to disclose their owners, shareholders, real beneficiaries, including provision of detailed report of their revenues.

The general Law on State Registration of Legal Entities, which regulates procedures and grounds of state registration of all legal entities in the State Register run by the government, also provides for effective disclosure requirements for media outlets to disclose substantial information about their owners and real beneficiaries, and this information is largely accessible to the public.[2].

The Law on Mass Media[3] obligates print and online media outlets to disclose information about the legal entities that operate media outlets and platforms. Hence, this law in general contributes to the general framework of prevention of media concentration.

[1] Law on Audiovisual Media of Armenia, adopted on 07 August 2020.

[2] The full name of the law is the Law on State Registration of Legal Entities, State Enrollment of Designated Unites, Institutions and Individual Entrepreneurs of Legal Entities adopted on 18 August 2001.

[3] Law on Mass Media, adopted on 08 February 2004.

The Law on Protection of Economic Competition[4] provides anti competition rules that can be effectively used against media concentration, provided that comprehensive legal framework exists in the audiovisual legislation, which, as mentioned above, does not exist in the present.

The Criminal Code[5] criminalizes the failure of disclosure in the State Register of information by media entities about their real owners or real beneficiaries (see above).

The legal definition of "real beneficiaries" is provided in the Law on the Fight Against Money Laundering and Financing of Terrorism[6] according to which "real beneficiaries "are those physical persons on whose behalf or in whose favour decisions are made, transactions or business activities are carried out. In relation to a legal entity, the real beneficiary is considered to be an individual who exercises actual control over the legal entity, transaction or a business relationship and/or in whose favour the transaction or business relationship is being carried out, or the person who has the right to vote, owns 20% percent or more of the voting shares (stakes, units, hereinafter referred to as shares) of the legal entity.

All of the above are legislative acts, statutory laws, adopted by the national parliament. They originate from the Constitution of Armenia[7]. However, the Constitution of Armenia does not provide rules on prevention of media concentration, but it provides anti-monopoly rules and fair market competition rules and principles.

What types of media are included in or excluded from the regulation? Is there regulation for digital media?

The Audiovisual Media Law covers the activities of television and radio terrestrial broadcasting, including satellite and cable TV. It does not regulate cable TV and satellite TV which use mostly Internet content such as posting content on YouTube or other Internet platforms. The Mass Media Law regulates the print, online and social media but there is no regulatory authority for these media. The digital (online) media is also not regulated.

If no – or not sufficient – legislation exists: is there legislation in the making? What is the status quo of the political process?

In April 2025, the Commission submitted a policy paper to the Ministry of High Technologies by which the Commission proposed to amend the audiovisual media law by incorporating in it effective media ownership concentration prevention norms in accordance with the Committee of Minister's Recommendation CM/Rec(2017x)xx on media pluralism and transparency of media ownership. There is not yet a political consensus to this, but it fits in the general anti-corruption policy of the ruling political authority.

[4] Law on Protection of Economic Competition, adopted on 15 December 2000.
[5] Criminal Code of Amenia, adopted on 01 July 2022.
[6] Law on the Fight Against Money Laundering and Financing of Terrorism, adopted on 30 September 2008.
[7] Constitution of the Armenia; Amendments to the Constitution of Armenia of 2015.

Please, describe how the law defines media concentration (e.g. cross-ownership; audience share, circulation, turnover/revenue, the share capital or voting rights). Are family members included in the conflict-of-interest rules? How is their affiliation considered in the definition of ownership?

The Audiovisual Media Law mainly defines media concentration through cross-ownership. The article 18 of the Audiovisual Media Law provides that a single legal or a physical person cannot be a founder or a shareholder of more than two licensed audiovisual broadcasters. This condition is further limited by territoriality principle by setting that a single legal or a physical person can be a holder of two broadcasting licenses of republican and capital coverage, or republican and regional coverage or capital and regional coverage. However, this regulation does not apply to radio broadcasters.

Hence, such concepts as audience share, circulation, turnover/revenue, share capital or voting rights, are not defined in the Audiovisual Law.

The article 3(1)(9) of the Audiovisual Media Law defines the concept of "related person" which includes a parent, a husband/wife, a child, a brother and a sister. Similar definition is presented also in several other laws that regulate conflict of interest situations such as the Tax Code[8] in which "related person" means, inter alia, a situation where one person directly or indirectly manages other person's (physical or legal entity) activities, shares, assets, etc., and where the first person owns, directly or indirectly, more than 20% of other person's shares, founding capital, assets, etc.

The Audiovisual Media Law prohibits the President of Armenia, members of the government, members of the Parliament, judges, leaders of municipal bodies and "persons related to them" to be founders or shareholders of private broadcasting entities (article 15(2).

Does legislation take into account vertical integration (i.e. control by a single person, company or group of some of the key elements of the value chain, i. e. production, aggregation, distribution and related industries such as advertisement or telecommunications)? How?

The media legislation does not explicitly define the concept of vertical integration. The Law on Protection of Economic Competition defines the concept of "concentration of entities" (article 13) according to which the law considers such types of concentration as absorption or consolidation of entities, acquisition of assets and shares, acquisition of intellectual property, transactions by which one entity directly or indirectly exercises an influence over other entity and establishment of an entity by a group of other entities. This law can be effectively used against media entities provided that the similar concepts exist also in the Audiovisual Medi Law.

Have there been changes in the legislation on media concentration issues over the past 5 years? Have there been any major new market entrants or mergers & acquisitions (M&As)? How have these cases been handled? Have there been any important conflicts?

Yes, but not substantial changes. Namely, the former Law on Television and Radio of Armenia[9], which was in force until 07 August 2020, provided a provision similar to the current article 18 of the Audiovisual Media Law. Namely, in the former law, the anti-

[8] Tax Code of Armenia, adopted on 01 January 2018.

[9] Law on Television and Radio of Armenia, adopted on 18 November 2000 and in force until 07 August 2020.

concentration rule was formulated to read that a single legal entity could be a holder of one TV broadcasting and one radio broadcasting license. It further provided that a physical person and a related person could not be a founder and/or a participant (e.g. shareholders) of more than two licensed broadcasters (one TV broadcaster and one radio broadcaster).

In the past five years, there have not been any new and major market entrants or mergers and acquisitions. Even if such mergers or acquisitions occurred, the audiovisual media legislation does not provide effective tools, other than general disclosure requirements, to detect and regulate such events in order to prevent their influence over media pluralism. The regulatory authority does not have a power to interfere when such merger or acquisition, that is expected to adversely affect the media pluralism, by either preventing it or providing a recommendation.

Is media concentration currently on the agenda on legislators and policy makers? What are the blind spots on media concentration legislation?

In the 2024 annual report,[10] the TRC announced about necessity of improving legislation concerning media ownership and financing of audiovisual media entities by referring to the CoE Committee of Minster's Recommendation CM/Rec(2017x)xx on media pluralism and transparency of media ownership . In April 2025, the Commission submitted to the Ministry of High Technologies of Armenia a packet of legislative amendments' proposal in the audiovisual media legislation in which it also referred to the need of improving the legislation on media ownership, in particular, where it concerns the transparency of financial sources of media owners, by referring to the above recommendation of the Council of Europe.[11] However, as that event happened very recently, no details are yet known about that proposal.

Is there specific legislation on foreign investment/ownership within the media business?

Yes. The section 1 of article 15 of the Audiovisual Media Law provides that the share of the foreign capital of a broadcasting entity cannot be fifty percent or more of the shares necessary for adoption of decisions at the time of its establishment or after that, unless otherwise is defined by an international treaty. On a similar note, the share of the foreign capital of the private multiple operators cannot be fifty percent or more of the shares necessary for adoption of decisions, unless otherwise is stipulated by an international agreement.

[10] Annual report 2024. Television and Radio Commission. Section 4; About the necessity of making changes in the legislation regulating audiovisual media. Subsection 4; Transparency of media owners and financing.
[11] TRC about the necessity of making amendments in the audiovisual media law. Aravot daily. April 15, 2025. The full article in Armenia is available at the following link: https://www.aravot.am/2025/04/15/1481628/

2. *Implementation – control and monitoring of media concentration*

Is there an institutional system to address media concentration in place? What sectors – e.g. press, broadcasting or new media – are included? What are the responsible bodies governing media concentration? What are the tasks, duties and responsibilities of the authority/ies defined in detail in the law (e.g. grant licenses, compliance monitoring, sanctioning, other)?

The Television and Radio Commission (TRC or Commission), which is the national regulator of audiovisual media, is the institutional system to address media concentration under the Audiovisual Media Law. The TRC regulates the activities of TV and radio terrestrial broadcasting, satellite and cable audiovisual services. It does not regulate electronic (online) and print media.

The tasks and duties of TRC are provided in the article 196 of the Constitution and the article 32 of the Audiovisual Media Law. Accordingly, the TRC holds licensing tenders and provides license to broadcasters, network operators and private multiplex operators, provides a broadcasting slot to license holders, carries out the authorization of legal and natural person, exercises control and oversight over observance by license holders of license conditions and compliance of their activities with general requirement of lawfulness, subjects license holders to administrative liability and imposes sanctions for violation of law, processes complaints by consumers against license holders , monitors the activities of license holders, engages in policy and legislative development activities in the sphere of audiovisual media and ensures diversity of informative, educational, cultural and entertainment programmes of public broadcasters.

As already provided above, the Commission has limited powers to address media concentration which is due to gaps in the Audiovisual Media Law. Namely, the Commission does not have a power to interfere in such mergers or acquisitions where individual actors acquire significant market power in the national media sector with use of thresholds as provided in the Recommendation CM/Rec 2007(2) of the Committee of Ministers. The law does not impose a requirement over media owners to notify the Commission of any proposed media merger or acquisition in order for the Commission to assess its possible impact on media pluralism and diversity of content and issue approval or relevant recommendations.

If there are more than one authority assigned (e.g. media authority, competition authority, etc.): how is the differentiation of competencies of the diverse authorities defined? Does it work or are there overlaps or blind spots?

Formally, only the Commission is authorized to address media concentration. The State Commission for Protection of Economic Competition of Armenia may assess any merger or acquisition as far as it concerns fair market competition and anti-monopoly rules without assessing such risks in the perspective of media pluralism. There has not even been such a practice or a single case that the State Commission for Protection of Economic Competition assessed a merger or acquisition of media entities. Formally and traditionally, the authorities and scope of activities of these two regulatory bodies have been considered distinct and separated.

Are there any explicit constitutional or other legal guarantees of independence of the authorities (media, competition, telecommunication…) from political and/or commercial interference?

The TRC is founded by the Constitution. It is accountable only to the parliament (National Assembly). The members of the Commission are elected by the National Assembly (article 197). A member of the Commission cannot be a member of a political party, cannot engage in a political activity, and must demonstrate political neutrality when acting in public (article 197). Additional guarantees are given in the Audiovisual Media Law. In particular, the article 32(9) explicitly provides that the national regulator, its members and employees of its units are subject only to the law and any unlawful interference into or influence over their activities is prohibited. The members of the Commission cannot hold any position at state or local self-governing bodies, private entities, engage in commercial activities or in any paid job with exception of scientific, educational or creative work activities (article 34(4)).

How are the appointment procedures for the authorities defined (e.g. transparent, democratic and objective and designed to minimize the risk of political or commercial interference, for instance by including rules on incompatibility and eligibility)? Are they respected in practice?

The members of the Commission are elected by the National Assembly. The procedures are defined in the Constitutional Law on the Rules of Procedure of the National Assembly.[12] Members of the Commission are elected by a secret ballot, by at least three-fifths of the votes of the total numbers of the National Assembly. Given that the parliamentary absolute (constitutional) majority has three-fifths of entire votes, the parliamentary minority has no chance to have their candidate be elected in the Commission if the majority does not wish that. This raises serious concerns as to the independence of the Commission from the political majority in the parliament. In fact, this is the only major procedure that the independence of the Commission is put in question. Under the present parliamentary framework, the political minority in the National Assembly has no chance to have its candidate elected as a member of the Commission.

The members of the Commission are subject to the rules of incompatibility under article 95 of the Constitution defined for the members of the National Assembly. Those are the limitations defined also under article 34(4) of the Audiovisual Media Law as mentioned above. The term of office of the member of the Commission cannon be revoked. The chairman of the Commission is elected by the members of the Commission, by secret ballot and by simple majority vote. These procedures are followed in practice. There has not been a single complaint or a court case where the member of the Commission challenged any procedure of appointment.

Is the budget adequate and consistent for the authority to safeguard its independence and/or protect it from coercive budgetary pressures and to perform its functions?

The Commission is funded from the State budget. The budgeting is done in general order, like for all other state, governmental bodies. The Commission prepares annual budget plan (estimate of costs) and submits it to the government for inclusion in the state budget plan for a coming year. The Commission may add to estimate of costs 30 percent of the fines and

[12] Constitutional Law on the Rules of Procedure of the National Assembly, adopted on 16 December 2016.

state duties collected during the preceding fiscal year which the Commission is allowed to spend at its own discretion. As the state budget plan should be approved by the National Assembly, the Commission may bring objections to the draft budget in the parliamentary plenary session.

The current, 2025 budget of the Commission is 380 million drams which is around one million US dollars.[13] There is no assessment done to whether this amount of annual budgeting is sufficient to ensure independence of this constitutional body. The OSCE is of the opinion that the Audiovisual Media Law should establish a criteria or a principle "*that in any case the regulator must count on sufficient funds in order to perform activities in an efficient, proper and independent manner*".[14] This recommendation is reflected in the law partially as article 38(4) of the Audiovisual Media Law defines that funding should be sufficient in order for the Commission to fulfil the "objectives and functions prescribed by the law" without referring to independence as an objective.

What sanctioning power do the authorities have to accomplish its role (e.g. power to refuse license requests and to divest existing media operations where plurality is threatened or where unacceptable levels of ownership concentration are reached)? Are there effective appeal mechanisms?

The Commission requires the broadcasters, under the Law on Audiovisual Media, to submit periodic disclosure reports about their founders, owners and shareholders, including a periodic breakdown report of revenues and their sources. The Commission has an authority to impose administrative sanctions for failure to provide the above reports or provide them accurately. Sanctions include warning, fine, suspension or termination of broadcasting license. Hence, if the broadcaster fails to provide accurate data about owners, including data on sources of income, the Commission may fine the entity or suspend or terminate the broadcasting license. Given that the provision of fake data about owners is also a crime (article 294 of the Criminal Code), the Commission, upon discovery of such information, may report it to law enforcement bodies in order to have criminal proceedings instituted against alleged offenders. The above authorities of the Commission apply to entities, network operators, that operate satellite or cable TV as well. However, the annual reports of the Commission since 2020 provide that no broadcaster was sanctioned for failure to provide information about owners, whereas the reports of (2020-2024) show that entities were sanctioned for failure to provide breakdown reports of their financial income and sources.[15]

The decisions of the Commission can be appealed to the Administrative Court and further to the Administrative Appeal Court and the Administrative Cassation Court. These appeal mechanisms prove to be effective as there are many court cases against the Commission on various grounds with various outcomes, and the Commission provides information about them in its annual reports.

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[13] Armenia to allocate nearly $1m to ensure 'freedom and independence of broadcast media in 2025. ARCA News Agency. 29.10.2024.

[14] Legal analysis of the Law of the Republic of Armenia "On Audiovisual Media". Commissioned by the Office of the OSCE Representative on Freedom of the Media and prepared by Dr. Joan Barata Mir, an independent media freedom expert. February 2021. Page 17.

[15] See, for example, the Annual Report 2024, at page 44, at par. 4.

Please describe the method and the criteria for assessing the level of media concentration. (e.g. thresholds based on objective criteria, such as audience share, circulation, turnover/revenue, distribution of share capital or voting rights; taking into account both horizontal integration (mergers within the same branch of activity) and vertical integration (control by a single person, company or group of key elements of the production and distribution processes, and related activities such as advertising).

As already provided, the media concentration is addressed in the Audiovisual Media Law under which a single physical or a legal person cannot be a founder of or an owner (e.g. shareholder, participant) in not more than two licensed audiovisual legal entities. This may be defined as corresponding to the meaning of horizontal integration. However, Audiovisual Media Law does not provide grounds for such criteria as measuring audience share, circulation, turnover/revenue, distribution of share capital or voting rights, etc.. Accordingly, the Commission does not have a power to assess concentration based on such criteria.

The distribution of share capital, related to voting rights, is regulated in the anti-competition legislation, as mentioned above, according to which a consolidation of entities is defined as, among other criteria, a business entity that acquires 20% of capital shares or 20% of assets of other company.

Is the authority accountable to the public for its activities, (e.g.is it required to publish regular or ad hoc reports relevant to their work or the exercise of their missions)?

The Commission provides annual reports to the National Assembly regarding all spheres of its activities. These reports are published on the Commission’s webpage. The annual reports provide information about the full list of all audiovisual media service providers, legislative initiatives, thematic reports, administrative proceedings, complaint mechanisms and sanctions imposed, licensing procedures such as tender announcements, results and license issuance, financial reports, etc. The Commission also provides ad hoc reports such as, for example, the report about annual financial income of audiovisual media entities for 2023.[16]

Can the Government arbitrarily overrule the decision of the authority? In what cases? Are there cases of illegal state interference?

No, the Government cannot overrule the decisions of the Commission, there is no mechanism for the Government to overrule the decisions of the Commission. They can be overruled only by the Commission or by a court. There are no cases reported in the recent years of authorities’ arbitrary involvement with the procedures or decisions of the Commission.

[16] 2023 Annual turnover of entities operating in the field of audiovisual media and regulated by the Commission. The full report is available at the following link: https://tvradio.am/wp-content/uploads/2024/12/%D5%80%D5%A1%D5%BD%D5%B8%D6%82%D5%B5%D5%A9-2023.pdf

Have there been cases of merger and acquisitions over the past five years? How proactive and how detailed has the authority implemented the regulation on media ownership? Have there been cases in which regulators refused license requests, mergers or forced divestment of existing media operations in order to avoid excessive concentrations of media ownership? What are the main challenges for the authority on the implementation?

No cases of merger or acquisition were reported in the last five years. As already provided, the Commission does not have proactive tools to interfere with merger or acquisition and further prevent or regulate such activities to the extent of disapproving them. No cases were reported where the Commission refused to issue license, or it refused applications for merger or other similar actions in order to prevent further concentration.

Does decisional practice of the authorities indicate that they use their powers in practice in the interest of the public? Have there been cases of the abuse of regulatory power? What, when? Are the authorities considered a political or technical body?

In general, the Commission demonstrates adherence to democratic principles as its decisions serve the interest of the public. No clear instances of outright abuse were recorded in recent years. Mostly, the Commission is considered as a non-political body. The only exception is where it concerns the manner of formation of the Commission as its members are elected by a parliamentary majority vote which is constructed so that the parliamentary minority has no chance to have its candidate elected in the Commission as a member.

3. Transparency of media ownership

Please describe binding (legal) and non-binding (voluntary) transparency and disclosure practices of media companies with regard to ownership, investment and revenue sources?

The article 19 of the Law on Audiovisual Media provides that audiovisual media service providers should ensure that their financial sources are transparent. It mandates them to publish annual income reports at their news portals until May 1 of each year and to disclose their founders and owners (shareholders). In addition, the article 19 obligates the audiovisual media service providers, including network operators, to submit to TRC a breakdown report of their annual revenues. The article 19 also defines the list of legitimate sources of income generation for audiovisual media entities such as advertising, airtime, sponsorship, sale of video content, subscription fees, contributions from founders.

The Law on Mass Media requires media outlets to publish certain limited information on their portals about the company which operates the media outlet such as the name, address, state registration number of the company, etc. If the owner of the media outlet is a physical person, the law requires to publish the name and state registration certificate number of the private entrepreneurship. This information links media entities that operate media outlets to the general framework of reporting by commercial entities of their revenues and disclosing of their owners to the State in the State Register. The law also requires news entities to publish annual financial report disclosing their financial sources such as advertisement, paid airtime, sale of publications, audio and video recordings, contributions from subscribers, contributions from founders, funds (including donations) allocated by sponsors, and financial resources received from other sources not prohibited by law. This article also obligates media companies to publish periodic annual breakdown reports about their financial revenues.

The Law on State Registration of Legal Entities obligates all entities to disclose certain limited information about company in the database of State Register of companies. Such information includes papers of incorporation such as charter, registration certificate, founding papers, tax payer's identification number, including personal data on shareholders, the date of becoming a shareholder, the size of shares they hold, the date of termination of their rights as shareholders, etc. In addition to provision of information on shareholders, since 2021, with introduction of the Chapter 12.1 in the law, all business entities must disclose the names of their real beneficiaries and owners. This concept was incorporated from the Law on the Fight Against Money Laundering and Financing of Terrorism which defines "real beneficiaries " as those who effectively take part in a decision-making process of a company or hold at least 20% of shares of the company.

The Law on Protection of Economic Competition obligates legal entities to provide complex information to the State Commission for Protection of Economic Competition of Armenia if the Commission makes such a request. Failure to provide information entails huge administrative fines. Usually, the Commission makes such requests on the basis of a suspicion of violation by a company of anti-competition rules, including of holding of a dominant role in the market. However, the Commission has not opened any proceedings yet against media entities.

Which media organizations are covered by the reporting requirements? To whom must disclosure be made? How often/ in what cases has the data to be updated?

Organizations that provide audiovisual media services are bound by reporting obligations. Those are terrestrial TV and radio broadcasting companies and net operators that run cable TV and satellite TV program networks. The reporting is done to the Television and Radio Commission until May 1 of each year, and it covers the preceding year. In addition, all audiovisual media entities must make voluntary reporting until April 1 of each year about their revenues on their portals.

In addition, all legal entities, including media entities must provide information to the State Register where all legal entities undergo a state registration. Such information includes papers of incorporation, data about owners and shareholders. The report is done one time, but all amendments to the above should also be reported to the State Register.

What information is required to be disclosed? (e.g. key persons/bodies and their functions in the media; details of shareholders and size of their holding, beneficial owners; interests of the people/body in other media / economic sectors; people influential to the programming/editorial policy; political or other affiliations of the owners and its family members; public advertising revenues, funding form other external sources

Audiovisual media service providers must report of their revenues generated through advertisement, paid airtime, sponsorship, sale of video materials, audio and video recordings of their own production, subscription fees, contributions from founders and financial resources received from any other sources not prohibited by law. They must also report information about founders, owners, shareholders and real beneficiaries. This information is not made public by the Commission unless the Commission decides to disclose them in an ad-hoc report.[17]

In addition, as mentioned above, the audiovisual service provider must make a voluntary reporting, until April 1 of each year, about sources of funding, financial statement and information on annual income.

How accessible is the information to the public? In what manner is the information to be made available? Is it comprehensible for the general public?

Annual reports provided by audiovisual media service providers to the Commission are not made published by the Commission, but the Commission may provide summaries of such reports in its annual reports or in ad-hoc reports, as provided above. As regards the volunteer reports, they are done publicly. However, often the entities publish their annual reports and shortly after removing them as the law is not clear whether the report should stay published for the entire year.

It is to be noted that online media and print media are not bound of making reporting to the Commission. Their activities are not regulated at all by any state regulators.

How is this monitored and regulated? Are there any sanctions for the failure to report?

The Commission subjects audiovisual media service provides for failure to provide reports to administrative liability by imposing fines. These decisions are published on the Commission's webpage, and summary information about administrative fines are published in the annual reports. As provided above, the Commission has no authority over print and online media outlets.

Transparency provisions: Does the responsible body monitor the fulfilment of the provision? Do the media fulfil the requirements?

The Commission monitors the activities of audiovisual media service providers, including whether the annual volunteer reports are provided. The Commission does not have power to monitor online and print media. Their reporting is not monitored by any regulatory body.

4. Other state influence on media organizations

Does the state impose prohibitive taxes or levies on media organizations? Does the state tax policy and practice discriminate against or favour specific private media outlets over others?

No such a practice or a single case is known to have been reported ever since the well-known case of GALA TV back in 2007 that ended up with the judgment of the European Court of Human Rights.[18]

[17] See footnote 16.
[18] *Chap Ltd. V. Armenia,* no. 15485/09, ECHR, 04/05/2017.

What entry barriers does the regulatory and institutional system create for new entrants to the media market (e.g. start-up fees or other restrictions)?

The new entrants must get a license from the Commission which is obtained if the company wins in a tender competition held by the Commission. The winner is decided if the bid and the business offer are competitive and meet certain criteria defined in article 46 of the Audiovisual Media Law such as prevalence of own programs, prevalence of programs in Armenia, ability to ensure plurality, the financial and technical capabilities, etc. No start-up fee is defined in the law and neither other restriction. There is a state duty to be paid to participate in the competition, but it is not high.

Does media concentration play a role in the process of spectrum allocation?

No such concerns ever reported.

Is the decision-making process about the allocation of frequencies between public, private and community broadcasters transparent, open, participatory and overseen by an independent regulatory authority, which meets international standards and is free from political or commercial interference or control by any vested interest?

The decision-making process is competitive. It is decided in a tender competition in which applicants compete, and the winner is decided based on criteria defined in article 46 of the Audiovisual Media Law. It is hard to assess whether the decision-making process is effected by any political influence given that all the members of the Commission are elected by political absolute majority in the Parliament.

Is the state advertising distributed to media fairly, for example proportionately to their audience share? How would you describe the rules of distribution of state advertising? Is it being monitored?

This concept of state advertisement is not addressed in the audiovisual media legislation. It provides no definition and no monitoring mechanism of advertising allocation. There are no legal grounds and a mechanism for monitoring and identifying non-transparent allocation of public funds such as favouring or subsidizing certain media institutions that publish content favourable to the government. The media legislation does not envisage a creation of a media subsidization fund.

Is there a monitoring of advertising allocation?

The Commission has an authority to monitor TV advertisement under the Audiovisual Media Law.

Are there other laws or policies by which the state/ government interferes in the media business (e.g. blocking of websites, censorship)? Which? Is freedom of press and editorial independence is guaranteed in law and respected in practice? (please elaborate only shortly).

The freedom of the press, including the prohibition of censorship are guaranteed by the Constitution (article 42(2)) and the Law on Mass Media (article 4).[19] Editorial independence is guaranteed in the Audiovisual Media Law (article 1(1)(1). There is no law allowing blocking of websites. Certain media content may be blocked or removed as a remedial measure based on a court order on defamation or a judgment constituting certain acts done online as a criminal offense. In general, the public bodies respect the freedom of press in practice.

Have there been any major changes in these topics (state advertising, process of spectrum allocation, taxes for media outlets) over the past five years? Have there been conflictive cases or lawsuits on these topics?

In the Law on Audiovisual Media in 2020, new method of spectrum allocation was introduced by which the former framework of allocation of broadcasting frequencies was replaced with the framework of multiplexing.

No major changes were introduced in the licensing competition in the Audiovisual Media Law of 2020.

5 Network Neutrality and Media Diversity. Legal Framework

What laws or other rules are used to regulate net neutrality, if any?

The Law on Electronic Communication[20], which is the central law governing the Internet, does not contain any express reference to principle of net neutrality. On 28 August 2014, the Government adopted the Decree on the Principles of Internet[21] which provided 17 principles of Internet development and among them the Decree mentioned the principle of net neutrality, including other affiliated principles such as principles of support to human rights, protection of private data, protection of minors, supporting to distribution of open and free content. However, the above government decree was invalidated on 01 January 2022, and currently the principle of net neutrality is not defined in any legal instrument.

What is the legal status of the pertinent norms? (constitutional law, statutes, regulatory decisions, local ordinances, etc.)

See above

How does the law define net neutrality?

See above

[19] Law on Mass Media of Armenia, adopted on 02 August 2004.

[20] The Law of RA on Internet Communication, adopted on 08 July 2005.

[21] Extract from the Protocol no. 34 of the session of the Government of Armenia of 14 August 2014 on approval of the principles of Internet governance (declared as invalid on 21/10/2012 by the section 1 of Decision *N 1728-Ն of 21.10.21.*

If laws addressing net neutrality are not in place, are laws to do so being proposed?

No.

Have laws to address net neutrality been proposed previously?

No.

Are lawmakers discussing net neutrality?

No.

6. Implementation

How is net neutrality being regulated?

Not regulated.

What regulatory agencies or authorities are charged with enforcing net neutrality norms?

No regulatory agencies or authorities are in place.

What is/are the enforcement mechanism/s? (imposition of sanctions, voluntary agreements, etc.)

No enforcement mechanisms are available.

If enforcement mechanisms exist, are they effective?

No such mechanisms exist.

Which enforcement mechanisms have been effective, and which have been ineffective?

See above.

What entities do net neutrality norms apply to? / What is the scope of net neutrality regulation? (broadband, mobile, etc.)

No such specific authorities exist

What exceptions exist to the application of net neutrality norms? (traffic management, safety, legality of content, etc.)

None.