



KOMISIONI I PAVARUR PËR MEDIA
NEZAVISNA KOMISIJA ZA MEDIJE
INDEPENDENT MEDIA COMMISSION

Independent Media Commission

Annual report 2006

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Foreword

The year 2006 was the most important one for the broadcast regulatory agency, since 2000 when initially it was established as the Temporary Media Commissioner. With the establishment of the Council of the Independent Media Commission during the second half of 2006, the great changes begun, by which the materialization of conveying competences from internationals to the locals had begun. This was the first step toward fulfilling the obligations of the Law on Independent Media Commission and Broadcasting, adopted by the Kosovo's Assembly a year ago.

The IMC Council, as the decision-making body, consisting of seven members, was established on 28 August 2006. The establishment of the Council was preceded by a democratic nomination procedure determined by the Law.

The Council is responsible for creating and changing the broadcast policies, which must be in accordance with the best acceptable international standards as well as with the respective Kosovo legislation. Since its establishment, the Council begun working in drafting the secondary legislation and so far has achieved to adopt a key part of the policies which will contribute in ensuring a healthy media environment in Kosovo. The other part remains to be fulfilled during the following year with the process of re-licensing, beginning to regulate the cable broadcasting and planning for Kosovo to enter in use of the new technology – digitalization – moving in line with the other countries.

Creation of a strong legal base by the Council and the promotion and its application by the Independent Commission in general will affect the public and private media to develop professionally and financially be secured. The Commission will take care that all broadcasters respect the rights to freedom of expression, for justice and correctness; to create the conscious for protecting the rights for the children, minority rights and other cultures.

During the fulfillment of its mission, the Independent Media Commission works and will continue working in a pellucid and consultative manner with the aim of incorporation of the public and broadcasters in the process of developing an authentic media sector.

With pleasure we have begun fulfilling our obligations toward the Law, with the presentation of the annual report for the first time in front of the Kosovo's Assembly and I'm honored to do this as the first kosovar executive chief of this institution.

February 2007

Naile Selimaj Krasniqi
Chief Executive of the Independent Media Commission

IMC LEGAL BASIS

On 21 April 2005, Kosovo Assembly adopted the Law No. 02/L15 on the Independent Media Commission and Broadcasting (IMC), promulgated by the SRSG on 8 July 2005 by UNMIK Regulation No. 2005/34. The Law on the IMC entered into force on 8 September 2005.

The IMC Council issues acts, instructions, policies and other tasks that are necessary for an effective implementation of the Law. Until this moment, the IMC Council has issued: Broadcasting Policy, IMC Guidelines on Applying Sanctions to Licensees and IMC Council Policy on Public Rulemaking and Code of Ethics applicable to the Council and the Commission Staff.

The Code of Conduct for Broadcast Media, Guidelines on Copyright, Qualifications for Licences, as well as other issued documents by the Temporary Media Commissioner continue to remain in force until amended, replaced or abrogated by the IMC Council.

TRANSITION FROM THE TEMPORARY MEDIA COMMISSIONER TO INDEPENDENT MEDIA COMMISSION

In July 2000, by UNMIK Regulation No. 2006/36 and Regulation No. 2006/37, UNMIK has officially established the institution of the Temporary Media Commissioner (TMC), to regulate broadcast media and – up to a limited extent - also print media in Kosovo. The TMC was given by this the responsibility to promote an independent and professional media in Kosovo, through a “temporary regulatory regime” for all media in Kosovo. The TMC has issued broadcasting Licenses, drafted a code of conduct for media and rules on electoral coverage. The TMC also provided guidelines, policies and different reports on media activity in Kosovo.

With the establishment of the Press Council in 2005, the TMC ceased to have authority as a regulator for the press media in Kosovo. The Constitutional Framework of Kosovo foresaw creating the Independent Media Commission, an organization completely independent among the Provisional Institutions of Self-government in Kosovo.

On 21 April 2005, Kosovo Assembly adopted the Law No. 02/L-15 on Independent Media Commission and Broadcasting, promulgated by the SRSG on 8 July 2005 with the UNMIK Regulation No. 2005/34. Law on IMC entered into force on 8 September 2005, but the authority of Temporary Media Commissioner continued to be in force until August 2006, with the establishment of the IMC Council.

The Temporary Media Commissioner Mr. Robert Gillette, ended his mission in March 2006. After his departure, SRSG appointed Mr. Eberhard Laue as Temporary Media Commissioner. In his efforts to Kosovarize the Institutions of Kosovo, on 4 July 2006, the SRSG appointed Mr. Isuf Berisha as the first local Temporary Media Commissioner, whose mandate ended with the establishment of the IMC Council on 28 August 2006. Establishment of the IMC Council was preceded by a process initiated by the Office of the Temporary Media Commissioner starting with the invitation for nominations. The Office of the Temporary Media Commissioner started the nomination process on 22 September 2005. This process was completed within 30 day period and the OTMC selected eight nominees who fulfilled the requirements set by the law. The nominations were sent to the Assembly Ad Hoc Commission on December 2005. This Commission,

consisting of 17 members who represented each party seated in the Assembly and who selected then four candidates out of eight presented by the OTMC.

The selection of four persons appointed by the Ad Hoc Commission and nominated by the civil society was officially ratified in the plenary session of the Kosovo's Assembly, held on 27 April 2006. The fifth member was selected and appointed by the Kosovo assembly in its plenary session held on 28 July 2006.

Two international members of the IMC Council were appointed by the SRSG.

With the appointment of the members of the IMC Council the process of the transition from the Temporary Media Commissioner to the Independent Media Commission came to an end. The IMC is a permanent local agency, legal successor of the Temporary Media Commissioner.

THE INDEPENDENT MEDIA COMMISSION

The Independent Media Commission (IMC) is the independent broadcast regulator in Kosovo. The purpose of a broadcast regulator is to distribute a scarce public resource – the frequency spectrum – transparent and fair, in a way that best serves all the people of Kosovo. It promotes ethical and technical standards among Kosovo's broadcast media. It applies a body of regulations that hold local broadcasters to European standards of professionalism and fairness in their news coverage. Through the administration of its broadcast frequency plan, the IMC also strives to maintain fairness in competition among broadcasters. The IMC's activities include content monitoring, commenting on media-related legislation, evaluating complaints, and enforcing the legislative framework, regulations and the terms of its licenses.

The IMC encourages the development of strong, professional and financially secure public and private media. It must ensure that media respect the rights of the people to free expression and diversity of opinion; and the rights of the people to fairness and accuracy, not only in news but also in advertising. The IMC also ensures that media protect the interests and sensitivities of children, the rights of minorities and the varied cultures that make Kosovo a unique place in Europe. And the IMC must do all this in an open, consultative manner that wins the respect both of the public and the broadcasters.

The IMC is composed of three bodies:

- The Council
- The Office of the Chief Executive, and
- The Media Appeals Board.

IMC COUNCIL

The IMC Council was constituted on 28 August 2006. It is the executive decision-making body of the Independent Media Commission, and has the full authority to issue acts, guidelines, policies and other tasks that are necessary for an effective implementation of the Law on IMC.

Members of the IMC Council are: Isuf Berisha, Head of the Council, Milena Djeric, Deputy Head, Filloreta Bytyçi, Ilir Dugolli, Adil Pireva, Sandra Basic-Hrvatin, and Katrin Nyman-Metcalf.

The duration of the mandate of the national members was decided in the first Council meeting through a lottery. Through this the initial mandate of one year for Mr. Berisha and Mr. Dugolli was determined, whereas other local members have two years mandate. International members have initial mandates of 18 respectively, 12 months set by the SRSG.

In its **first meeting**, the Council discussed main policies, in order to establish internal rules and procedures, the code of ethics for the IMC Council and its staff and a policy on Public Rulemaking, consistent with requirements set out in the IMC Law. Also discussed was a draft policy on how to regulate broadcasters. The Council decided to publish these draft policies for public comments. Another topic was the budget for 2007, which was approved in principal. The Council took hereby special precaution to prevent interference by the government in the budget process.

In its **second meeting**, held on 18 and 19 September 2006, the Council discussed draft policies for regulating the broadcasters and reviewed the comments by the media and public. The Council adopted the Broadcasting Policy and IMC Guidelines on Applying Sanctions to Licensees while it decided that the draft policies and rules on Media Concentration and the Decision on Level, Manner of Determination and Payment of Fees for Licences for Radio and TV will be sent for public comments.

In its **third meeting** on 16 October 2006, the IMC Council appointed Ms. Naile Selimaj – Krasniqi as Chief Executive of the IMC Office among a number of candidates, following a vacancy for the position of IMC Chief Executive.

On 30 November 2006, IMC Council held its **fourth meeting** and the last one in 2006. In this meeting, after receiving comments made by the public and other broadcasters, the Council again discussed the draft Decision on Level, Manner of Determination and Payment of Fees for Licences for Radio and TV. After amending this draft decision, the Council again invited the public to make their comments. At this very meeting, the Council reviewed and analysed the overall situation of media in Kosovo and the focus of this analysis were media and communities. It was concluded that the Roma community has no radio or TV in their own language and that it is needed to do something in this regards. The Council decided to make an exception of its policy not to licence any new broadcaster prior to the re-licensing process and offered all interested parties from the Roma community to apply for a radio through a public tender. This tender was opened at the beginning of 2007, after having set the application criteria. The new license that will be given to the successful applicant will be valid only until the re-licensing process, when all present licensees will be subject to competing for a radio or TV frequency that will be available on a specific region.

ACCOMPLISHMENT OF TASKS OF THE COUNCIL IN ACCORDANCE WITH THE LAW

Since its establishment, in August 2006 until the end of 2006 the IMC Council during its four meetings held in this year, has adopted a number of secondary legislation – regulations that determine the activity of IMC and create the basis for issuance of any kind of decisions.

Approved regulations by the Council are:

1. **IMC Council Rules of Procedure**, by which the rules on functioning of the IMC Council are set.
2. **IMC Code of Ethics** sets the standards of conduct for the IMC staff, including integrity, impartiality and objectivity.
3. **The IMC Council's Policy on Public Rulemaking**. Its purpose is to ensure the transparency, fairness and equity of the process for establishing rules for media in Kosovo.
4. **Broadcasting Policy** setting the main principles of broadcasting, such as: Ethical Standards, Intercommunal Dialogue and Service to Minority Communities, Protection of the Minors and Consumers, Promoting Public Access to Information, Ensuring Fair Competition.
5. **IMC Guidelines on Applying Sanctions to Licensees**. The purpose of these Guidelines is to define IMC policies on the imposition of sanctions for violations of IMC Regulations, upon the affirmation of such violations in accordance with IMC rules of procedure.

All these secondary legislation entered into force on 28 August 2006.

In addition to this, the Council has started to work on the preparation for the re-licensing process in order to fulfil another obligation that is set by IMC Law. A set of rules, regulations, policies and plans shall be adopted before the start of the process. For this reason, the Council has established joint working groups (WG) together with the staff of the Office of the Chief Executive. These WGs are tasked to work together and establish the basis for:

- Future licensing process and guidelines
- Cable regulation
- Advertisement Policies
- Protection of Minors
- Media Concentration
- Analogue frequency plan
- Digital frequency plan

Because of the complex nature of these subjects which are new to Kosovo and require a thorough analysis of what are the best practices elsewhere and how can they be adopted and applied in the Kosovo's context, the working groups will present its first drafts to the public, to enable their participation with their comments only in 2007.

The Draft Decision on Level, Manner of Determination and Payment of Fees for Licences for Radio and TV that was announced on IMC webpage for comments of broadcasters and interested parties is expected to be approved earlier in 2007.

Regulations and other documents adopted by the Temporary Media Commissioner continue to remain in force until they are amended, replaced or abrogated by the IMC Council.

OFFICE OF THE CHIEF EXECUTIVE

It is the second body of the Independent Media Commission, which has to implement all aspects of the broadcasting policy; to prepare proposal on the budget and gives recommendations to the Council on the issues related to the budget and administration.

Department of Broadcast Regulation

The Broadcast Regulation Department supervises the overall IMC regulatory activities by coordinating the work of the Legal, Licensing, Monitoring/Compliance, and Frequency Management divisions. It provides support and advice to the Chief Executive on all matters related to licensing, enforcement and regulatory policy development of the IMC. It oversees development of broadcast regulatory and policies and procedures and coordinates professional staff development within the Regulatory Department.

Licensing Division

The Licensing Division conducts competitions for new broadcast licenses and works closely with existing broadcasters on issues related to compliance with the terms of their licenses. The Licensing Division cooperates with the IMC's Technical, Legal and Monitoring Divisions to resolve problems of interference among broadcasters and to review requests from broadcasters to amend their licenses.

Legal Division

The Legal Division advises the IMC on all legal matters related to licensing, complaints from the public, and the preparation of new rules and guidelines for broadcasters. The Legal Division prepares sanctioning decisions and advises the IMC in all legal proceedings. The Legal Division also serves as general counsel to the IMC, advising on administrative as well as regulatory matters.

Technical Division of Frequency Management

The Frequency Management Division sets the transmission parameters for each broadcaster, including frequency, signal strength and location of antenna. Using specialized frequency planning software, the Frequency Management Division plots the coverage area of each broadcaster on a precise topographic map of Kosovo to ensure that each radio or television station can cover its licensed area without interfering with other broadcasters. The Division also conducts field monitoring operations to verify broadcasters' compliance with the technical terms of their licenses.

Department of Administration

The Administration Department is responsible for all financial, personnel, logistic and procurement matters at the IMC, including management of its budget (derived from the Kosovo Consolidated Budget)

ACTIVITIES OF THE CHIEF EXECUTIVE'S OFFICE

The Office of the Chief Executive is responsible for daily operating issues that are related to the issues of regulating the licensed media broadcasters by the IMC. This implies reviewing of the cases, complaints, submitted requests to the IMC by media broadcasters and the public, and cases initiated by IMC. Each case is investigated in accordance with the procedures set by the respective Division or in cooperation amongst them.

Cases processed by the Legal Division

Cases related to broadcasting without license-illegal broadcasting

During 2006, four cases were reviewed regarding broadcasting without license-illegal broadcasting (Complaint with numbers 2006/01; 2006/10; 2006/11; 2006/23). The all four illegal broadcasters have received a Notice of Violation according to the IMC Law, respectively Article 11.1, which states:

“A broadcasting license shall be required for exercising broadcasting in Kosovo according to the provisions of this Law, which is issued by the Commission”

After receiving the Notice of Violation of the IMC Law, the all four broadcasters have cancelled unlicensed broadcasting and their compliance with the IMC decisions is being monitored.

During sanctioning of the violations of its regulations, IMC aims, whenever it is realizable, to encourage remedial acts, agreements and higher professionalism by the licensees.

The IMC has established specific policies for applying sanctions towards broadcasters for violations of IMC regulations. These sanctions are of progressive nature and are based on an assessment and proof of the violation in accordance with the IMC rules of procedures.

These policies are based on progressive sanctions where beside the serious violations of the regulations, in general sanctions will follow progressive steps, beginning with Notice for the first violation of an IMC regulation.

One or more sanctions in general will precede whatever suspension of the license. Failure to act in accordance with the previous decision of the IMC or repeated violation will result in more severe sanctions, including higher increasing fines for violation of the same or equivalent IMC regulation. Sanctions will also be in proportion with the nature and seriousness of a violation and with economic level of the licensee, and will not be higher than necessary to prevent other violations and to encourage remedial acts by the licensee, taking into consideration all mitigating or aggravating relevant factors.

Cases of broadcasting commercial programmes without copyright, failure to provide the archives and interruption of broadcasting

Four cases were reviewed regarding copyright violation, failure to provide archives and interruption of broadcasting by broadcasters:

Complaint No. 2006/02, - for not respecting the copyright, IMC has issued a warning decision, by which the broadcaster was warned in writing. Case is closed.

Complaint No. 2006/04, - for not respecting the copyright, IMC has solved the case by a mutual agreement* with the broadcaster. The agreement was monitored by the IMC, and broadcaster has complied with the agreement. Case is closed.

Complaint No. 2006/06, - for not respecting the copyright, failure to provide the IMC with the requested archive and interruption of broadcasting without informing IMC, as it is required by the First Part of License. The IMC has issued a warning decision, by which the broadcaster was warned in writing for the committed violation. Case is closed.

Complaint No. 2006/18, - for not respecting the copyright, during the period when IMC and the broadcaster had a mutual agreement also for not respecting the copyright, the IMC Council had issued decision by which it set a fine in the amount of 500 Euro and obliged the broadcaster to broadcast publicly details on the nature and level of violation. The broadcaster has paid the fine and the case is closed.

Cases of interferences

Legal Division has processed only one case, Complaint No. 2006/09, when a broadcaster interfered with another broadcaster, and after IMC sent a Notice of Violation of the IMC regulations, the broadcaster has averted interferences and repaired the transmitter and antenna as requested by the IMC. Case is closed.

Cases of not broadcasting for more than 90 days, condition foreseen with the license:

Legal Division has processed only one case, Complaint No. 2006/08, for not broadcasting for more than 90 days as it is foreseen in the license to start broadcasting. Being unable to continue its broadcasting activity the broadcaster has voluntarily given up the IMC license, and the IMC has issued a decision by which it revokes the broadcasting license to the broadcaster.

Submitted cases by the parties regarding RTK news

Two cases were processed by the Legal Division (Complaints No. 2006/14; 2006/15) after receiving complaints of the public regarding the main news and blic news of RTK. Temporary Media Commissioner has rejected both complaints on the ground of lack of evidence. Cases are closed.

Cases of irregular broadcasting:

Complaint No. 2006/16 – the broadcaster did not broadcast as it was obliged with the license and did not fulfil requirements to broadcast public service program. For this, IMC Council issued a warning decision and broadcaster is ordered to start fulfilling the

* If the IMC concludes that one of its regulations, or the terms and conditions of the license are violated, firstly it will seek to find an out-of-court solution or agreement that satisfies pairs, the media and the person or the organization that has filed the complained, without exercising formal sanctions. Possible solutions include: A clarification or correction by the media; the right of reply given to the complainant; public apology by the media; mutual agreement with an suspension fine (Agreements: A Settlement Agreement with a licensee is appropriate when a licensee of its own free will acknowledges a violation and demonstrates a credible willingness to undertake remedial action such as staff training, reorganization or the issuance of internal rules designed to prevent the commission of similar violations in future.

obligations deriving from the license until 01 October 2006. If the broadcaster fails in fulfilling of these requirements, the license will be revoked. The case is being processed by the IMC.

Cases on non-answering to the IMC's requests and non-compliance with license conditions:

Complaint No. 2006/17 – the IMC Council has issued a decision sanctioning the broadcaster with a fine of 500 Euro and ordered to publicly broadcast committed violations. Broadcaster did not appeal to the Media Appeals Board within 30 days as foreseen for appeals according to the IMC Law and until now it did not pay the fine set by IMC. The case is being processed by IMC.

Cases on broadcasting from the unlicensed location

Complaint No. 2006/24, the broadcaster has changed the location of its transmitter without IMC permission. According to the license the broadcaster can not change its transmitter location without prior written agreement from the IMC. The case is being processed by the IMC.

Cases submitted to the Media Appeals Board

IMC Law foresees that IMC Council's Sanctioning Decision may be appealed within 30 days after issuing the decision. During 2006, five cases were submitted to the Media Appeals Board (MAB).

Complaint No. 2006/03, the broadcaster has appealed the Temporary Media Commissioner's decision by which the request for expansion of the coverage area has been denied. Media Appeals Board returned the case for review to the IMC. IMC Council issued a decision through which they refuse the request for expansion of the broadcasting area for the broadcaster due to the inability of implementing this in compliance with the frequency plan of Kosovo.

Complaint No. 2006/05 was presented two times before MAB. First time it received the decision from MAB by which the IMC decision was changed and the prior imposed fine by the IMC at the amount of 4.000 Euro was decreased to 1.000 Euro. The broadcaster paid the fine and the case is closed.

Complaint No. 2006/07, MAB held two sessions. The first session has been postponed in order to obtain the opinion of the experts which was to be presented to the MAB up to the end of September 2006. External experts hired by the IMC and the broadcaster have assessed that it is possible to respect the technical terms and conditions of the license of the broadcaster, which was contested by the broadcaster. MAB has decided that due to weather conditions the broadcaster cannot set the antennas according to the technical parameters determined in the license within the 30 day deadline, therefore this deadline was extended until 1 May 2007. If the broadcaster does not respect this decision, than the license will be automatically revoked.

Complaint No. 2006/12, the broadcaster has appealed against the Temporary Media Commissioner's decision for non-extension of license. The broadcaster had a temporary license for six months with the condition that the license would be extended if it complies with the conditions set by the license for public service programming.

The broadcaster did not comply with requirements foreseen in the license and for this reason; its license was not extended. MAB refused the Appeal as unfounded and supported the IMC decision.

Complaint No. 2006/13, the applicant was presented to the MAB with appeal against Decision of the Temporary Media Commissioner for non-granting the license. MAB refused the Appeal as ungrounded and supported the IMC decision.

Complaint No. 2006/13a, the applicant for license was presented in front of the MAB with the appeal against the Decision of the Temporary Media Commissioner by which the license was not granted since the applicant did not fulfil respective criteria. MAB returned the case for review to the IMC based on the new information that the applicant for license had not provided before to the IMC. IMC Council issued a Decision by which the broadcaster is granted a license that is valid only until the re-licensing process.

According to the IMC Law, the MAB Decisions are final and are subject only to procedural reviews of the Supreme Court of Kosovo in accordance with the law in power.

Open cases:

At the end of the 2006, Media Appeals Board received three appeals (2006/19; 2006/20; 2006/22) against the Decisions of the IMC Council, and the same will be processed in the beginning of the year 2007.

Cases processed by the Licensing Division

A broadcast license is a formal contract between the IMC as the regulatory authority and a radio or television station and allows the broadcaster to use a portion of the frequency spectrum. Broadcasters act in accordance with the temporary license modified in 2005, which consists of: Explanatory Memorandum, Certificate of the License, General Terms and Conditions, Technical Terms and Conditions, Program and Mapped License Area. For the moment, in Kosovo operate 116 broadcasters licensed by the IMC. According to the coverage area, IMC licenses the broadcasters into three categories:

- Kosovo wide broadcasters
- Local broadcasters, and
- Low power Broadcasters

Division of broadcasters licensed in Kosovo pursuant to the covering categories is as following:

- 3 Kosovo wide televisions (1 public television, and 2 private televisions)
- 4 Kosovo wide radio stations (2 public radio stations, and 2 private radio stations)
- 17 local televisions
- 74 local radio stations
- 2 low power televisions
- 16 low power radio stations

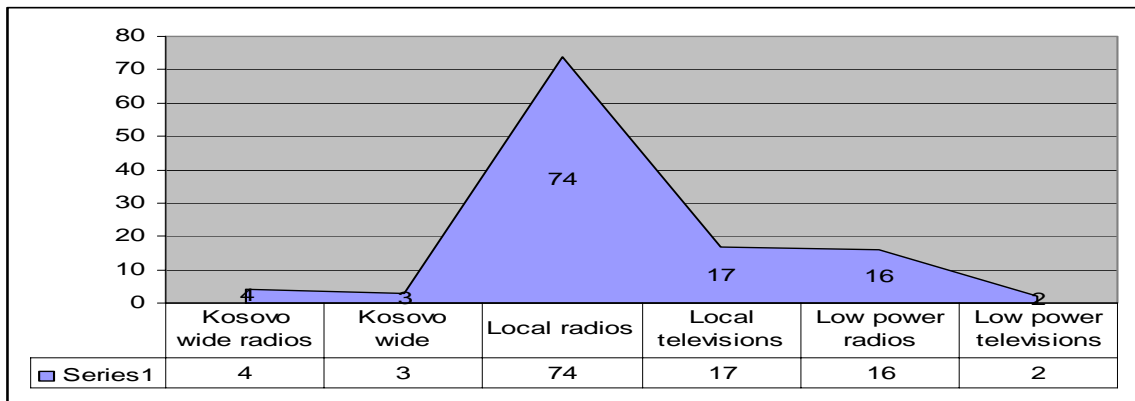


Table 1. Presentation of broadcast media into categories

According to the main language in which it is broadcasted:

- 73 broadcasters, broadcast in Albanian as the main language. Here is included also the public broadcaster (62%)
- 35 broadcasters, broadcast in Serbian as the main language (30%)
- 3 broadcasters in Bosnian language (3%)
- 3 broadcasters in Turkish language (3%), and
- 2 broadcasters in Gorani language (2%)

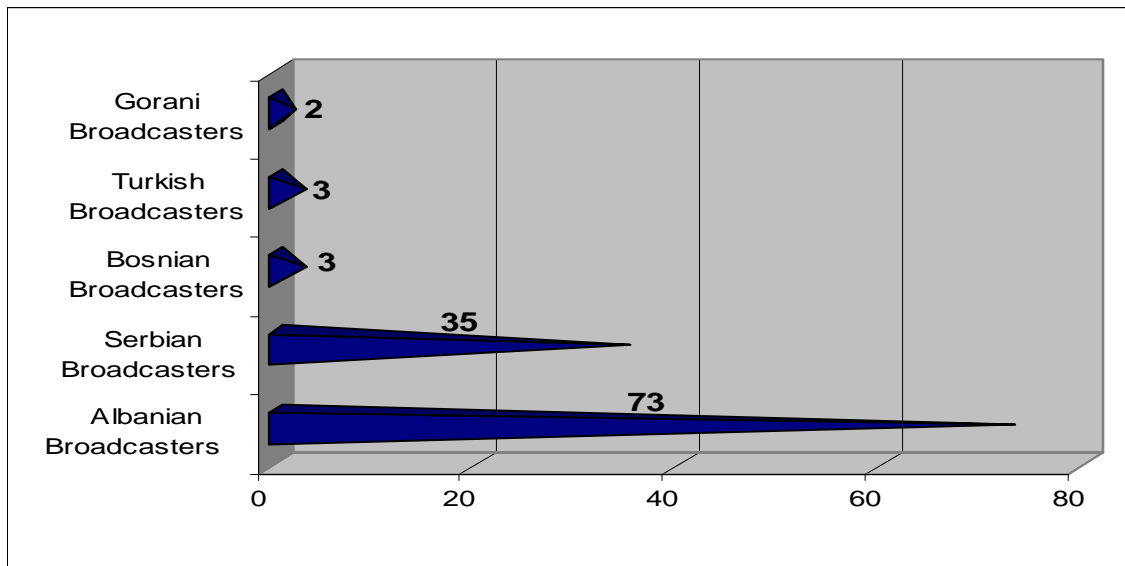


Table 2. Presentation of broadcast media according to the main language

According to the division per region, there are:

- 34 broadcasters in Gjilan;
- 21 broadcasters in Mitrovica;
- 14 broadcasters in Peje;
- 28 broadcasters in Prishtina; and
- 19 broadcasters in Prizren

The tables given below present the spread of broadcasters in each region according to the type (radio and TV) and the language in which they broadcast.

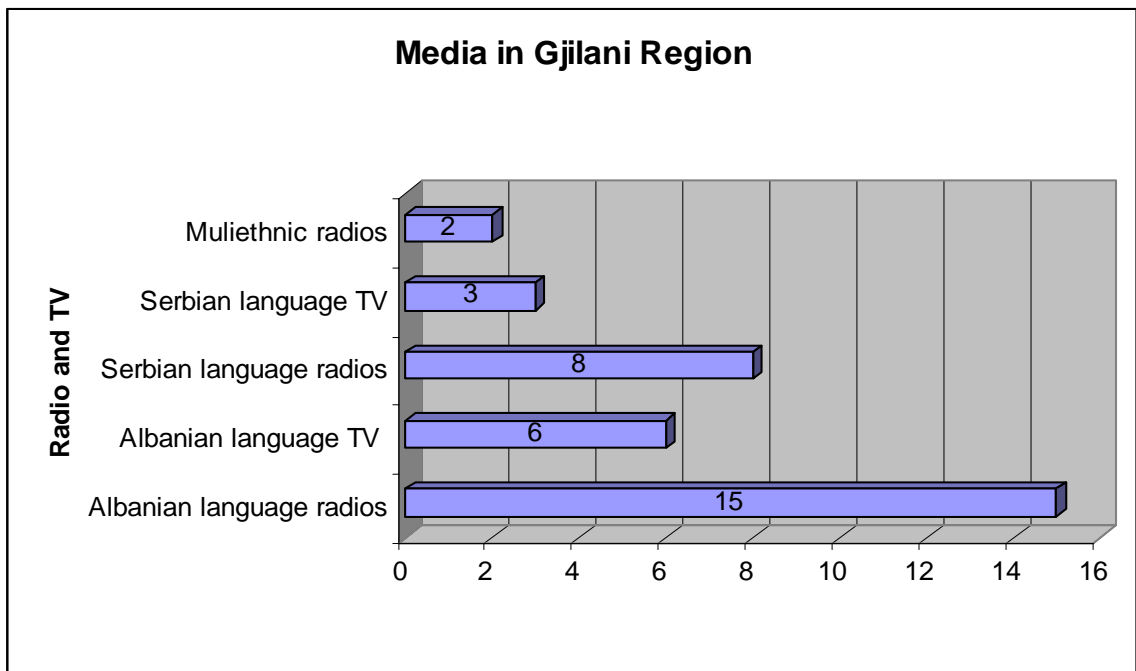


Table 3. Gjilan region

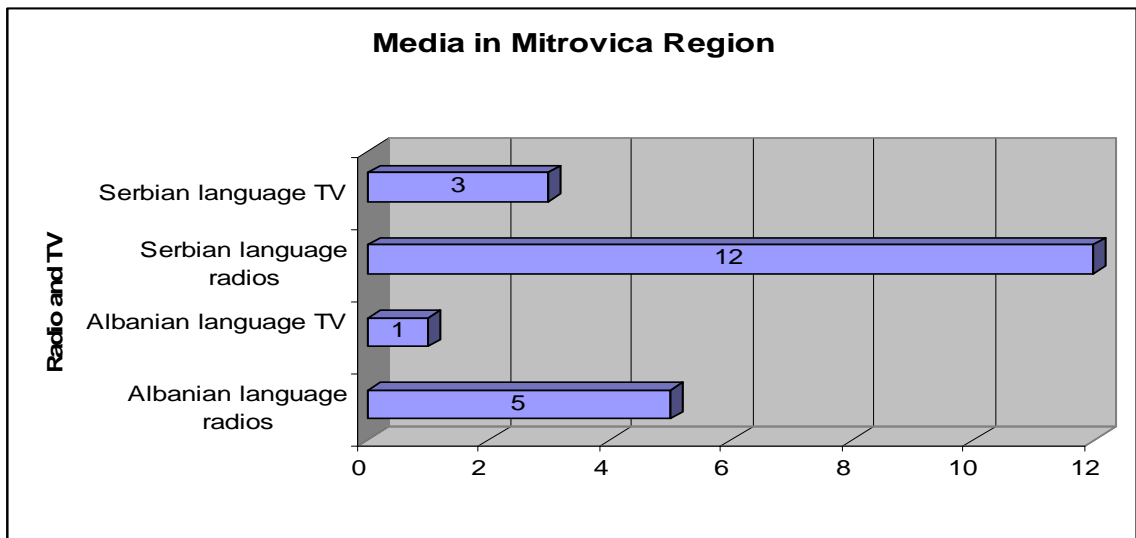


Table 4. Mitrovica region

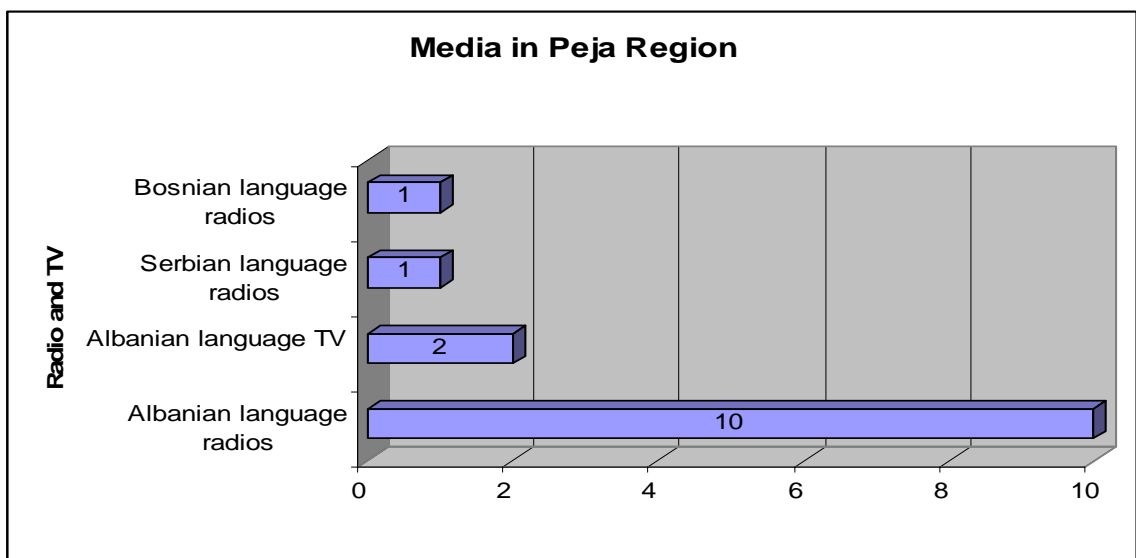


Table 5. Peja region

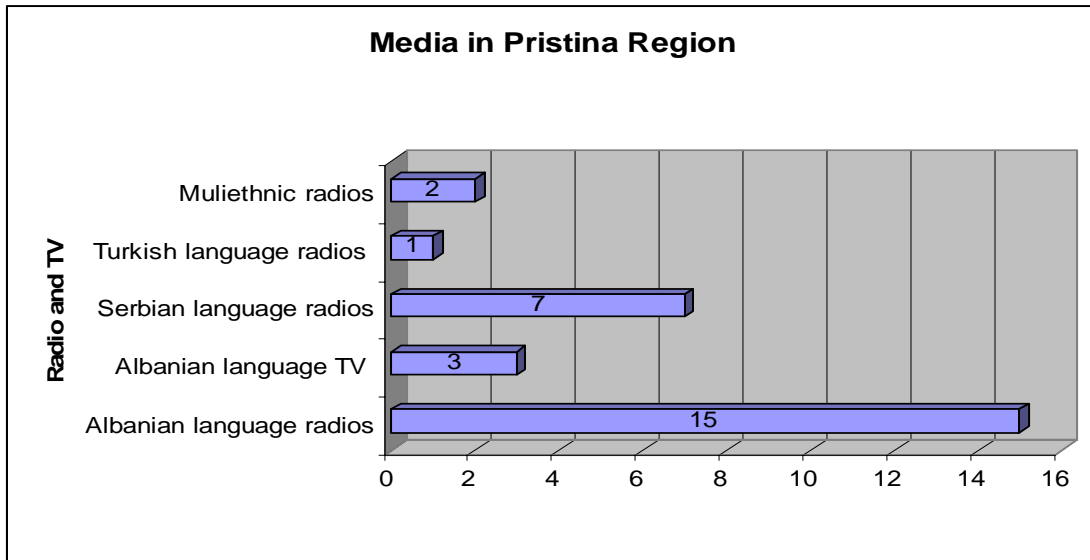


Table 6. Prishtina region

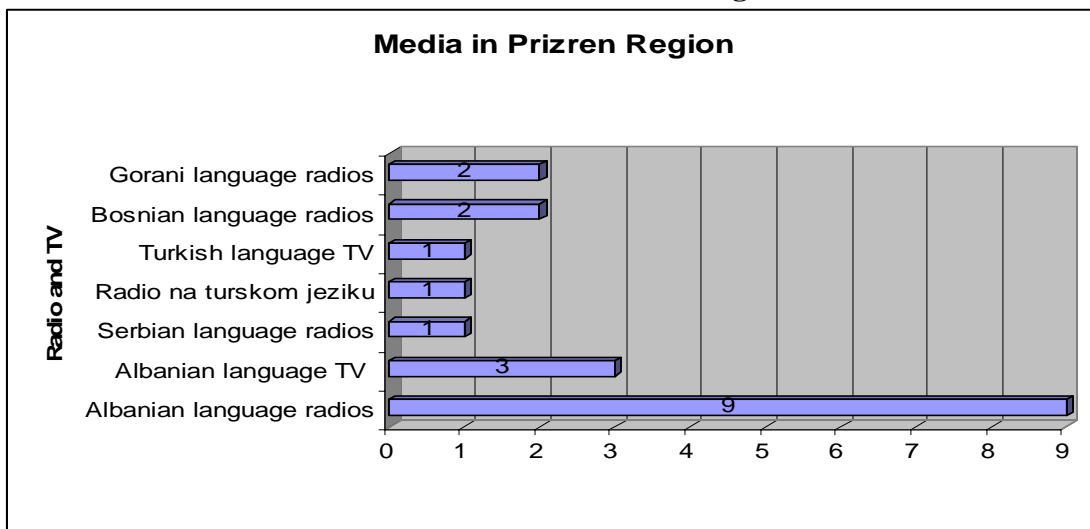


Table 7. Prizren region

Radio Television of Kosova (RTK), in addition to broadcasting in Albanian language it broadcasts also in four other languages: Serbian, Turkish, Bosnian and Roma language.

One third of the broadcasters, are broadcasters in Serbian language and almost 30% of all broadcasters offer program in at least two languages spoken in Kosovo. This is in line with one of the IMC's objectives to have a variety of broadcasters in Kosovo for each community, by offering them access to information in their respective language.

License Terms and Conditions are set to ensure that every broadcaster serves a broad public interest, observes certain requirements of professionalism and impartiality. In cooperation with Monitoring, Legal and Frequency Management Divisions, the Licensing Division offered guidelines and suggestions to the broadcasters as needed.

When a licensed broadcaster in Kosovo violates the terms of its license, a regulation or any other legal acts which are in compliance with the Law on Independent Media Commission and Broadcasting, the Independent Media Commission has the authority to take a variety of disciplinary actions, starting from formal warnings to financial sanctions. In severe cases, the IMC may suspend or revoke broadcasting licenses. Also, when broadcasters face problems of different nature, the IMC respectively Licensing

Division in cooperation with other Divisions, offers assistance to the licensed broadcasters in order to enable them to exercise their activity in accordance with professional standards.

During 2006 the Licensing Division has received numerous requests and complaints from the licensees. Also some *ex-officio* cases were initiated when it was noticed that license terms and conditions have been violated by the broadcasters. In the Licensing Division in total 39 cases of different nature have been filed, such as: request for changing the location of the broadcasting system; interference complaints; expansion of the coverage area; violation of the license terms and conditions; changing the name of the broadcaster, illegal broadcasting and revocation of the license.

Request for changing transmitter's location:

Due to technical and other reasons, 7 broadcasters have requested to change the location of the transmitter. In order to assist the broadcasters for the well-being of their work, the IMC, respectively the Frequency Management Division has conducted technical assessments in order to provide adequate solution. Changing of the location of the transmitter implies changing of the coverage area of the broadcaster; therefore these assessments are necessary in order to ensure that the broadcaster will continue its activity without interfering to other licensed broadcasters. These cases are completed with written approval by the IMC, since abovementioned changes did not result in changing the technical parameters determined with their licenses.

Complaints on interference:

In relation to interferences in the frequencies/channels of broadcasters 8 complaints were submitted to the IMC. All broadcasters that have submitted complaints to the IMC regarding interference, after the technical assessments conducted by the FMD, have received a written answer by the Licensing Division with specific clarifications as well as they were instructed for solving of the nature of their problem. Besides the case that was presented in the end of 2006 and which is still in the process, nine other complaints are considered closed by the Licensing Division.

Request for expansion of the coverage area:

During 2006, 5 cases were presented to the IMC with the request for changing/expansion of the coverage area. The IMC replied to these requests with the explanation that IMC Council has taken the decision to review such requests during the re-licensing process.

Violation of the terms and conditions of the license:

During the year 2006, the IMC has noticed violations of the terms and conditions of the license by the broadcasters. Therefore, all these cases have been transferred to the Legal Division.

Illegal broadcasting

Based on the Law on IMC and Broadcasting no broadcaster has the right to broadcast without the IMC License. During the 2006 four cases of the illegal broadcasting were reported and the same have been processed by the Legal Division.

Revocation of the License

During 2006 IMC revoked 2 licences. First case happened when a broadcaster licensed to operate in Gjilani region, being unable to continue its operation, voluntarily gave up the IMC license. Whereas the second case is related to a temporary licensed broadcaster in Prizren region to which, for non compliance with the terms and conditions of temporary license, IMC did not extend its license. The case passed through all IMC procedures and after sustaining the IMC decision by the Media Appeals Board, the license of this broadcaster was revoked.

In process are 9 cases, which will be reviewed in 2007.

Cases processed by the Frequency Management Division (FMD)

The FMD has conducted a considerable number of technical monitoring operations throughout Kosovo (with the exception of the north part of Kosovo).

Based on the analysis of the gathered data, one of the main technical problems was interference made by broadcasters to each other as a result of the low quality of the broadcasting equipment.

During 2006, the FMD dealt with 24 technical cases in total.

- 8 interference complaints
- 7 requests to change the location
- 5 requests to expand coverage zone
- 4 requests to amend frequency channels

For all these cases FMD has conducted:

- technical measurements in the field, respectively on the locations from where the requests were made;
- has drafted evaluation reports regarding the findings in the field;
- has made recommendations to the broadcasters and to the licensing division to help finding the best possible solutions for the broadcasters, and
- it has visited and has given assistance to broadcasters in solving the technical problems of their broadcasting systems.

The FMD operates in compliance with analogue frequency plan of Kosovo, determined by the standards of the International Telecommunication Union (ITU). Currently, in the territory of Kosovo, 208 frequency channels are being used: 52 TV channels and 156 FM channels.

Frequencies are allocated for five types of services:

- 37 frequency channels are used for national coverage (18 TV channels, 16 FM and 3 local);
- 53 frequency channels are used by KFOR, (11 TV channels and 42 FM channels);
- 92 local frequency channels, (17 TV channels and 75 FM channels);
- 22 frequency with low power, (6 TV channels and 16 FM channels); and
- 4 international FM frequency channels (BBC, RFI, DW, and VOA).

Digitalisation

The IMC law authorises IMC to regulate also digital broadcasting. From 15 May to 16 June 2006, a Regional Radio Communication Conference (RRC-06) 2006 was held in Geneva. The aim of the conference was to determine the Digital Platform and coordinate

the digital broadcasting in the VHF/UHF bands among the regulators of the respective regions.

In the European Union, over the last years, a new trend of the technological transition appeared by transferring from analogue radio diffusive to digital system – (DVB-T). (DVB-T) systems offer much bigger opportunities in comparison to the current analogue TV system. One of the basic advantages is more efficient usage of the radio diffusive bands because in one frequency channel can be broadcasted 4 to 8 TV programmes. These systems also enable to expand current areas of service, respectively in the specific conditions reception of the signal also in the areas where there is no optic view and also introduction to the HDTV is enabled. DVB-T systems also enable different types of the reception of the signal such as: landline, portable and mobile.

Main initiative and timeframe for this transition (transfer from analogue system to digital) is made by international organizations that deal with regulation of the broadcasting and related issues. On this occasion, the largest organization for regulation of the broadcasting International Telecommunication Union (ITU) has set a timeframe where gradually all countries will be included for transfer from analogue to digital broadcasting.

As far as this organization for digital planning is concerned, Kosovo, respectively the IMC as only regulator of broadcasting in Kosovo, was not invited in none of the working groups organized by the ITU and was not included in the works (that have lasted two years) made between the regulatory bodies in the Region in order to harmonize and organize the digital frequency planning. Regardless of efforts to be included in this process, ITU did not include Kosovo with the justification that since Kosovo has undefined status, they will be represented by Serbia and Montenegro.

The final act that was adopted and signed by 120 participant countries and monitors in this Conference will be the basis for further development and implementation of the digital broadcasting terrestrial services.

IMC does not have official information on what is decided with this act regarding the development and implementation of the digital plan for Kosovo.

Projects of the Monitoring Division

The IMC Monitoring Division up to now mainly acted based on the submitted complaints by the public as well as cases initiated by the Office itself (*ex officio*). In case of the complaints by the public the IMC Monitoring Division has conducted monitoring and analysing of the content of the respective programme. Findings and analysis of this Division were the basis on which the Legal Division based its legal actions.

During the year 2006, the IMC Monitoring Division also had two projects for monitoring of the programme of the TV stations.

The first project of monitoring was conducted during the World Football Championship – Germany 2006. Aim of this project was to verify the compliance of broadcasters with the copyright, as determined by the terms and conditions of the Licence.

Second project of monitoring was accomplished in October 2006. Aim of this project was to conduct overall analysis of the Kosovo TV programmes. All TV stations were asked to provide archives for two days of programming that was subject to analysis on political impartiality, hate speech and compliance with copyright.

The IMC has sent two of its monitors to conduct a research in the four Monitoring Units of the Broadcasting Regulatory Agencies in the Region. Purpose of the visit was to benefit from the best practices of the Monitoring Units in the Region and to propose a model solution that would be most convenient for the IMC Monitoring Division.

The research was conducted between 16 and 27 November 2006. The IMC Monitors have visited Broadcasting Regulatory Agency in Bosnia and Herzegovina, Montenegro, Albania and Macedonia. Fields of interest were:

- Aim and objectives of Monitoring
- Human dimensions (Personnel, Education, Training)
- Finances (initial investments, operational costs)
- Technical infrastructure (hardware, software, storage, data analysing)
- Inherent problems
- Monitoring perspectives (IPTV, Internet-radio, digitalisation)

IMPLEMENTATION OF LAW ON ACCESS TO OFFICIAL DOCUMENTS

The IMC has posted a webpage on the internet presenting the work and activities of the IMC. This webpage also reflects the commitment of the IMC to transparency, by giving complete information about its regulations, for the decision making processes and comments on the legislation that has to deal with media, announcement of the tenders and vacancies in the IMC.

In the IMC webpage, the Law on IMC, second level of legislation, conditions and terms of the license and all decisions of the IMC Council are posted.

Also in the webpage of the IMC office in the section Decisions, all decision on the complaints from the persons or organizations, licensing decisions and well as those of the Media Appeals Board are posted.

Here one can obtain information on the media broadcasters, including the location, their division into the Regions, their contact details, managerial staff and the languages in which they broadcast.

The webpage also contains a large list of links to international and regional organizations, as well as international standards for media regulation.

Following best European practices, the IMC compiles draft regulations and instructions that are open for comments before approval of the final versions.

COOPERATION WITH OTHER ORGANIZATIONS

The IMC has contributed in development of the legislation that has to deal with media through participation in the working groups and presentation of the concrete comments and suggestions for the Law on Kosovo Radio Television, Law on Copyrights and draft Law on Slandering and Insulting.

The Independent Media Commission assisted **the Office of the Prime Minister** in drafting of the Policy for Encouragement and Protection of the Media that are at the Service of the Minority and Disadvantaged Communities in Kosovo.

The IMC also participated in the advisory committee, established by the decision of the Kosovo Government for allocation of the grants to minority and multiethnic media as well as other disadvantaged groups, chaired by the office of the Prime Minister.

The forerunner of IMC, TMC, has signed cooperation agreements with other media regulators of the Southeast Europe. Only during the 2006 several visits were conducted to the offices of the media broadcasting regulators in the region, including Albania, Montenegro, Macedonia and Bosnia and Herzegovina with the purpose of cooperating and exchanging of the experience in the field of electronic media regulation.

Initially, the IMC materialized its commitment to European media standards by joining **European Platform of the Regulatory Agencies (EPRA)**, a professional association composed of 49 regulatory agencies from across Europe. As of the membership in EPRA (in the year 2003 as 49th member with equal rights) the IMC officials have participated in all meetings and conferences organized by this association. In the year 2006 two meetings were held, one in Elsinore of Denmark between 17 and 19 May 2006 and the other between 4 and 6 October 2006 in Dubrovnik of Croatia, where issues of the interest of the media regulatory agencies were discussed, respectively for the Independent Media Commission this is a way to benefit from exchange of the experiences and expertise of the colleagues from the agencies, members of this platform.

An important place in the cooperation between the IMC and other organization has also the **OSCE**, which besides advisory support through their advisor to the IMC, has assisted IMC financially. Some of the official trips, such as participation in the EPRA conferences, meeting in the Council of Europe as well as visits to the regional regulatory agencies were covered by this organization.

Between 16 and 17 May 2006 in Brussels, a delegation from the Office of the Temporary Media Commissioner took part in the Conference “Future of the audiovisual policy and regional cooperation in the Western Balkans” organized by the European Commission in cooperation with the Council of Europe. Overall aim of this conference was to continue exchanging of the experience between international organizations, regulatory activities, representatives of the governments of the western Balkans as well as private sector, together with identification of the local needs and concrete capacity of international assistance and of European Commission for continuous legal reform and its implementation.

Cooperation with the Council of Europe is of special importance to the IMC. This cooperation is mainly focused in the advisory capacity and assistance during drafting of the regulations that IMC implements in relation to the media broadcasters.

The IMC regularly consults with abovementioned organizations in order to ensure that it follows proper European Standards that have been defined by the **Council of Europe**, supported by the **European Commission**.

IMC BUDGET FOR YEAR 2006

Planning of the 2006 budget started with the approved budget in total amount of 360,369.00 Euro. At the mid-year review according to the Administrative Instruction 2006/14 there was a change in budget line in the category of Salaries and Wages. The amount of 10,807.00 Euro was decreased since this amount was not spent during the half year due to the lack of the number of staff. The unspent amount from all budget lines is a surplus of 11.692.46 Euro; this means that IMC has realized budget plan for about 96% of the budget usage.

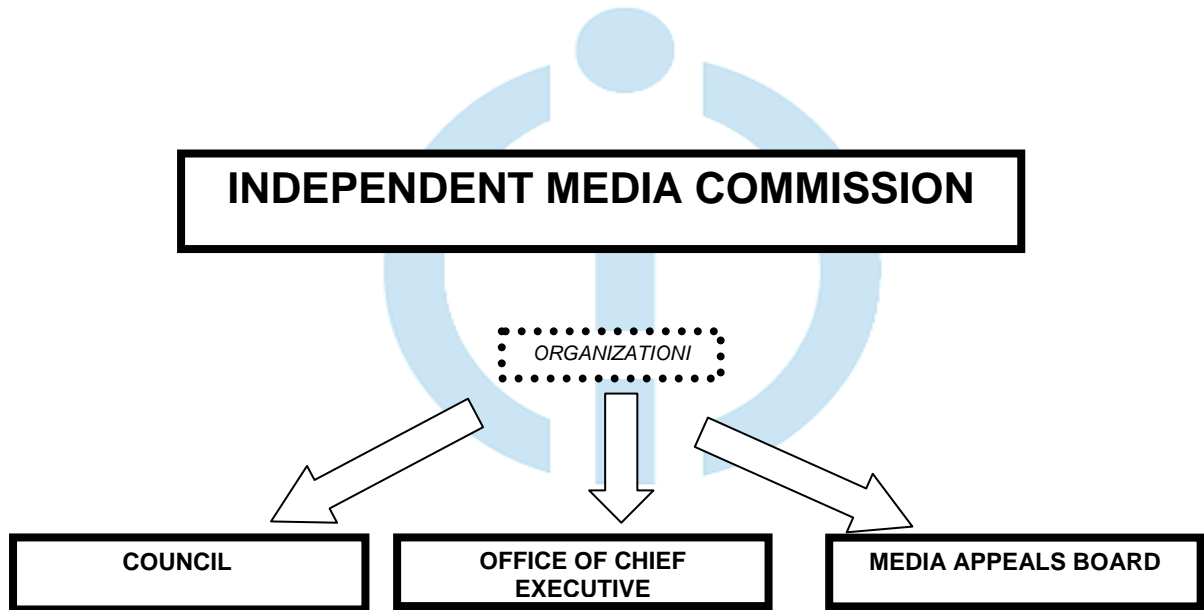
During the reporting period, the Independent Media Commission has used the OSCE fund in amount of 20,000.00 in order to implement Public Awareness campaign on the Independent Media Commission.

Out of 20,000.00 Euro allocated by the donor, only 17,874.12 Euro were spent. The unspent amount of 2,125.88 Euro were transferred to the 2007 budget so that later they will be returned to the donor in accordance with the previous agreement for usage of these funds.

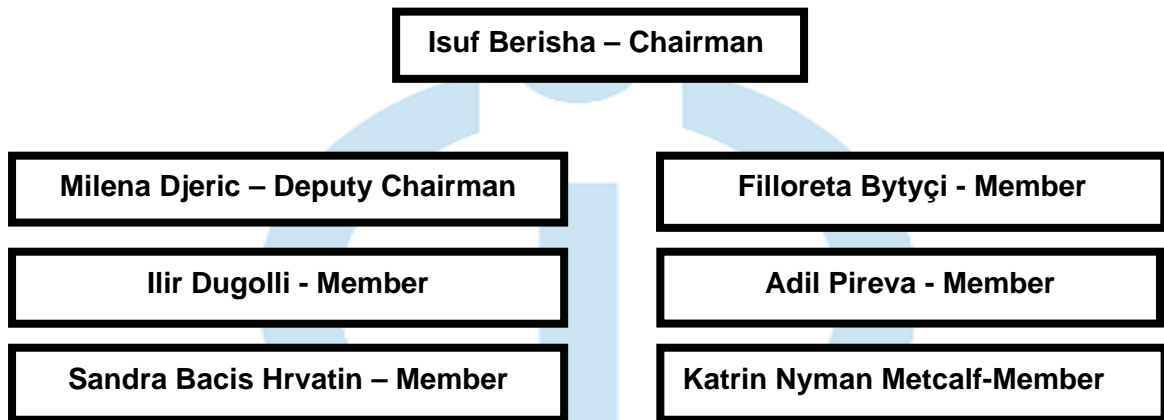
	Approved Budget	Budget Allocations	Expenditures	Unspent Budget	Unspent Allocations
Salaries and Wages	79,269.00	68,462.00	63,569.10	4,892.90	4,892.90
Goods and Services	261,100.00	261,100.00	256,881.15	4,218.85	4,218.85
Public Utilities	20,000.00	20,000.00	17,419.29	2,580.71	2,580.71
Total	360,369.00	349,562.00	337,869.54	11,692.46	11,692.46
Donor Fund		20,000.00	17,874.12	2,125.88	2,125.88
Total		20,000.00	17,874.12	2,125.88	2,125.88

No.	Description	Allocations from the General Fund		Donor Fund	Total
		Own Source Revenues	Treasury Account – Government Grant		
					(3+4+5)
1	2	3	4	5	6
1.	Income (1a to 1c)				369,562.00
a	Government Grant		349,562.00		349,562.00
b	Own Source Revenue				
c	Determined grants			20,000.00	20,000.00
2.	Expenditure (a to c)		337,869.54	17,874.12	355,743.66
a	Salaries and Wages		63,569.10		63,569.10
b	Goods and Services		256,881.15	17,874.12	274,755.27
c	Capital Expenditure		17,419.29		17,419.29
3.	Balance of the Unspent Income (No.1 - No.2)		-11,692.46		-11,692.46
4.	Unspent Government Grant (No.3 Col.4)		11,692.46	2,125.88	13,818.34
5.	Total (No.3+4)		0	2,125.88	2,125.88

IMC ORGANOGRAMS OF THE INDEPENDENT MEDIA COMMISSION



COUNCIL OF INDEPENDENT MEDIA COMMISSION



MEDIA APPEALS BOARD

ORGANIZATION

Prof. Dr. Wolfgang Benedek – President of the Board

Anton Nokaj / Member

Avdi Dinaj / Member

OFFICE OF THE CHIEF EXECUTIVE

ORGANIZATION

CHIEF EXECUTIVE

Public Relations Officer

Executive Assistant

HEAD OF ADMINISTRATION DEPARTMENT

HEAD OF BROADCASTING REGULATORY DEPARTMENT

IT

Personnel And Logistics Officer

Procurement Officer

Administrative Officer

Head /Finance Division

Finance Officer

Head Of Legal Division

Legal Officer

Legal officer

Head Licensing Div.

Licensing Officer

Head of Technical Division

Technical Officer

Head Of Monitoring Division

Deputy Head Monitoring - Pr

Mon. Manager / mi

Mon. Manager / pz

Mon. Manager / pe

Mon. Manager / gj



CIMC- 2006/5
28 August 2006

Independent Media Commission Broadcasting Policy

Preamble:

Based on Article 3.1 of the Law on the Independent Media Commission and Broadcasting, the Council of the Independent Media Commission (IMC) in accordance with principles of freedom of expression and in line with best European practices establishes the following Broadcasting Policy. This Policy shall determine the work of the IMC and form the basis for any decisions and rules issued. The Policy shall also form the basis for the operation of broadcasters in Kosovo.

Article 1. International Broadcast Standards

This Broadcasting Policy follows recognized international broadcasting and human rights standards, with full respect for democracy and the rule of law and the protection of freedom of expression. The Broadcasting Policy is furthermore in line with the relevant legislation of Kosovo. The Policy shall be interpreted so as to ensure that its application maximizes the principle of freedom of expression in accordance with the guarantees of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Regulation of broadcasting shall be based on the principles of objectivity, proportionality with any regulatory intervention not being more than what is needed to achieve the desired objective of broadcasting policy, and transparency.

Article 2. Generally Accepted Ethical Standards

All broadcasting shall meet generally accepted ethical standards of quality, balance, objectivity and pluralism. The right of reply shall be respected by broadcasters. Favorable conditions shall be created for the development of a diverse range of both public service and private broadcasting. The importance of broadcasting for promoting democratic values shall be recognized.

Article 3. Intercommunal Dialogue and Service to Minority Communities

The IMC shall particularly encourage broadcasting that promotes cultural and linguistic diversity, encourage inter-communal dialogue, promote the widest possible geographic distribution including encouraging regional television in every region and serve the Communities of Kosovo in the best possible way. The IMC shall prevent any use of broadcasting for incitement to hatred or the spreading of prejudices. Programmes with a religious content may only be broadcast provided they do not portray one religion as superior to another and do not denigrate any religion, do not promote membership in any religious organization or contain political promotion messages.

The IMC shall encourage that every town, village or other concentration of a minority population greater than 500 individuals should have access to at least one private radio or

television service of at least 30 minutes per day in that community's language, provided that applicants for licenses to provide such service meet the qualifications for a license.

Article 4. Protection of Minors and Consumers

Broadcasting shall encourage the protection of minors and consumer protection. Quality educational programming shall be encouraged. Broadcasting policy shall take into account the needs of the disabled and of other special groups to have access to broadcasting.

Article 5. Promoting Public Access to Information

Broadcasting shall contribute to ensuring access to information in line with best European practices and the relevant legislation of Kosovo.

Article 6. Ensuring Fair Competition

The broadcasting sector shall be pluralistic and based on fair competition. Broadcasting licenses shall not be issued to any government organizations or entities. The monopoly of broadcasters shall be prevented. International principles and relevant laws of Kosovo on intellectual property protection shall be applied.

Article 7. Economic Sustainability of Broadcasting

The financial viability and technical quality of broadcasting as well as the use of new technologies shall be encouraged. Regulation shall whenever possible be technology-neutral. Broadcasting regulation by the IMC shall create a clear and predictable policy environment in which broadcasters can plan investment and develop strategies.

Article 8. Public Access to Major Events through Broadcasting

The widest possible accessibility for viewer and listeners to events of major importance for society shall be ensured. The IMC Council shall determine which events are of such importance that they shall be accessible to all in accordance with law and European principles, including Olympic Games; World and European championships in football, basketball, handball and other sports which are traditional in Kosovo; International competitions which take place in Kosovo or with participation of a Kosovo team, major music contests and other events of particular interest to the national audience.

Article 9. Promotion of Local and European Production

The Broadcasting Policy shall have as an aim to promote local and European production of audiovisual works as well as works by independent producers. The IMC shall ensure that broadcasters include a proportion of such works in their programming in accordance with specific rules stipulated in the licensing conditions and dependent on the type of broadcasting license.

Article 10. Implementing the Television without Frontiers

The principles of the Television without Frontiers Convention and Directive that aim at coordinating national rules and removing barriers between countries in Europe, thus making broadcasting freely available regardless of national frontiers shall be applied whenever possible.

Article 11. Entry into Force

This Policy shall be applied as of 29 August 2006.

[Adopted on 29 August 2006]



CIMC- 2006/4
28 August 2006

IMC Guidelines on Applying Sanctions to Licensees

1.0 Purpose: The purpose of these Guidelines is to define IMC policies on the imposition of sanctions for violations of IMC Regulations, upon the affirmation of such violations in accordance with IMC rules of procedure.

2.0 Definitions:

2.1 Regulation: “Regulations” shall mean the general and specific terms and conditions a TMC/IMC license; codes applicable to broadcast content; IMC Qualifications for License; valid orders or instructions that the IMC Council may approve with regard to the operations or conduct of a licensee; and all other statements of rights and obligations of broadcasters in Kosovo by the IMC or the SRSG as well those promulgated by the Temporary Media Commissioner and remaining in force.

2.2 Licensee: Licensee shall mean a radio or television broadcaster to which the TMC or its successor agency, the IMC, grants a License and the use of associated broadcast frequency(ies). [Same as in License, Part 1]

2.1 Sanctions: Financial or other penalties permitted for violation of IMC regulations under the Law on the IMC and Broadcasting.

3.0 General Policies:

3.1 Progressive nature of sanctions: Except for grave violations of Regulations, sanctions shall generally follow a progressive scale, beginning with a Warning for a first violation of a given Regulation. One or more fines shall generally precede any suspension of license. Failure to comply with a previous IMC decision or repetitions of similar violations will result in more severe sanctions, including progressively greater fines for violation of the same or equivalent IMC regulations.

3.2 Proportional nature of sanctions: Sanctions will be proportionate to the nature and gravity of a violation and the economic scale of the licensee, and will not be more severe than necessary to deter further violations and encourage remedial action by the licensee, taking into considerations all relevant mitigating or aggravating factors.

3.3 Preference for remedial action: In penalizing violations of its regulations, the IMC shall aim whenever feasible to encourage remedial action, settlement agreements and greater professionalism by a licensee.

4.0 Settlement Agreements: A Settlement Agreement with a licensee is appropriate when a licensee of its own free will acknowledges a violation and demonstrates a credible willingness to undertake remedial action such as staff training, reorganization or the issuance of internal rules designed to prevent the commission of similar violations in future.

4.1 Admission of violation: Settlement Agreements require an unqualified admission of violation by the licensee.

4.2 Suspended fines: A Settlement Agreement may include a provision for the payment of a fine. The obligation to pay a fine may be suspended for a limited period of time before the obligation terminates, generally six months, in the absence of further violations of IMC regulations. The commission of a similar violation during the period in which a fine has been agreed but suspended under a Settlement Agreement causes an obligation to pay the agreed fine. A Council Decision may impose a further penalty for the subsequent violation.

4.3 Remedial action: A Settlement Agreement should specify the remedial action the licensee is to undertake.

4.4 Disciplinary record: A case resolved through a Settlement Agreement in which the broadcaster complies through the duration of the Agreement does not constitute a sanction and should not generally be considered part of a licensee's disciplinary record. However, the IMC may consider the underlying facts of the settled case in future regulatory decision.

5.0 Seizure of equipment: The IMC may order the seizure of equipment only for the purpose of terminating unlicensed broadcasting. Such seizure shall be a last resort if clear written orders to the operator of an unlicensed transmitter to cease and desist and to remove the unlicensed equipment prove ineffective.

5.1 Seizure shall be limited to the minimum items of equipment necessary to achieve termination of the illegal broadcasting. The IMC shall provide the owner or operator of such equipment with a valid Warrant for Seizure and a receipt for the equipment, if the identity of the owner/operator can be determined.

5.2 Seized equipment shall be held by IMC in safekeeping, to be returned to its lawful owner upon satisfactory assurance that the illegal broadcasting will not recur. The IMC may dispose of such equipment in accordance with relevant law.

6.0 Suspension of License: The IMC shall suspend a license only upon grave, repeated or sustained violations of Regulations. Any such action shall be consistent with a proportional and progressive approach to sanctions.

6.1 Circumstances for Suspension of License: Suspension of license may be warranted by any of the following circumstances:

6.1.1 Previous imposition of substantial fines (more than two) for violations of IMC regulations.

- 6.1.2 Non-payment of an enforceable IMC fine; duration of the suspension shall be proportionate to the scale of the unpaid fine.
- 6.1.3 Suspension of a limited and proportional duration in lieu of imposition of a fine, if there is substantial reason to believe the licensee will be unable to pay the fine.
- 6.1.4 Exceptionally serious violation of IMC Regulations that presents a clear and immediate threat to public order.

6.2 Procedures for suspension of a license:

- 6.2.1 In all cases, IMC shall provide explicit written warning that a suspension may be ordered. The warning shall provide a clear and detailed justification, cite applicable IMC rules and shall provide a reasonable time for the broadcaster to respond and to remedy the violation at issue.
- 6.2.2 The IMC Council shall provide the licensee an opportunity for a hearing before rendering a Decision of Suspension, unless the Council determines that the gravity of the violation is such that continued broadcasting presents a clear and immediate threat to public order.
- 6.2.3 In circumstances of a clear and immediate threat to public order, on the advice of the IMC CEO, the Chair of the IMC Council, upon obtaining the written consent of at least three other Council members, may issue an Emergency Suspension Order valid until such time as the Council Chair determines that the licensee will present no further threat to public order. This action shall be confirmed by the full Council as soon as practicable.

7.0 Revocation of License: Revocation of license may be warranted by any of the following circumstances:

- 7.1 **Voluntary Termination of broadcasting with notice to the IMC:** A licensee that of its own will terminates its operations and so notifies the IMC shall be considered to have voluntarily surrendered its license. Upon such notice the IMC shall consider the license to be null and void. IMC staff shall so advise the Council, which shall issue an Order of Revocation of the license without prejudice to any future application for license the licensee may file.
- 7.2 **Termination of Broadcasting without Notice to the IMC:** The IMC may revoke a license if it determines that a licensee has terminated, not merely suspended, its operations without notice of termination to the IMC. Termination is defined as any of the following in addition to cessation of broadcasting: (a) ceasing to employ all staff to operate the station where such staff was previously employed; (b) cancellation of business registration; (c) disposal of premises and/or equipment for broadcasting.
- 7.3 **Failure to use a License:** Failure by a Licensee or Applicant to make full and consistent use of a previously awarded IMC License may be taken as evidence of an inability to manage and sustain a professional broadcast operation, and may

result in revocation of license. Such failure shall be defined as failure to begin broadcasting within the period specified in the license, consistent failure to broadcast the minimum number of hours required in the license or prolonged or major repeated outage of broadcasting, unless such interruptions result from circumstances of *force majeure*.

- 7.3.1 Prolonged outage:** Sixty (60) continuous days of cessation of broadcasting for reasons other than *force majeure*, or 90 discontinuous days within a six-month period, combined with failure to present a credible plan to the IMC for resumption of broadcasting is defined as a prolonged outage. Such an outage shall be taken to signify the likely inability of the licensee to operate a broadcast station with minimal standards of professionalism. IMC shall notify a licensee that its license may be revoked for Failure to Use, and shall allow at least 14 days for the licensee to respond with a credible plan for resumption of broadcasting and to show cause why the license should not be revoked.
- 7.3.2 Prolonged erratic broadcasting:** Major repeated interruptions in, or gross variations of, a licensee's daily broadcasting time unrelated to *force majeure*, during a period of 60 days or more. Such outages shall be taken to signify the likely inability of the licensee to operate a broadcast station with minimal standards of professionalism. IMC shall notify a licensee that its license may be revoked for Prolonged Erratic Broadcast, and shall allow at least 14 days for the licensee to respond with a credible plan for resumption of broadcasting and to show cause why the license should not be revoked.
- 7.3.3 Failure to make consistent minimal use of a license:** Failure to make the minimum use of a licensed broadcast frequency as specified in the IMC license for a continuous period of 60 days or more, or 90 days in a six-month period, for reasons unrelated to external causes shall be a basis for revoking a license. IMC shall notify a licensee that its license may be revoked for insufficient use of frequency, and shall allow at least 14 days for the licensee to respond with a credible plan for resumption of minimum required broadcasting and to show cause why the license should not be revoked.
- 7.3.4 Second license suspension:** Repeated or sustained violations of IMC regulations that would justify a second suspension of license in any two-year period may serve as a basis for revocation of license.
- 7.3.5 Exceptionally grave violation of IMC regulations:** (1) failure to comply with an order of suspension; (2) commission of a regulatory violation that unambiguously encourages or result in an act of public disorder shall be considered a basis for revocation of license.
- 7.3.6 Failure to meet IMC Qualifications for license:** A licensee that falsely and deceptively asserts compliance with the IMC Qualifications for License may have its license revoked upon proof of such falsehood or deception. A licensee whose status or circumstances change so as to render the licensee no longer compliant with IMC Qualifications for License may have its license revoked upon failure, during a reasonable time, to remedy the disqualifying circumstances. Prior to revocation of a

license in such circumstances, the IMC shall provide at least 60 days for the licensee to seek IMC approval for the sale or other transfer of the license to a qualified licensee or otherwise to remedy the disqualification.

7.3.7 Unauthorized sale of a broadcaster: A license may be revoked if a broadcaster is sold or otherwise transferred to a third party in violation of the terms of license.

7.3.8 Public Interest Need for Tender: In exceptional circumstances, the IMC may determine that the sale or transfer of a broadcaster to a proposed new licensee is not in the public interest. In such cases, the IMC may order a public tender for the relevant frequency(ies) in which the proposed purchaser or recipient of transfer may compete without prejudice. Upon award of the tender, the original license shall be revoked.

8.0 Procedures for revoking a license: In all cases, IMC shall provide clear, explanatory warning that a revocation may be ordered, and shall provide a reasonable time for the licensee to respond and to remedy the matters at issue.

8.1 In all cases of proposed revocation of license, the IMC shall provide explicit written warning that a revocation may be ordered. The warning shall provide a clear and detailed justification, cite applicable IMC rules and shall provide a reasonable time for the broadcaster to respond.

8.2 The IMC Council shall provide the licensee an opportunity for a hearing before rendering a Decision of Revocation

#

**Temporary Media Commissioner
Pristina, Kosovo**

8 September 2000

**CODE OF CONDUCT
FOR THE
BROADCAST MEDIA IN KOSOVO**

Whereas, Section 1 of UNMIK Regulation 2000/36 On the Licensing and Regulation of the Broadcast Media in Kosovo confers upon the Temporary Media Commissioner the responsibility for the implementation of a temporary regulatory regime for all media in Kosovo;

Whereas, Sub-Section 2.2 of UNMIK Regulation 2000/36 provides that the Temporary Media Commissioner shall issue a Broadcast Code of Conduct;

Affirming respect for the principles of the Universal Declaration of Human Rights which include the following provisions:

Article 19

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

and

Article 29

1. "Everyone has duties to the community in which alone the free and full development of his personality is possible;

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

Affirming respect for the principles of the European Convention on Human Rights and its Five Protocols which include the following provisions:

Article 2

"1. Everyone's right to life shall be protected by law..."

and

Article 5

“Everyone has the right to liberty and security of the person...”

and in the case of hearings before tribunals established by law

Article 6

“1...the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

“2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

and

Article 10

“1. Everyone has the right to freedom of expression...”

“2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Consistent with sub-Section 2.2 of UNMIK Regulation 2000/36 this Broadcast Code of Conduct is hereby issued:

Section 1 Application

All owners, station managers, editors-in-chief and/or those with ultimate and final editorial control of programmes on radio or television stations in Kosovo (hereafter “broadcasters”) agree to abide by this Code as a condition of receiving a license to broadcast from the Temporary Media Commissioner.

Section 2 Provocative Statements

- 2.1. All programming will meet generally accepted international standards of civility and respect the ethnic, cultural, and religious diversity of Kosovo.
- 2.2. Broadcasters will not broadcast any material that encourages crime or criminal activities or which carries imminent risk of causing harm, such harm being defined as death, or injury, or damage to property or other violence.
- 2.3. Broadcasters will not broadcast any material that denigrates an ethnic or religious group or implies that an ethnic or religious group is responsible for criminal activity.

Section 3

Privacy

- 3.1. Broadcasters will not broadcast any material that by intent or effect attributes criminal responsibility to any individual prior to a finding of guilt by a lawfully constituted tribunal.
- 3.2. Broadcasters will not reveal the names, description, photograph, the likeness of, or specific information about any individual alleged to have committed a crime, unless authorities responsible for the administration of justice have expressly authorized that such information can be made public, or unless the individual has been indicted or found guilty of the crime by a lawfully constituted tribunal.

Section 4

Fairness and Impartiality

- 4.1. Broadcasters will strive to ensure accuracy, fairness, and impartiality in all reporting.
- 4.2. Broadcasters will strive to present differing points of view accurately and fairly.
- 4.3. Broadcasters will not promote the interests of one political party, or political point of view, nor engage in a practice that could have the effect of promoting the interests of one political party or political point of view, or of any group or individual, to the exclusion of other parties, points of view, groups or individuals.

Section 5

Applicable Law

Broadcasters must respect the laws in Kosovo applicable to media-related activities including, but not limited to, electoral rules.

Section 6

Separation of News and Opinion

Broadcasters, while free to express their own views, will make every effort to distinguish clearly between comment, conjecture, and fact and will clearly entitle editorials and commentaries as such.

Section 7

False and Deceptive Material

- 7.1. Broadcasters will not broadcast material that they know or ought to know to be false or deceptive.
- 7.2. Broadcasters will not broadcast material unless they have undertaken a prudent and reasonable inquiry to ensure the veracity of the material.

Section 8

Language

Broadcasters will not be prohibit or censor expression on the grounds that it is in a particular language, especially the language of an ethnic minority.

Section 9
Right of Reply

9.1. Broadcasters will extend a right of reply when they have broadcast material that places a person, group or an institution in an unfavorable light, if fairness and impartiality require it. Broadcasters will ensure the reply is given equal prominence to the unfavorable content.

9.2. If material broadcast proves to be false, broadcasters will broadcast a correction as soon as possible. Broadcasters will ensure the correction is given equal prominence to the false content.

Section 10
Complaints by the Public

At least once each day, broadcasters will broadcast the name, address, telephone and, if available, fax number and e-mail address of the responsible owner, manager or editor to whom complaints may be addressed.

Section 11
Archives

11.1 Broadcasters will make complete audio or, in the case of television stations, video recordings of all programs transmitted by them and will preserve such recordings for at least 21 days. These recordings will be made available to the Temporary Media Commissioner on request and must be delivered within 12 hours of the request.

11.2 In the event of a complaint against a broadcaster being received by the Temporary Media Commissioner, or in the case of a sanction being imposed pursuant to Section 3 of UNMIK Regulation 2000/36, or in the case of an appeal against a sanction pursuant to Section 4 of UNMIK Regulation 2000/36, the broadcaster must comply with a request from the Temporary Media Commissioner to preserve a recording made under sub-Section 11.1 until the matter is definitively resolved.

Section 12
Undertaking

I hereby undertake to abide by the provisions of this Code. I understand that any failure to do so may result in sanctions pursuant to Section 3 of the Regulation.

Place/date

Place/date

name of applicant

name of witness

TMC License Provisions on Copyright:

Guidelines for Compliance

1 January 2004

Preamble

The observance of international law and practice regarding the protection of intellectual property, including but not limited to video and audio entertainment materials, is crucial to the development of orderly and fair competition and the rule of law in a media market.

The Universal Declaration on Human Rights, which is part of the Kosovo Constitutional Framework, states in Article 27 that “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

Piracy—the illegal production, distribution, sale or broadcast of materials subject to international agreements on the protection of intellectual property—is a form of unfair competition in a media market. Piracy harms the interests of authors and other owners of rights, risks provoking international trade countermeasures, places those who do comply with the law at an unfair economic advantage and obstructs the development of a normal market economy.

Licenses that Temporary Media Commissioner has issued to all broadcasters contain the following requirements with regard to protection of copyright:

“It is the obligation of the Licensee to obtain all the proper copyright clearances and permission for any and all programming (including music via CD and other means) prior to the airing of such programming by licensee. This includes reproduction, retransmission and simultaneous relaying of foreign and imported signals, be it from distant territorial broadcasters as well as satellite-derived signals and programming. In the event that the programming is legally deemed in the public domain, no such permission is required. Licensee agrees to provide TMC copies of such licensing agreements on 72 hour written notice.”

There is currently no specific Kosovo law regulating the protection of copyright. In the absence of such a law, the normal systems of copyright protection for music and

software—including the collection of fees for the use of music—cannot yet be implemented in Kosovo.

However, broadcasters are required to comply with normal practices of copyright protection to the fullest extent possible. It is therefore both practical and necessary that broadcasters (1) obtain legal rights to broadcast video materials through valid contracts with authorized vendors of films and other program materials; and (2) obtain legal rights to rebroadcast programming obtained from satellite transmission or other sources by means of valid contracts with the owners of such programming or their authorized representatives.

Accordingly, the Temporary Media Commissioner, within its mandate to regulate broadcasting, requires all broadcasters to obtain such contractual rights and to provide copies of contracts upon demand.

The following Guidelines explain how the TMC intends to enforce the provision for copyright protection in its existing licenses. These Guidelines shall remain in force until modified by the TMC or its successor agency, the Independent Media Commission, or until the adoption by the Kosovo Assembly of a law on copyright protection.

The TMC recognizes that a number of local television stations currently broadcast films and other program materials obtained from illegal sources at very low cost. We further recognize that adapting to a legal regime – purchasing rights from authorized vendors – may greatly increase the cost of operation for stations that now rely on pirated materials.

Therefore, it is the TMC's intention to provide a reasonable transition period of 90 days for the implementation of these Guidelines, beginning on 1 January 2004.

TMC encourages stations to cooperate with each other and with the Association for Electronic Media in Kosovo (AMPEK) to organize group purchases of rights to packages of films and other program materials from authorized vendors in the region.

By such cooperation, individual stations that do not compete with each other may greatly reduce the costs of legally acquired video materials without suffering a competitive disadvantage.

The following Guidelines should not be read as a comprehensive interpretation of what international law and practice permit or prohibit in the use of copyright-protected materials. These Guidelines apply an existing license requirement to most urgent and specific issues in Kosovo of the broadcast of pirated films and satellite programming.

This Rule shall be interpreted and applied in accordance with United Nations Security Council Resolution 1244 of June 1999.

Guidelines

I. Fair Use of Copyrighted Material:

- A. For purposes of scheduled news reporting and informative or educational broadcasting only, broadcasters may use reasonably brief excerpts of copyright-protected materials, provided that the broadcaster gives clear attribution to the source. In general such excerpts are not to exceed 90 seconds.
- B. This standard of “fair use” shall not be interpreted to permit multiple, sequential use of news materials produced by other organizations in the absence of a valid agreement from the owners of authors’ rights of such material or their authorized agents. In no instance may such “fair use” jeopardize the economic or moral interests of the owners of copyright and related rights.

II. Broadcast of Whole or Substantial Parts of Copyrighted Material:

- A. The broadcast of whole or substantial parts of video, audio or text materials subject to copyright protection, in excess of the Fair Use standard cited in Section I, Part A, is permitted only under a valid contract with the owner of the author’s rights or with a legally authorized vendor of such materials.
- B. In addition to the requirement in paragraph A, with regard to the broadcast of video, audio, and other materials protected by copyright, the TMC requires that broadcasters obtain all such material in electronic form or on DVD, compact disks, tapes or other recorded media in a way which respects copyright obligations.

III. Obligation of the Broadcasters

- A. We remind broadcasters that TMC licenses require the preservation of a complete recorded archive of programming they broadcast for a period of 21 days. License terms also require broadcasters to provide to the TMC copies of contracts showing that they possess legal rights to broadcast copyright protected materials. Broadcasters are required to provide such contracts within 72 hours or three days of a request by TMC.

IV. Sanctions for Failure to Comply with this Rule

- A. Sanctions for violation of copyright provisions of TMC licenses shall be determined by the TMC in a fair and proportional manner, with due consideration for a broadcaster’s material effort to comply with these Guidelines. TMC will follow its procedure for handling cases in accordance

with Sections 3 and 4 of UNMIK Regulation 2000/36 and according to the Temporary Media Commissioner Rules of Procedure.

- B. The TMC will allow an initial transition period of 90 days from the effective date of these Guidelines, during which broadcasters are expected to make their best effort to reach full compliance with regard to all films or other programming which they broadcast. TMC may issue warnings, but no financial penalties, for non-compliance during this 90 days period.
- C. Following the 90-day transition period, a first violation of these Guidelines shall generally result in a formal Warning. However, a financial penalty may be imposed on a station that has received prior warnings and that has shown no material progress toward compliance with these Guidelines.
- D. Financial penalties may be calculated as a multiple of the commercial cost of broadcasting the product(s) in question. This cost will be determined by the TMC in consultation with relevant vendors. A first financial penalty shall be twice the commercial value of broadcast rights for the product in question.

V. Effective Date

- A. The effective date of these Guidelines is 1 January 2004. The effective end of the transition period to full compliance is 31 March 2004.

Robert Gillette
Temporary Media Commissioner



TMC Rule 2005/1

Qualifications for a Broadcast License

- 1. Purpose:** The purpose of this rule is to define the minimum qualifications which applicants for new licenses and new owners of existing licensees shall be required to meet. More stringent criteria for the award of a TMC license may be applied in evaluating applications submitted in response to a competitive tender of license.
- 2. Policy Goals:** UNMIK Regulation 2000/36 Section 2.3 requires the TMC to take the public interest into account in awarding broadcast licenses. The TMC defines the public interest in this context to mean that licensing should encourage democratic values, greater professionalism, diversity of program content and financial sustainability of broadcast media; to protect freedom of expression by ensuring transparency of media ownership; and to stimulate a market economy through commercial advertising.
- 3. Authority:** Section 1.1 of UNMIK Regulation 2000/36 requires the TMC to establish a temporary regulatory regime. Section 2.2 authorizes TMC to promulgate procedures for the application and award of broadcast licenses.
- 4. Applicability:** These qualifications for a TMC license shall apply to all licenses granted by the TMC.
- 5. Definitions:**
 - A. License:** A license is a conditional, contractual grant of permission by the TMC for the use of one or more specific frequencies for radio or television broadcasting. By accepting a TMC license, the licensee agrees to comply with all relevant laws, UNMIK regulations, TMC rules and administrative instructions and the general and specific technical terms of the license.
 - B. Licensee:** A licensee is a legal personality to which the TMC awards a license. A licensee may be:
 1. An individual who is a legal habitual resident of Kosovo;
 2. A registered private company including but not limited to a personal business enterprise, a general partnership, a limited partnership, a joint stock or a limited liability company, or a Publicly Owned or Socially Owned Enterprise;
 3. A legally registered Non-Governmental Organization.

- C. Ownership:** The holding by a physical or legal person or more than 10 percent of the share capital of a broadcast organization or its equipment.
- D. Applicant:** An Applicant is any legal personality that requests the award of a new TMC license at a time when TMC has opened a competition for licenses, or who requests approval for the transfer of an existing license or approval of the acquisition of an ownership share in an existing licensee.
- E. Agent:** An Agent is an individual representing and implementing the instructions of a third party, including but not limited to political organizations.
- 6. Qualifications for a License:** An Applicant shall certify in writing compliance with the following qualifications:
- A. Legal Presence in Kosovo:**
1. An individual must be a legal habitual resident of Kosovo in possession of a valid and recognized personal identification document;
 2. A non-profit organization or a commercial licensee must be physically present in Kosovo and legally registered in accordance with the relevant laws in Kosovo.
- B. Professional Qualifications:**
1. An applicant for a license shall demonstrate a commitment and ability to operate a broadcast station in full compliance with TMC regulations including the Broadcast Code of Conduct, the terms and conditions of TMC licenses and technical standards;
 2. Applicants shall demonstrate a commitment and ability to acquire commercial programming by legal means;
 3. Applicants shall demonstrate a commitment and ability to operate a radio or television station as a business, whether as a for-profit or non-profit entity.
- C. Tax Status:**
- An applicant must be in compliance with relevant tax laws in Kosovo. A finding of tax violation by a duly authorized court may serve as a basis for denial of a broadcast license.
- D. Applicability to Owners of Other Media in Kosovo:**
- It is TMC policy to encourage diversity and competition in Kosovo media markets on a local, regional and Kosovo-wide scale. Qualifications for a new or existing license may be governed by a separate Rule on media concentration.

E. Applicability to Foreign Ownership:

Foreign ownership of a broadcast license is permitted only in the case of commercial companies with a legally registered presence in Kosovo in conformance with applicable law.

7. Reasons for Disqualification for License:

- A. Government entities:** It is the policy of the TMC not to award broadcast Licenses to the agencies of government or to enterprises or other entities in which government has a controlling interest.
- B. Individuals Who Hold Elective or Appointed Office:** No license shall be awarded to an individual who holds elective or appointive public office; nor shall a license be awarded to an NGO whose president, vice-president or executive director hold elected or appointive office; nor shall a license be awarded to a company in which a majority ownership share is held by a person who holds elective or appointive office, unless such person has formally withdrawn from management of the broadcast entity. This provision shall not apply to individuals employed by the Kosovo Civil Service.
- C. Individuals Who Hold a Leadership Position in a Political Party:** The provisions of Section 7B shall apply equally to any individual who holds an elective or appointive leadership position within a political party.
- D. Organizations and Companies Associated with Political Parties:** No license shall be awarded to an NGO or commercial organization that is demonstrably devoted to the support of a political party.
- E. Previous Non-Compliance with TMC regulations:** Serious or repeated violations of TMC regulations by a media organization which an applicant owned, managed or financed may constitute a basis for denial of a new or transferred TMC license or approval of acquisition of an ownership share. Such violations may be taken as evidence of an inability or unwillingness to operate a professional broadcast station in compliance with TMC regulations.
- F. Association with Ethnic or Religious Prejudice:** No license or ownership share of a licensee shall be awarded to any individual, organization or commercial enterprise that has demonstrably been associated with the dissemination of materials that encourage hatred or discrimination or that denigrate persons on the grounds of ethnicity, national origin, religion, gender, sexual orientation or physical disability.
- G. Criminal status:** No individual who has been convicted of a violent crime or a crime of dishonesty or theft shall be awarded a broadcast license or the transfer of a license or acquisition of an ownership share in a licensee; nor shall a license be awarded to any organization or company in which such a person serves as an officer or senior manager.

- 8. Agents of Potential Licensees:** The provisions of this Rule shall apply fully and equally to any individual, organization or company acting as an agent of a potential licensee.
- 9. Application under False Pretenses:** Failure by an applicant or licensee to disclose information which would have led TMC to deny a License, or to deny approval for the modification or transfer of a license or ownership share of a licensee, under the terms of this Rule may result in subsequent penalties including disqualification for or revocation of a license.
- 10. Change in Circumstances of a Licensee:** Any change in the status of individuals, officers of NGOs or owners of companies that hold a TMC license or ownership share that results in their disqualification for a license shall be reported to the TMC with five (5) working days of the change in status. A disqualified individual must dissociate himself/herself from the licensee within 30 days of becoming disqualified unless TMC permits a longer period of adjustment. TMC shall seek in such cases to minimize the risk of disruption of operations of the broadcaster.
- 11. Appeal of Denial:** Any applicant who is denied the award of a license or who is denied approval of an ownership share of a licensee may appeal this decision to the Media Appeals Board within 30 days of such denial by the TMC.
- 12. Transitional Provisions:** This Rule shall apply immediately to new applicants for a TMC license. It shall apply to all licenses granted heretofore by the TMC as of a date to be determined by the Temporary Media Commissioner.

[Adopted: 25 April 2005]



MEMORANDUM

25 April 2005

The New TMC License: An Explanatory Summary

The TMC has begun a process of issuing a new license to all current radio and television broadcasters.

The new license does not impose any new operating or economic burden on broadcasters. However, we believe that you will find that the new license is clearer, more comprehensive and more professional than the existing TMC license.

I. Why a New TMC License?

This is part of our preparation for the transition to a permanent Kosovo regulatory agency operating according to best European practice – the Independent Media Commission.

A healthy and viable media sector in the Kosovo economy requires, in part, that broadcasters clearly know their rights and obligations. A license should clearly and comprehensively define the rules and regulations that apply to radio and television stations in their day-to-day operations.

We have carefully reviewed the existing TMC license text. It contains many deficiencies that weaken the ability of the TMC to regulate broadcasting in accordance with best European practices. These deficiencies also work to the disadvantage of broadcasters.

Specifically:

- Since 2000, TMC has issued at least three different and inconsistent license texts. This means that not all broadcasters are subject to the same legal requirements. This is inconsistent with the rule of law.
- There are differences in translation between some of license texts in English and in Albanian.
- The license texts contain contradictions and ambiguities that make them difficult to interpret and apply. In one respect the licenses contradict UNMIK Regulation 2000/36, which renders the licenses invalid in this respect.

- The texts are poorly organized, with unnumbered paragraphs, which makes them unnecessarily difficult to understand and remember.
- Most important, the licenses do not address a number of important regulatory matters.

We consider it essential to clarify and professionalize our licenses as soon as possible, so that the future Independent Media Commission will have a firm, clear legal basis for its regulatory operations.

For these reasons, we have prepared a new TMC license.

II. Overview: The New License

The old TMC licenses consisted (in principle) of two parts: General Terms and Conditions that set out rules applicable to all broadcasters; and Technical Standards, Terms and References, which specify the technical parameters – such as frequency, location of transmitter, antenna characteristics – for each individual station. In reality, many broadcasters never received this second document.

The new TMC license consists of five parts:

1. **A Certificate of License:** A single sheet, suitable for displaying on a wall, affirming that the broadcaster holds a TMC license.
2. **Part 1 – General Terms and Conditions of License:** A revised version of the existing license terms applicable to all broadcasters.
3. **Part 2 – Technical Terms and Conditions of License:** A detailed table setting out approved power levels, precise location and characteristics of antennas and other operating conditions specific to each station. Part 2 also specifies ownership of the station and any other additional terms and conditions of its license.
4. **Part 3: Licensed Program Format:** A brief summary of the program format and components for which a TMC license is granted. Significant changes in program format will require TMC approval to ensure that a station will continue to serve the particular public interest for which a license was granted in the first place.
5. **Part 4: Mapped License Area:** A computer-generated topographic map showing a station’s licensed coverage area.

In addition, broadcasters will be asked to complete a form called “Declaration of Ownership,” to clarify the ownership status of each Licensee.

III. Explanations

Following is an explanatory commentary for each part of the new license.

- A. Part 1 – General Terms and Conditions:** Basic regulations applicable to all broadcasters.

1.0 Definitions: Existing TMC licenses contain no definitions of key legal terms. Definitions are important for clarity.

2.0 Grant of License: The old TMC licenses say nothing about the length of validity.

3.0 Compliance: This section sets out the legal framework of this license, including basic conditions with which a broadcaster and the TMC must comply.

3.1: Adapted from existing licenses.

3.2: Adapted from existing licenses.

3.3: Adds a provision requiring broadcasters to promptly comply with lawful TMC directions, including the elimination of interference caused by the Licensee.

3.4: Adds a provision that requires broadcasters to carry emergency information and other public service messages deemed essential to the public interest by the Office of the Prime Minister or SRSG.

3.5: Adds a requirement that broadcasters provide access to their facilities for purposes of inspection by TMC in the event of a regulatory issue.

3.6: Adds a requirement that any broadcaster receiving support from public funds provide an annual report on how those funds were spent. The accuracy of such reports must be subject to verification by the broadcast regulator.

3.7: Adds a provision that makes explicit in TMC licenses that the Broadcast Code of Conduct applies to all programming that a station airs, whether or not the broadcaster produces it or obtains it from other sources.

3.8: Strengthens a provision in existing TMC licenses that TMC will provide a full and fair opportunity to a broadcaster to respond to any allegation of violation of TMC rules.

3.9: Clarifies existing provisions in TMC licenses.

4.0 Operating Provisions: This section sets out regulatory requirements for day-to-day operations of radio and TV stations.

4.1: Copyright provisions are unchanged from existing licenses.

4.2: Archiving requirements are unchanged from existing licenses, except to clarify that recordings may be kept in digital format.

4.3: Clarifies what information Licensees must provide to TMC when it changes. Notification about program outages is required only for full-day outages, not a half-day as in existing licenses. A provision is added requiring broadcasters to notify TMC of any changes in the status of owners or the Licensee that might result in disqualification for a license under TMC's rules on Qualifications for a License (attached separately.)

4.4: Extends to 90 days (from 45 in existing licenses) the period in which a new license, or an amendment to a license, must be put into effect.

4.5: Clarifies that licenses are granted for 24 hour use of a frequency, and that actual use may be as little as six hours a day between 06:00 and 24:00.

4.6: Adds a provision that explicitly allows broadcasters to contract with third party organizations (such as KTTN) to operate their transmitters but clarifies that all rights and responsibilities of license are retained by Licensee.

4.7: Clarifies differing requirements for station identification by radio and TV stations.

4.8: Adds provisions to protect health and safety of employees and the public.

4.9: Adds a provision clarifying that frequent or prolonged programming outages may result in revocation of license. This provision is not intended to apply to causes such as interruptions in the supply of electricity (See Section 8) but is intended to address problems of stations that for internal reasons are unable to make consistent use of a public resource – a licensed frequency.

4.10: Clarifies an obsolete reference in existing licenses to an expected license fee in 2001.

4.11: Introduces a new requirement, set out in Part 3 of the new licenses, to broadcast a program format that generally complies with the program a broadcaster proposed in its license application, and for which TMC originally granted a license. This section, and Part 3, applies UNMIK Regulation 2000/36, Section 2.3, which requires the TMC to take public interest into account in granting licenses. It follows, and thus needs to be made explicit in the license, that the station must then serve the public interest for which it was granted a license in the first place. This requirement does allow for significant changes in program format with prior approval by TMC.

5.0 Use and Transferability of License: This section clarifies the nature of a TMC license and the conditions under which transfer of ownership of a station may or may not be approved by the TMC.

5.1: Makes clear that a license is a conditional contract that allows a broadcaster to use, but not to own or sell, a frequency, which is a public resource.

5.2: Clarifies provisions of existing licenses requiring prior TMC approval of any significant change of ownership. Includes changes in licensees registered as private share companies and NGOs.

5.3: Clarifies existing licenses to prevent broadcasters from retaining nominal ownership of a station while turning over effective control of the station to an unlicensed third party.

5.4: Links the validity of licenses to a station's continued ability to qualify for a license in the first place, under TMC's rules on Qualifications for a License (attached.) These rules define the ownership of a station and set certain conditions for qualification or disqualification for a license. In certain circumstances clearly affecting the public interest, TMC may require that the transfer of ownership of a

license be considered at a public hearing, or that the license be subject to a public tender.

5.5: Clarifies that a TMC frequency license is not property subject to bankruptcy proceedings or inheritance in the event of an individual licensee's death.

6.0 Amendment of License: This section clarifies how broadcasters may request amendment of their licenses, and provides limited authority to the TMC to initiate a change in a license to “ensure orderly management of the frequency spectrum.”

7.0 Sanctions for Breach of TMC License and Regulations: This section clarifies sanctions issues and ambiguities that have arisen in existing licenses.

7.1 States the sanctions that currently apply to broadcasters under UNMIK Regulation 2000/36.

7.2 Incorporates and clarifies provisions in existing licenses in the event TMC seizes equipment.

7.3 Repeats provisions in existing licenses, except that a provision to convene a Media Appeals Board session on 24 hours notice is eliminated as impractical and unnecessary. (This situation has not arisen.)

8.0 Force Majeure: Adds a provision in which TMC will take appropriate account of force majeure – severe circumstances beyond the control of a broadcasters – in assessing any failure to comply with the license.

8.1: Lists the kind of serious circumstances under which broadcasters will not be held accountable for interruption of programming or an ability otherwise to comply with its license.

8.2: Makes clear that any future obligation to pay a license fee continues despite circumstances that may temporarily take a station off the air. (The license fee is intended to reflect the cost of reserving a frequency for a broadcaster's use. The frequency will be reserved as long as the fee is paid.) Nor will minor equipment breakdowns be held to excuse compliance with the license, including the requirement to keep a 21-day archive of all programming.

9.0 Language: Adds a provision noting that in any disagreement about translation of the license, the English-language version will prevail.

B. Part 2 of the TMC License: Technical Terms and Conditions

Part 2 is a table of 27 categories of information that define the specific technical terms and conditions of each station's operation. One Part-2 document is issued for each transmitter operated by a broadcaster.

This document specifies which items a station may change without prior approval from the TMC (such as studio address or telephone number), providing it notifies the TMC within 5 working days of the change.

Part 2 also specifies which items a station may not change without prior approval of the TMC.

Section 27 contains additional specific conditions of a station's license, including a summary of ownership of the licensee (if not an individual) and any other specific conditions.

C. Part 3 of the TMC License: Program Format

Part 3 is a table of programming types (public service, entertainment) and program sources (self-produced, outside commercial and rebroadcast) and the approximate proportions of the total broadcast program which they constitute. These are expected to conform in general with the program structure proposed in a broadcaster's license application.

The broadcaster is required to obtain approval for major changes (not minor or temporary changes) in program structure and format. The purpose of this requirement is to ensure that a broadcaster adheres to the broad general format and structure of the program upon which the grant of License and the use of frequency spectrum is based – and thus that the public interest that led to the award of a license in the first place will continue to be served.

TMC is not interested in small or temporary changes in programming. The requirements of Part 3 are intended to ensure that the program that a Licensee actually broadcasts generally conforms with the structure and the content of the program described in the Licensee's application.

D. Part 4 of the TMC License: Mapped License Area

Part 4 is a digital image of a topographic map of the part of Kosovo which the Licensee is authorized to cover. The map will be produced by TMC as part of its frequency management operations. TMC will look favorably on requests from broadcasters to improve signal coverage within their licensed or "mapped" coverage area.

E. Qualifications for License: (Rule 2005/1)

In consultation with broadcasters, the TMC has developed a clear and comprehensive set of qualifications for a License that conform with best European practice.

There is a need to clarify the minimum qualifications for a broadcast license and to make clear which factors may disqualify an applicant from receiving a license. These qualifications also define ownership more clearly than in the past.

In the event that a station owner (and license holder) is found not to be qualified under these rules – for example, by reason of election to public office – TMC will allow sufficient time to transfer ownership of a station within the terms of this rule so as to prevent or minimize disruption of station operations.

This rule is not intended to deprive stations of their current licenses but merely to set clear minimum standards.



KOMISIONERI I PËRKOQSHËM PËR MEDIA
PRIVREMENI KOMESAR ZA MEDIJE
TEMPORARY MEDIA COMMISSIONER

CERTIFICATE OF LICENSE

Pursuant to Section 2 of UNMIK Regulation 2000/36 on the Licensing and Regulation of the Broadcast Media in Kosovo the Temporary Media Commissioner hereby issues to:

[Name of Licensee]

This License to Operate Station [Name]

for Terrestrial Broadcast of [Radio/Television] Programs

on [frequency or channel] Located Administratively at [Name of city/town]

in [Municipality]

This License consists of the following integral parts as annexed to this License:

- Part 1: General Terms and Conditions
- Part 2: Technical Terms and Conditions
- Part 3: Licensed Program Format
- Part 4: Mapped License Area

This License is issued to **[Name of Licensee]** on **[Date]** until such time as it may be amended, terminated or superseded in accordance with regulations of the Office of the Temporary Media Commissioner or its legal successor.

Robert Gillette
Temporary Media Commissioner

Naile Selimaj
Senior Licensing Officer



Part 1: General Terms and Conditions of TMC License

1.0 Definitions:

- 1.1 The TMC and Office of TMC:** The Temporary Media Commissioner and the Office of the Temporary Media Commissioner shall mean those institutions as established by UNMIK Regulations 2000/36, 2000/37 and associated Administrative Directions and Executive Decisions issued by the Special Representative of the Secretary-General (SRSG.)
- 1.2 TMC Regulations:** TMC Regulations shall mean all statements of rights and obligations of broadcasters in Kosovo promulgated by the SRSG and/or the Temporary Media Commissioner pertaining to radio and television broadcasters.
- 1.3 Licensee:** Licensee shall mean a radio or television broadcaster to which the TMC grants a License and the use of associated broadcast frequency(ies).
- 1.4 Station:** Station shall mean the physical entity and staff of a Licensee which conducts broadcasting under a TMC License; a broadcaster.
- 1.5 Program:** Program shall mean the audio-visual content of broadcasting transmitted by a Licensee, including advertising.
- 1.6 General Terms and Conditions of License:** General Terms and Conditions of License shall mean the rights and obligations of a Licensee applicable to all radio or television broadcasters.
- 1.7 Technical Terms and Conditions of License:** Technical Terms and Conditions, constituting Part 2 of TMC licenses, shall mean the operating parameters of an individual station, including the frequency, location, permitted power-level, antenna characteristics and other technical information specified in a Table issued to a station by the TMC as an integral part of its license.
- 1.8 Licensed Program Format:** License Program Format shall mean the components of a broadcaster's program as specified in Part 3 of the License.
- 1.9 Mapped Program Area:** Mapped Program Area, Part 4 of TMC licenses, shall mean a digital image produced by TMC depicting the topographic area of Kosovo which the Licensee is authorized to cover.

2.0 Grant of License:

2.1 Duration of License: A License shall remain valid until amended or terminated by the TMC or superseded by a License issued by the TMC or its legal successor.

3.0 Compliance:

3.1 Nature of License: Acceptance of this License constitutes a binding contract on the part of the Licensee to comply with Regulation 2000/36 as well as the terms and conditions of this and all other Parts of TMC Licenses, as well as to all regulations, codes of conduct and lawful directives and orders promulgated by the Temporary Media Commissioner or any other authorized legal body unless the Licensee is specifically exempted by the TMC in writing from such provisions.

3.2 Validity of License: The validity of this License is contingent on compliance with its terms and conditions as well as with the instruments cited in 3.9. Serious violations of this license, including but not limited to an unauthorized transfer of ownership or control of the Licensee and its associated frequency(ies) may result in revocation of a License.

3.3 Compliance with Orders: The Licensee shall comply promptly with any lawful order or direction given by the TMC to implement broadcast regulations including but not limited to a TMC order to correct technical deficiencies in the station's broadcast signal that may cause interference with other authorized users of the frequency spectrum.

3.4 Public Service Announcements: The Licensee shall broadcast such public service announcements as the Office of the Special Representative of the Secretary General or the Office of the Prime Minister may deem necessary and urgent in the interest of public order.

3.5 Access to Premises: The Licensee shall permit any person authorized in writing by the TMC to enter into any premises that the Licensee may use for purposes of broadcasting, program production or administration, so as to inspect or examine any records or equipment, or to test any equipment, for the purposes of verifying compliance with lawful regulatory requirements of the TMC.

3.6 Public Funding: A licensee receiving funding from the Kosovo Consolidated Budget or from other mandatory public fees applicable in Kosovo shall annually prepare a public report accounting for the disposition of such funds, and shall be subject to financial inspection and review by the TMC.

3.7 Compliance with Codes of Conduct: The Licensee shall be held responsible for compliance with duly issued broadcast codes of conduct in respect to all programming that it may broadcast, regardless of the original source of such programming.

3.8 Opportunity to Respond: Where apparent violations of this License or other applicable regulations or laws may occur, the TMC shall provide a full and fair opportunity to respond to any allegation of violation.

3.9 This License incorporates by legal reference the following instruments:

- (a) TMC Broadcast Codes of Conduct and related instruments promulgated by the TMC;
- (b) Parts 1, 2, 3 and 4 of TMC Licenses;
- (c) Media election rules as may be issued by the Central Elections Commission;
- (d) UNMIK Regulation 2000/36.

4.0 Operating Provisions

4.1 Copyright Obligations:

4.1.1 The Licensee is required to comply with applicable law on intellectual property in Kosovo, and in particular to obtain valid copyright clearances and permission for use of any and all commercial programming. This includes reproduction, retransmission and simultaneous relaying of foreign and imported signals, be it from distant territorial broadcasters as well as satellite-derived signals and programming. In the event that the programming is legally deemed in the public domain, no such permission is required.

4.1.2 The Licensee agrees to provide TMC copies of such licensing agreements within three business days upon written request.

4.2 Maintenance of Archives:

4.2.1 Radio broadcasters shall retain a 21 day archive of all program material broadcast, on tape cassettes or equivalent digital format.

4.2.2 Television broadcasters shall retain a 21 day archive of all program material broadcast, on VHS tape or DVD format.

4.3 Information Licensee is Required to Provide to TMC:

4.3.1 The Licensee shall within five working days inform the TMC about changes in the following information, all of which shall be treated by TMC as a matter of public record:

- (a) Any change in the status of individuals, officers of NGOs or owners of companies that hold a TMC license or ownership share that may result in their disqualification for a license shall be reported to the TMC with five (5) working days of the change in status. A disqualified individual must dissociate himself/herself from the licensee within 30 days of becoming disqualified unless TMC permits a longer period of

adjustment. TMC shall seek in such cases to minimize the risk of disruption of operations of the broadcaster.

- (b) Station address of record, telephone, fax or other contact information;
- (c) Technical information noted as requiring notification in Part II of TMC licenses;
- (d) Senior (Key) Management, including station director, news director and technical director;
- (e) The identity of owners listed in the license application who own less than a 10% share of a broadcaster registered as a private, limited share company (changes of 10% or greater require prior TMC approval in accordance with section 5.2 of Part 1);
- (f) The identity of directors of an NGO which constitutes a Licensee;
- (g) Significant changes in operating hours;
- (h) Interruptions in broadcasting greater than one full day's program schedule.

4.4 Commencement of Broadcasting: Unless specifically exempted by the TMC, the Licensee must commence broadcast operations and come into compliance with the terms and conditions of the license within 90 days of receipt of a license or an amendment thereto. Failure to comply with this requirement may result in the cancellation of the license or its amendment.

4.5 Broadcasting Time: Licensed use of a frequency is permitted 24 hours a day, seven days a week unless otherwise limited in the Specific Terms and Conditions of a License. Unless specifically exempted by the TMC, the License shall broadcast a minimum of six hours a day, seven days a week, between 06:00 and 24:00.

4.6 Use of Transmission Services: The Licensee may contract with a technical service organization approved by the TMC for the purpose of operating and maintaining transmitters and links on behalf of the Licensee. In such cases, the Licensee shall fully retain the rights and obligations of a Licensee.

4.7 Station Identification:

4.71 A radio Licensee shall identify itself on the air clearly and consistently by its authorized name at least once in every 60 minutes of broadcasting.

4.72 A television Licensee shall identify itself on the air clearly and consistently by its authorized name at least once in every 60 minutes of broadcasting, and shall maintain a distinct identity logo on screen during all programming, except during commercial advertising.

4.73 A Licensee that rebroadcasts programs produced by other broadcast organizations shall clearly and consistently identify the source of the rebroadcast program.

4.8 Health and Safety Practices:

4.8.1 The Licensee shall operate all broadcast systems and facilities with due regard for the health and safety of employees and the general public, in accordance with applicable laws in Kosovo.

4.8.2 Antenna structures shall conform with generally accepted European standards of safe construction and maintenance, including the use of appropriate aircraft warning lights, in accordance with applicable laws in Kosovo.

4.8.3 The Licensee shall conform to such generally applicable guidelines or instructions as the TMC may issue for providing public access to its License, written complaints, ownership or such other documents pertaining to the operation of the station that the TMC may deem to be in the public interest.

4.9 Interruptions of Broadcasting: Frequent or prolonged interruptions in a Licensee's broadcast operations will result in a review of the circumstances by the TMC and may result in a revocation of the License.

4.10 License Fees: The Licensee shall, upon the grant of a License, pay a License Fee to the TMC according to rates and schedules to be specified by the TMC.

4.11 Program Format:

4.11.1 Pursuant to the requirement of UNMIK Regulation 2000/36 Section 2.3 that the TMC take the public interest into account in issuing broadcast licenses, the Licensee is expected in its broadcasting, as a condition of License, to adhere to the general format and structure of the program upon which the grant of License and the use of frequency spectrum is based. Failure to do so may result in revocation of License.

4.11.2 The licensee is required to notify the TMC in advance of significant proposed changes in type or source of programming as given in Part 3 of the License or of the proposed elimination of a component of the licensed format. The TMC will advise the Licensee in a timely manner as to whether such proposed changes are consistent with the public interest upon which the original License was granted, and if so will amend Part 3 of a broadcaster's license accordingly.

5.0 Use and Transferability of License:

5.1 Character of License: This License constitutes a conditional grant of permission by the TMC for the use of one or more specific broadcast frequencies as specified in the Technical Standards, Terms and References of this License. The License conveys no ownership of a frequency.

5.2 Transfer or Assignment of License: The Licensee may not transfer or assign this license or its designated frequency(ies) without the prior written consent of the TMC. Any change in the ownership affecting more than a 10% share of interests or otherwise substantially affecting control of the Licensee shall require prior written authorization from the TMC. This requirement shall also apply to a change in the directorship of a licensee that is registered as an NGO, in accordance with TMC rules on Qualification for a License. Under no circumstances shall any financial compensation be paid or accepted for transfer of this license, in the event that permission to transfer is provided by the TMC.

5.3 Effective Control of Frequency: The Licensee shall not transfer effective control of a licensed frequency to any third party wholly or in part without specific prior written authorization from the TMC.

5.4 Consent for Transfer: The TMC will consent to a transfer of license only if it is satisfied that the individual or organization to whom it is proposed to transfer the license meets TMC standards of qualification for a license. TMC may, at its discretion, require that any transfer of a license to new ownership be subject to a public hearing and/or a public tender to ensure that any such transfer fully serves the public interest.

5.5 Death or Incapacity of Licensee: In the event that the Licensee, if an individual, dies or is incapacitated; or the Licensee as an organization ceases to operate, dissolves or is declared bankrupt by an appropriate authority, the TMC may terminate the License or transfer the License to a qualified successor. A License shall not be treated as an asset or property subject to financial receivership or probate.

6.0 Amendment of License:

6.1 Application to Amend a License: In addition to provisions for the transfer of ownership specified in Section 5.0, the Licensee may apply to amend specified sections of Part 2 of the TMC license as well as Parts 3 and 4, including frequency, Effective Radiated Power and location of transmitter or antenna, program format and coverage area, by requesting such changes in writing to the TMC. Such changes may be made only upon prior written approval of the TMC.

6.2 TMC Amendment of License: The TMC may, upon delivering a written notice to the Licensee, amend the terms of Part 2, the Technical Standards, Terms and References, of a broadcast license consistent with due process under Regulation 2000/36, providing such changes are demonstrably necessary to ensure orderly management of the frequency spectrum and the Licensee has a reasonable opportunity to make representations to the TMC concerning the proposed changes.

7.0 Sanctions for Breach of TMC License and Regulations:

7.1 Applicable Sanctions: Violation of the terms and conditions of this License or its associated instruments may result in one or more of the following sanctions specified in UNMIK Regulation 2000/36:

- (a) The requirement to broadcast a correction or apology;
- (b) A warning;
- (c) A fine of not less than 1,000 DM [Euro 500] and not exceeding 100,000 DM [Euro 50,000];
- (d) Suspension of the broadcast license;
- (e) Denial of entry into premises;
- (f) Seizure of equipment;
- (g) Closedown of broadcast operations; or
- (h) Termination of the broadcast license.

7.2 Seizure of Equipment: The Licensee agrees with the following terms relating to the seizure of broadcast equipment pursuant to Section 3.1(f) of Regulation 2000/36:

7.2.1 In the event that licensee replaces seized equipment without written authorization of the TMC, such unauthorized actions shall constitute a material breach of the licensing terms for broadcast, which shall result in the immediate permanent revocation of the broadcast license;

7.2.2 Upon seizing broadcast equipment pursuant to Section 3.1(F) of Regulation 2000/36, the TMC shall provide a receipt for all equipment seized to the licensee. Pending a final decision by Media Appeals Board, the seized equipment shall remain in the exclusive custody of the TMC. The TMC takes full responsibility of the seized equipment during the period it is in the custody of the TMC.

7.3 Suspension or Revocation of License:

7.3.1 In the event that the TMC issues sanction 7.1 (e), (f), (g) or (h) against Licensee requiring suspension of broadcasting or revocation of the Licensee's authorization to broadcast, unless an emergency situation is proclaimed by the SRSG or other authority authorized by law to declare such an emergency, the sanction shall not be effective pending a final determination by the Media Appeals Board. In the event of an emergency situation, a Licensee ordered to suspend broadcasting shall do so immediately upon delivery of such an order from the TMC. Failure to comply may result in revocation of license.

7.3.2 The Licensee acknowledges and accepts that violation of the terms and conditions of this License, as well as the terms and conditions of those instruments cited in 3.10 are subject to sanctions listed in UNMIK Regulation 2000/36 and herein, including revocation of a License if such violation is deemed a serious breach of this License agreement.

8.0 Force Majeure:

8.1 Consideration of Force Majeure: In assessing a failure of a Licensee to comply with the terms of its License, the TMC shall take into account any severe and uncontrollable circumstances of *force majeure*, such as eviction from premises, fire, explosion or civil disturbance.

8.2 Non-Applicability to License Fees: The circumstances listed in Section 8.1 shall not be held to justify suspension of any license fee payments that may fall due. Nor shall minor equipment failures that do not otherwise affect operation of the station be interpreted as *force majeure*.

9.0 Language

9.1 In case of a dispute concerning interpretation of this License, the English-language version shall prevail.

By affixing a signature on behalf of Licensee below, Licensee hereby accepts and agrees to all the terms and conditions stipulated in Part 1 of this License, including adherence to the Broadcast Code of Conduct.

NAME :

DATE :

SIGNATURE :

On behalf of Licensee:

By affixing the signature of the TMC below, this license shall be deemed officially issued and valid.

NAME:

DATE:

SIGNATURE:

SEAL

[Adopted: 25 April 2005]



Part 2: Technical Terms and Conditions of License

Pjesa 2: Standardet Teknike dhe Kushtet e Licencës

Odeljak 2: Tehnicki Standardi i Uslovi Dozvole

This document constitutes an integral part of the TMC broadcast license

Ky dokument përbën një pjesë integrale të lejes transmetuese të lëshuar nga KPM

Ovaj dokument čini integralni deo dozvole za emitovanje PKM

Licensee : Marrësi i Lejes: Primalac Dozvole:	Index: Indeksi: Indeks:
--	--

1	<p>☞ Name of Director</p> <p>☞ Emri i Drejtorit</p> <p>☞ Ime Direktora</p>		
2	<p>☞ Address of Record</p> <p>☞ Adresa e subjektit transmetues</p> <p>☞ Broj zabeleške</p>		<p>As stated in license records</p> <p>Si është e cekur në të dhënat per leje</p> <p>Kao što je upisano u belešci o dozvoli</p>
3	<p>☞ Office Telephone</p> <p>☞ Telefoni i zyrës</p> <p>☞ Telefon u kancelariji</p>		<p>Office telephone(s).</p> <p>Numrat e telefonit në zyrë</p> <p>Broj(evi) telefona u kancelariji</p>
4	<p>☞ Office Fax</p> <p>☞ Faksi i zyrës</p> <p>☞ Telefaks kancelarije</p>		<p>Office telephone(s).</p> <p>Numrat e telefonit në zyrë</p> <p>Broj telefaksa u kancelariji</p>

5	<ul style="list-style-type: none"> ☞ Emergency Contact Information ☞ Numër për informata emergjente ☞ Informacije o kontaktu u hitnim slucajevima 		<p>--Mobile or other telephone number in event of urgent inquiries related to transmitter operations.</p> <p>--Numri mobil apo ndonjë numër tjetër telefoni për informata urgjente në lidhje me operimet e transmetuesit.</p> <p>--Broj mobilnog ili drugog telefona za pitanja u hitnom slucaju, vezano za rad predajnika</p>
6	<ul style="list-style-type: none"> ☞ Technical Director ☞ Drejtori teknik ☞ Tehnicki direktor 		<p>Name of person responsible for transmitter operations</p> <p>Emri i personit për operimet e transmetuesit</p> <p>Lice odgovornog za rad predajnika</p>
7	<ul style="list-style-type: none"> ☞ Owner of studio facilities if other than Licensee ☞ Pronari i pajisjeve të studios, nëse është dikush tjetër pos marrësit të lejes ☞ Vlasnik studijskih prostorija, ukoliko je drugaciji od korisnika dozvole 		
8	<ul style="list-style-type: none"> ☞ Transmitter Identity ☞ Të dhëna për transmetuesin ☞ Podaci predajnika 		<p>Transmitter Call-Sign</p> <p>Shifra e transmetuesit</p> <p>Šifra predajnika</p>
9	<ul style="list-style-type: none"> ☞ Manufacturer and Model Number of Transmitter ☞ Numri i prodhimit dhe modelit të transmetuesit ☞ Proizvodjac i broj modela predajnika 		
10	<ul style="list-style-type: none"> ☞ Frequency of transmitter ☞ Frekuenca e transmetuesit ☞ Frekvencija predajnika 		<p>MHz for radio</p> <p>MHz për radio</p> <p>MHz za radio stanicu</p>
11	<ul style="list-style-type: none"> ☞ Transmitter Channel Number ☞ Numri i kanalit të transmetuesit ☞ Broj kanala predajnika 		<p>For television: Normal broadcast number.</p> <p>Për televizion: numri normal i Transmetimit</p> <p>Za televiziju: standardni broj</p>

			Emitovanja
12	<ul style="list-style-type: none"> ☞ Transmitter output power ☞ Fuqia dalëse e transmetuesit ☞ Izlazna snaga predajnika 		<p>Watt</p> <p>Vat</p> <p>Vat (W)</p>
13	<ul style="list-style-type: none"> ☞ Maximum Operating ERP (Effective Radiated Power) ☞ Fuqia maksimale e ERP-së (Fuqia Efektive Transmetuese) ☞ Maximalna radna ERP (Efektivna snaga predajnika) 		<p>Watt</p> <p>Vat</p> <p>Vat (W)</p>
14	<ul style="list-style-type: none"> ☞ Location of Transmitter ☞ Vendi i transmetuesit ☞ Mesto predajnika 		<p>City or village</p> <p>Qytet apo fshat</p> <p>Selo ili grad</p>
15	<ul style="list-style-type: none"> ☞ Facility in which transmitter is located ☞ Vendi në të cilin është vendosur transmetuesi ☞ Objekat u kome je predajnik smešten 		<p>Separate building or building shared with other facilities.</p> <p>Ndërtesë e veçantë apo ndërtesë e përbashkët me pajisjet tjera.</p> <p>Posebni objekat ili objekat koji se deli sa drugim uredajima.</p>

16	<ul style="list-style-type: none"> ☞ Geographic Coordinates of Transmitter ☞ Koordinatat gjeografike ☞ Geografske koordinate predajnika 		<p>Standard geographic coordinates of transmitter (latitude and longitude) WGS 84</p> <p>Koordinatat gjeografike standarde të transmetuesit (gjerësia dhe gjatësia) WGS 84</p> <p>Standardne geografske koordinate predajnika (dužina i širina) WGS 84</p>
17	<ul style="list-style-type: none"> ☞ Source of Program Feed to Transmitter ☞ Burimi i emetimit të programit deri tek transmetuesi ☞ Izvor programskog napajanja do predajnika 		<p>Line, MHz or GHz</p> <p>Lidhje në MHz apo GHz</p> <p>Liniski, MHz ili GHz</p>
18	<ul style="list-style-type: none"> ☞ Maximal Deviation of signal ☞ Devijimi më i madh i sinjalit ☞ Maksimalna devijacija signala 		<p>kHz</p> <p>kHz</p> <p>kHz</p>
19	<ul style="list-style-type: none"> ☞ Type and number of Transmitting Antenna ☞ Lloji dhe numri i antenës transmetuese ☞ Tip i broj predajnicke antene 		
20	<ul style="list-style-type: none"> ☞ Altitude of Antenna Site ☞ Lartësia e pozitës së antenës ☞ Nadmorska visina mesta gdje je antena postavljena 		<p>Meters above sea level.</p> <p>Sa metra lartësi mbidetare</p> <p>Metara iznad nivoa mora</p>
21	<ul style="list-style-type: none"> ☞ Height of the transmitting antenna ☞ Gjatësia e antenës transmetuese ☞ Visina predajnicke antene 		<p>Height above ground level.</p> <p>Lartësi mbi nivelin e tokës</p> <p>Visina iznad površine zemlje</p>

22	<ul style="list-style-type: none"> ☞ Antenna Polarization ☞ Polarizimi i antenës ☞ Polarizacija antene 		<p>Horizontal, Vertical, Mixed, Circular.</p> <p>Horizontal, vertikal, e përzier apo rrethore.</p> <p>Horizontalna, Vertikalna Mešovita , Kružna</p>
23	<ul style="list-style-type: none"> ☞ Transmitting Antenna Gain ☞ Shtesa e antenave emetuese ☞ Antensko pojaçanje prenosne antene 		<p>If directional, gain in direction of major lobe.</p> <p>Nëse është dirkete, shtesa në drejtim të antenës kryesore.</p> <p>Ukoliko je usmeren, pojaçanje u pravcu glavne antene</p>
24	<ul style="list-style-type: none"> ☞ Direction of Antenna Major Lobe ☞ Drejtimi i antenës kryesore ☞ Pravaç glavnog vrha antene 		<p>Degrees</p> <p>Shkallë</p> <p>Stepeni</p>
25	<ul style="list-style-type: none"> ☞ Antenna Major lobe Angle of Elevation (tilt) ☞ Antena kryesore, këndi i ngritjes ☞ Antenski ugao skretanja glavnog vrha 		<p>Degrees</p> <p>Shkallë</p> <p>Stepeni</p>
26	<ul style="list-style-type: none"> ☞ Operating standard of studio equipment ☞ Standardet operuese të pajisjeve të studios. ☞ Radni standard studijske opreme 		<p>Television Only</p> <p>Vetëm për televizion</p> <p>Samo za Televiziju</p>

NOTE 1: Stations may change items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17 and 26 at will, but must notify TMC of any such changes within five (5) days. Failure to do so may result in penalties.

NOTE 2: Stations may NOT change items; 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 27 without prior written approval from TMC. Failure to comply with this requirement may cause broadcast interference and may result in serious penalties.

NOTE 3: Item 12, Transmitter Power, is the maximum power at which this licensed transmitter may be operated. Effective Radiated Power, referenced in Item 13 is a term

combining approved transmitter power and antenna characteristics which together determine broadcast coverage area.

VËREJTJE 1: Stacionet transmetuese mund të ndryshojnë vetë specifikat e dhëna nën pikat: 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17 dhe 26 mirëpo duhet ta lajmërojnë KPM-në për ato ndryshime brenda pesë (5) ditëve. Mospërbushja e këtij obligimi mund të rezultojë në dënim.

VËREJTJE 2: Stacionet transmetuese NUK mund të ndryshojnë specifikat e dhëna nën 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, dhe 27 pa marrë më parë aprovimin me shkrim nga KPM-ja. Mospërbushja e kësaj kërkesë mund të shkaktojë ndërhyrje në transmetim dhe mund të rezultojë në dënime serioze.

VËREJTJE 3: Pika 12, Fuqia Dalëse e Transmetuesit, është fuqia maksimale në të cilën ky transmetues i licencuar mund të punojë. Fuqia Efektive Transmetuese, që është dhënë nën 13 është term që kombinon fuqinë e aprovuar të transmetuesit dhe karakteristikat e antenës, që së bashku përcaktojnë rajonin e mbuluar me transmetim.

NAPOMENA 1: Stanice mogu promeniti stavke 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17 i 26 po želji, sa obavezom da obaveste PKM u roku od 5 (pet) dana. Neizvršavanje može rezultovati kaznama.

NAPOMENA 2: Stanice NE smeju menjati stavke 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 i 27 bez prethodnog pismenog odobrenja od strane PKM-a. Neizvršenje ovog zahteva može dovesti do smetnji u emitovanju i može rezultovati ozbiljnim kaznama.

NAPOMENA 3: Stavka 12, Snaga predajnika, je maksimalna snaga pod kojom ovaj predajnik može raditi. Vrednost emitovane sna ge, korišćen u stavku 13, je term koji kombinuje snagu predajnika i karakteristike antene i koji zajedno utvrduju radiodifuznu pokrivenost mesta.



TMC LICENSE PART 3 – PROGRAM FORMAT

Station Name:

Media Index:

Licensee:

Date:

-
- 1.0** Pursuant to the requirement of UNMIK Regulation 2000/36 that the TMC take the public interest into account in issuing broadcast licenses, the Licensee is expected in its broadcasting, as a condition of License, to adhere to the general format and structure of the program upon which the grant of License and the use of frequency spectrum is based. Consistent failure to do so may result in revocation of License.
- 2.0** The licensee is required to notify the TMC in advance of significant changes that it proposes to make in program format as stated in Part 3 of the License. The TMC will advise the Licensee in a timely manner as to whether such proposed changes are consistent with the public interest upon which the original License was granted, and if so will amend Part 3 accordingly.
- 2.1** A significant change requiring prior notification to the TMC is defined as a change of one-fourth of any category of Program Type or Program Source, or the elimination of any category in Table 1; and/or a material change in the style and content of programming as specified in Table 1. Such change shall be measured by comparison with the amount of program types and sources, and the format, as specified in the Licensee's original application.

3.0 Definitions:

- 3.1 Public Service Programming:** Public Service Programming consists of news, discussion and interviews on issues of public interest; topical educational programming for adults or children lacking an advocacy or proselytizing theme or style; entertainment for children with an educational theme; documentaries; cultural programming whose main purpose is to inform, not entertain.
- 3.2 Entertainment Programming:** Popular/contemporary music, films, games, sports, commercial drama and comedy and related programming.
- 3.3 Self-Produced Programming:** Shows or other packages of programming including entertainment and public service material produced and presented by the Licensee.
- 3.4 Rebroadcast Programming:** Shows or other packages of programming obtained from other domestic or international broadcasters, usually by satellite and relayed by the Licensee under a valid contract with the original producer or broadcaster.

3.5 Outside Commercial Programming: Programming acquired under a valid commercial contract, usually in recorded form, such as films.

TABLE 1

1. Program Type	Percentage
1.1 Public Service	
1.2 Entertainment:	
	Total %
2. Program Source	
2.1 Self-Produced	
2.2 Outside Commercial	
2.3 Rebroadcast	
	Total %

By affixing a signature below, the Licensee hereby accepts and agrees to all the terms and conditions stipulated in Part 3 of this License.

NAME :

DATE :

SIGNATURE :

LICENSEE:

By affixing the signature of the TMC below, Part 3 of this License shall be deemed officially issued and valid.

SIGNATURE:

DATE:

[Adopted: 25 April 2005]



TMC LICENSE PART 4 – MAPPED LICENSE AREA

Station Name:

Media Index:

Licensee:

Date:

1.0 Definitions:

- 1.1** Mapped License Area (MLA) is defined as one or more topographic maps produced by TMC to mark the limits of the physical of Kosovo which the Licensee is authorized to cover under the technical terms and conditions specified in Part 2 of the License.
- 1.2** The MLA shall be provided to the Licensee in printed form and as a digital image.

2.0 Basis for Boundary of the Mapped License Area:

- 2.1** The limiting boundary of the MLA is a line demarking a signal field strength of 48 dB microvolt/square meter for FM radio and 65-70- dB microvolt/square meter for UHF television as denoted by the outer limit of the red area of TMC maps. This boundary constitutes the limit beyond which no significant interference is likely to occur in the coverage area of a neighboring station operating on the same frequency.

3.0 Licensee Operations within the Mapped License Area:

- 3.1** The Licensee may apply to improve local coverage with its assigned MLA, using additional transmitters. However, any such additional transmitters require the specific written approval of the TMC prior to their installation and operation. The TMC will endeavor to provide a timely and favorable response to such requests, providing that a change in the Mapped License Area is not likely to result.

4.0 Amendment of the Mapped License Area:

- 4.1** A Licensee may not change its MLA without the prior written approval of the TMC. TMC will approve such changes only upon a finding that doing so is in the public interest.

By affixing a signature below, the Licensee hereby accepts and agrees to all the terms and conditions stipulated in Part 4 of this License.

NAME :

DATE :

SIGNATURE :

LICENSEE:

By affixing the signature of the TMC below, Part 4 of this License shall be deemed officially issued and valid.

SIGNATURE:

DATE:

[Adopted: 25 April 2005]